

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
JUNE 21, 2011

Chairman of the Board – Kenneth D. Koehler (District 2)

District 1 Robert Bless Anna May Miller Marc Munaretto Robert Nowak	District 2 J.S. "Scott" Breeden James Heisler Kenneth Koehler Donna Kurtz	District 3 Mary L Donner Nick Provenzano Kathleen Bergan Schmidt Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 Tina Hill John P Jung Jr. Virginia Peschke Paula Yensen	District 6 Randall Donley Diane Evertsen Mary McCann Ersel C Schuster

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, June 21st, 2011.

Chairman Koehler called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag was led by County Clerk Katherine Schultz with Members of the Board, department heads and visitors participating. Ms. Hill gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine Schultz. The following members responded: Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann and Koehler. Absent: Merkel. Parliamentarian Jamie Rein was present. Chairman Koehler declared a quorum present with twenty-three (23) members responding.

MINUTES

None

CHAIRMAN'S REMARKS

Chairman Koehler asked for a moment of silence for Bill Dwyer, a former county board member, who recently passed away. He asked that everyone remember the Dwyer family in their thoughts and prayers.

On June 6th the Chairman said he, Mr. Jung and Ms. Cumpata of the EDC met with President John Peters of NIU and Vice President of Outreach Dr. Ann Kaplan. It was a meeting to see if there was a possibility of working together with NIU as they have a big footprint in Northeastern IL. He feels their preliminary talks went well noting we have received a memo from them saying that in the future this is an area of IL that they definitely want to look at.

Chairman Koehler emphasized that if and when that happens it's not something that will compete with MCC, it's totally on the merits of each of those institutions to do what they do best.

Also, in regard to the Regional Superintendent of Schools, the Chairman said we have 11 applications and they are being reviewed now to see who of the group has all of the qualifications that are required. Once this list is narrowed down they will be doing interviews with two or three of them that are qualified.

SPECIAL RECOGNITION/REPORT

7.1, *Proclamation to recognize Jack Schmitt for 50 years of exemplary service to the Spring Grove Fire Protection District*

Mr. Hammerand made a motion seconded by Ms. Draffkorn to approve the above-named Proclamation.

Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion passed.

7.3 *Eagle Scout Recognition*

Ms. Miller made a motion seconded by Mr. Munaretto to approve the following Eagle Scout recognitions:

Thomas Slater of Cary	Troop #161
Matthew Schollhammer of Cary	Troop #161
Andrew Domoto of Cary	Troop #161
Craig Kirchoff of Cary	Troop #161

Chairman Koehler asked for a voice vote, the ayes having he, he declared the motion passed.

SPECIAL PRESENTATIONS

8.1 *County Artwork – Tina Hill*

Ms. Hill asked the artists to come forward. They explained what inspired them in doing the art they were presenting. Ms. Hill said the artwork was purchased with funds from last year's vending proceeds.

8.2 *IL American Water – Rain Garden – Tom Chinski and Chris Bacon*

Mr. Bacon came forward and said IL American Water is the largest investor of water utility in the state and they serve parts of eastern McHenry County. He said back in 2005 they started an environmental grant program for the areas and communities that they serve which offers funds for innovative community based environmental projects that improve, restore or protect the use of our watersheds, surface water and groundwater supplies in the community. This year their program awarded over \$28,000 to local communities and McHenry County Government Water Resources Division was awarded a grant in the amount of \$6,200 to be used for their rain garden and xeriscaping educational project. The project will educate residents and landscapers on the benefits of native landscaping through the use of model gardens. Educational materials will also be created and provided through this project. Mr. Sandquist thanked IL American Water and said that the money will be used along with another grant that was received on the rain garden and xeriscaping project directly in front of the Administration Building. Construction should be starting this summer. Mr. Bacon expressed his thanks to Ms. McKinney as she was instrumental in tackling this project.

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove a petition. Ms. McCann removed Petition #11-14. Chairman Koehler pulled Petition #10-27 by request of the Petitioner's attorney to be brought back on July 19th.

Ms. Hill made a motion seconded by Ms. Donner to approve the following Petitions:

- Exb #10-48; McHenry Twp; Joseph/Michelle Battaglia; reclass R1-R1CV
- Exb #11-18; Riley Twp; Home State Bank Trust 4285; reclass A1-A1C
- Exb #11-23; Nunda Twp; Robert A. Dorosh; reclass R1-R1V

Chairman Koehler asked for any discussion, noting none he asked for a roll call vote. The following members responded aye: Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breedon, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann and Koehler. Absent: Merkel. The vote being twenty-three (23) ayes noting one (1) absent, the Chairman declared the motion to approve the ZBA Consent Agenda with two items removed has passed.

Ms. Hill made a motion seconded by Ms. Yensen to approve the following Petition:

- Exb #11-14; Seneca Twp; James/Aesoon Hong; reclass A1C-A1CV

Chairman Koehler asked for any discussion. Ms. McCann said this is zoned AG

Ms. McCann made a **motion** seconded by Ms. Miller **to amend Condition #2, last sentence change from 10:30 p.m. to 12:00 midnight, should read "and between 9 a.m. and 12:00 midnight Friday and Saturday."**

Chairman Koehler asked for any discussion on the motion to amend, noting none, he asked for a voice vote. The ayes having it noting a few nays, the Chairman declared the **motion to amend Condition #2, last sentence to extend hours to read "and between 9 a.m. and 12:00 midnight Friday and Saturday"** has passed.

Chairman Koehler asked for any further discussion on the main motion.

Ms. McCann made a **motion** seconded by Mr. Bless **to amend the Petition by removing Condition #12** which pertains to the number of persons allowed at any one time.

Chairman Koehler asked for any discussion on the motion to amend to remove Condition #12.

Mr. Kelly, ZBA Chairman, said that capacity of a building is dictated by fire code so there are capacity limitations and the amount of people noted in this condition was for weddings and to cover special events. Mr. Moore of P&D said this was for indoor events.

Noting no further discussion, Chairman Koehler asked for a voice vote on the motion to amend, the ayes having it, he declared the **motion to amend to remove Condition #12 has passed.**

Chairman Koehler asked for any further discussion on the main motion.

Ms. McCann made a **motion** seconded by Ms. Yensen **to amend Condition #4** as it relates to retail sales limited to Western and Eastern 5,000 sq. ft.

From: retail sales of farm and landscaping products and merchandise shall be limited to the Western 5,000 sq ft of the east building (labeled Pumpkin Barn on the site plan), though some stock may be displayed in the outdoor area immediately adjacent thereto.

TO READ: Indoor retail sales of “farm and landscape” products and “merchandise” shall be limited to 5,000 sq ft of display.

Chairman Koehler asked for any discussion on the motion to amend Condition #4.

Mr. Kelly said that Condition #5 says what they are selling and the 5,000 sq. ft. was to limit the sales area of souvenirs. Ms. McCann pointed out that they do not provide nursery stock. Mr. Provenzano felt the petitioner should be allowed to stock and sell their merchandise where they choose and feels this is very restrictive. Ms. Wheeler noted that this is an AG zoned business not a commercial zoned business.

Noting no other discussion, Chairman Koehler asked for a voice vote on the motion to amend, the ayes having it, the Chairman declared the **motion to amend Condition #4 to read “Indoor retail sales of “farm and landscape” products and “merchandise” shall be limited to 5,000 sq ft of display” has passed.**

Chairman Koehler asked for any further discussion on the main motion.

Mr. Donley said he is opposed to this petitioner's request on many levels. He said the purpose of a conditional use has always been for zoning of unique pieces of property in unique locations that don't necessarily fit a mold or typestyle. He feels this property should be zoned commercial given the uses the petitioner is requesting. He also noted that the CUP originally granted specifically does not allow the consumption or sale of alcohol on this property yet the petitioner's have had wedding parties already out there, so it's like asking for zoning after the fact. Planning & Development did question them on this and the petitioners were less than forthcoming about the use of the property for weddings.

Ms. Evertsen commented that although she promotes business in McHenry County and wants them to thrive, this business is a commercial enterprise and goes far beyond agritourism.

Ms. Schuster said the petitioner wants a gravel parking lot and it's suggested it should be alright because it is part of their original CUP but this is a new CUP well beyond what the original one was and she offered the following amendment.

Ms. Schuster made a **motion** seconded by Ms. Evertsen **to amend Condition #16 to read “parking lot shall be in conformance with Section 405 of the 2000 McHenry County Zoning Ordinance.”**

Chairman Koehler asked for any discussion on the motion to amend Condition #16.

It was asked what the impact of a paved parking lot would be on the Stormwater Ordinance and what other steps they would have to take if it went from gravel to some kind of impervious surface.

Mr. Sandquist responded that gravel is impervious so if they're just surfacing with little change in elevation or from gravel to paved, he wasn't sure that would trigger stormwater requirements.

Ms. Donner asked what it means where it says “except as varied by this ordinance.”

Mr. Moore said that on page 5 of the ordinance before the conditions start, that variance is for any new parking lot that is required with the permitting of these buildings. There would be a variance from the requirement for it to be paved and it could be gravel with the exception of handicap spots that are required. He also noted that two-thirds of the parking lot is already in and can remain gravel because it was installed under different regulations. If this amendment is approved, only one-third of the parking lot would be paved.

Mr. Hammerand asked if we are putting current business owners in our county at a disadvantage when we allow 5,000 sq ft of retail space to open up and have a gravel parking lot. If customers are coming for weddings he doesn't think they are coming prepared to be on a gravel surface. He thinks the petitioner should do what other businesses must do with this amount of space and keep them on even ground with other retail places in the county. Mr. Hammerand said we should be saying that the parking lot must be a hard surface of some type.

Mr. Sandquist responded that this is a CUP request so it is the decision of the County Board what conditions are put on or changed. Mr. Kelly added that the board should keep in mind this is a conditional use not business zoning; it's

only operating for five months out of the year as opposed to the store. Also based on what they are asking for and the uses that were already approved, they would have to have a conditional use based on the fact that they live on the property and have multiple buildings there, as well as the orchard. No matter the zoning district, they would have to ask for some relief to do this. And also, this property is zoned AG because of the established orchard that is there.

Mr. Hammerand made a **motion** seconded by Mr. Donley **to amend the amendment to Condition #16** made by Ms. Schuster to read **“parking lot shall be in conformance with Section 405 of the 2000 McHenry County Zoning Ordinance and the entire parking lot must have impervious surface paving.”**

Chairman Koehler asked for any discussion on the motion to amend the amendment.

Mr. Provenzano asked the size of the parking lot. Mr. Sandquist said the parking is based on the occupancy and the use of the building per our ordinance. Mr. Moore added that we are requiring parking based on tying it to the building sizes and uses which is found in the zoning ordinance and tied to the International Building Code. Per the site plan, it identifies 113 spaces with 5 handicaps.

Ms. Schmidt had concerns about requiring a hard surface parking lot without an analysis relating to the groundwater and stormwater and she noted that she was unaware that gravel was an impervious surface.

Ms. McCann responded that according to our Stormwater Ordinance gravel is an impervious surface although it's in discussion with our Technical Advisory Committee because gravel and asphalt dissipate water at different rates.

Ms. Schuster said she just wanted to see this petition on an even plain with any other petition that would come in to follow Section 405 of the 2000 McHenry County Zoning Ordinance.

Noting no further discussion, Chairman Koehler asked for a voice vote on the motion to amend the amendment, the nays having it, noting a few ayes, the Chairman declared the **motion to amend the amendment to Condition #16 has failed.**

Chairman Koehler asked for any further discussion on Ms. Schuster's motion to amend.

Chairman Koehler asked for clarification as to what Section 405 actually calls for. Mr. Sandquist responded that Section 405.51 under Design says “that gravel surfaces are prohibited” and “including but not limited to blacktop or concrete”; but it doesn't say specifically what they have to be.

Chairman Koehler clarified that Ms. Schuster's amendment would only apply to the CU request that is before the board here today. The apple orchard itself is beyond this.

Noting no further discussion, Chairman Koehler asked for a voice vote on the motion to amend Condition #16, the nays having it, the Chairman declared the motion to **amend Condition #16 eliminating the words “except as varied by this ordinance” to read “parking lot shall be in conformance with Section 405 of the 2000 McHenry County Zoning Ordinance” has failed.**

Chairman Koehler asked for any other discussion on the main motion.

Ms. Schuster said we have a petitioner who has openly violated the conditions that he was granted previously and the fact the request is for restaurants/cafes which would be a B1 or B3 zoning in our ordinance. She believes that if this petitioner sells or transfers this property in any way there should be a requirement that the new owners come back in and go through the conditional use process again. She offered the following amendment.

Ms. Schuster made a **motion** seconded by Mr. Donley to **add Condition #19 to state “Upon transference of the property this CUP will expire.”**

Chairman Koehler asked for any discussion on the motion to add a condition. Mr. Moore said the most recent instance where this came up was the Stade petition and this clause was attached to the expiration, it reads “the conditional use permit shall expire 20 years from the date of approval by the County Board or upon transfer of ownership of the property from the petitioner, his family and named heirs and spouse or trust to another party”

Chairman Koehler said that would have been added to Conditional Use #1, shall expire 10 years from the date of approval by the County Board or upon transfer of ownership of the property from the petitioner, his family and named

heirs and spouse or trust to another party. Chairman Koehler asked Ms. Schuster and Mr. Donley if they were in agreement to amend Condition #1 rather than adding #19, they were.

Upon agreement by the motioner and seconder, the **motion to amend is now to Condition #1 to read the Conditional Use Permit shall expire 10 years from the date of approval by the County Board or upon transfer of ownership of the property from the petitioner, his family and named heirs and spouse or trust to another party.**

Chairman Koehler asked for any discussion on the motion to amend Condition #1.

Ms. Wheeler said she is concerned about using the term Agritourism as this petitioner is not keeping all of the property as agricultural use. Board members discussed for and against this amendment and also suggested having consistency with petitions that come before the board with the way we handle these. It was pointed out that this gives the county another check point.

Mr. Provenzano said he is concerned about the financial investment of the petitioners and the restriction of losing the CUP to do business being applied if they were to choose to sell the property. He said if any new owners violated the conditions they too would be held accountable.

Mr. Kelly said he is concerned because the Stated's proposed these conditions through their attorney, this petitioner specifically didn't want these types of restrictions and the ZBA hearing process is being defeated if there is a limitation put on them of something they never asked for in the first place. Ms. Schuster said this is an issue they must deal with at the county level and it is a privilege to the next owner who comes along.

Noting no further discussion, Chairman Koehler asked for a voice vote on the motion to amend Condition #1, the nays having it noting a few ayes, the **motion to amend Condition #1 has failed.**

Chairman Koehler asked for any further discussion on the main motion.

Mr. Hammerand stated that he has gone out and looked at this property several times and feels this should not be characterized as open farm land as there are a number of houses to the south and east. He said it's going to be difficult for the county to police the noise and activities at this property and feels that alcohol will be a problem.

Mr. Donley re-affirmed that he believed the zoning should be changed and not issuing a CUP. He said he received a letter from the petitioner's attorneys which talked about what the cost would be to bring the buildings into compliance with current commercial code, meaning they have been operating not in compliance.

Ms. Wheeler said she is trying to distinguish between this being a business that can have parties and banquets and an AG business and they keep bringing up special events specifically weddings where alcohol is able; weddings in an apple orchard doesn't make sense to her. From the original request from the petitioner he was just asking that the sale and consumption of alcohol shall be limited to special events in accordance to the liquor control and liquor license. That is simply the temporary use when they come for 501 (3)(C); it was noted that the loophole is catering. She asked what the difference was between a wedding banquet hall and this AG business that will be able to bring in a caterer at the apple orchard.

Mr. Kelly responded based on the testimony that the petitioner had brought in that weddings have been proposed to take place in the orchard area with the reception/banquet to take place after; that was the extent of the testimony as to what they thought the use was going to be. They were trying to keep their options open based on whether that was successful or not. He said the main thing they were trying to add to the proposal on the site was the wedding and special uses for those types of events; everything else was basically covered with the original petition that had been granted.

Mr. Provenzano said there are caterers who are licensed to serve liquor and the county has never stopped those people from catering events in unincorporated areas. He suggested looking at our ordinance and how it relates to caterers and where they are catering events. Ms. Rein said we have one caterer in McHenry County who is authorized to serve alcohol in McHenry County. If they're doing it outside of that, it's something we haven't collectively decided as a county with our municipalities how we would handle that differently.

Mr. Hammerand said on the McHenry County Liquor Commission we never knowingly allow an outside liquor server to serve alcohol in the county without at least coming to the county before and getting their license. He would like to see those licenses that were issued under those circumstances which Mr. Provenzano talks about. He knows that this has occurred but the county found out after the fact. Chairman Koehler said any liquor issues with this petition would have to be dealt with by the Liquor Commission as this petition is not asking to sell alcohol it's just been noted that it could happen.

Mr. Hammerand made a **motion** seconded by Ms. Evertsen **to add Condition #19 requiring the petitioner to report any event where it would be catered and the possibility of liquor being served they would have to notify the Liquor Commission.**

Due to a severe storm the power went out at this point in the meeting and the Chairman called for a short recess.

Mr. Heisler made a motion seconded by Ms. Donner to recess for 10 minutes.
Chairman Koehler asked for a voice vote, the ayes having it he declared the motion to recess passed.

Mr. Heisler made a motion seconded by Ms. McCann to return to regular session after a brief recess.

Chairman Koehler asked for a voice vote, the ayes having it he declared the motion to return to regular session has passed.

Chairman Koehler asked for any discussion on Mr. Hammerand's amendment.

Ms. Schuster said the process needs to be looked at and it seems that the Liquor & License Commission has some serious work to do on what can and can't be allowed.

Mr. Provenzano said the county can't ask people to go beyond what the ordinance calls for. Ms. McCann agreed adding that Condition #7 talks about the sale and consumption of alcohol with a liquor license.

Noting no other discussion, Chairman Koehler asked for a voice vote on the motion to add Condition #19, the nays having it, the Chairman declared the motion failed. Mr. Hammerand requested a roll call vote.

Chairman Koehler asked for a roll call vote on the motion to amend to add Condition #19. The following members responded aye: Schuster, Donley, Evertsen, Hammerand and Heisler. Nay: Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Wheeler, Yensen, Bless, Breeden, Donner, Draffkorn, Hill, Jung, Kurtz, McCann and Koehler. Absent: Merkel. The vote being five (5) ayes and eighteen (18) nays, noting one (1) absent, the Chairman declared the motion **to add Condition #19 requiring the petitioner to report any event where it would be catered and the possibility of liquor being served they would have to notify the Liquor Commission has failed.**

Chairman Koehler asked for any further discussion on the main motion.

Ms. Wheeler said initially the petitioner came in with a request for a 20 year conditional use and it was brought down to a 10 year use. She feels it would be more beneficial to the petitioner to have a 20 year conditional use and offered the following amendment.

Ms. Wheeler made a **motion** seconded by Ms. McCann **to amend Condition #1 to be a 20 year conditional use permit.**

Chairman Koehler asked for any discussion on the motion to amend Condition #1. Noting none, he asked for a voice vote, the vote being too close to call he asked for a roll call vote. The following members responded aye: Miller, Munaretto, Provenzano, Schmidt, Wheeler, Yensen, Bless, Breeden, Draffkorn, Hill and McCann. Nay: Peschke, Salgado, Schuster. Donley, Donner, Evertsen, Hammerand, Heisler, Jung, Kurtz and Koehler. Absent: Nowak and Merkel. The vote being eleven (11) ayes and eleven (11) nays, noting two (2) absent, Chairman Koehler declared the motion to **amend Condition #1 to be a 20 year conditional use permit has failed on a tie vote.**

Chairman Koehler asked for any further discussion on the main motion.

Ms. Draffkorn made a motion seconded by Ms. Yensen to Call the Question.

Chairman Koehler said this is non-debatable and requires a 2/3rds vote (16) to pass. The following members responded aye: Miller, Munaretto, Peschke, Salgado, Schmidt, Wheeler, Yensen, Bless, Breeden, Donner, Draffkorn, Hill, Jung, Kurtz, McCann and Koehler. Nay: Provenzano, Schuster, Donley, Evertsen, Hammerand and Heisler. Absent: Nowak and Merkel. The vote being sixteen (16) ayes and six (6) nays, noting two (2) absent, the Chairman declared the **motion to call the question has passed.**

Chairman Koehler asked for a roll call on the main motion to approve Petition #11-14 as amended.

The following members responded aye: Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Wheeler, Yensen, Bless, Breeden, Donner, Draffkorn, Hill, Jung, Kurtz and McCann. Nay: Schuster, Donley, Evertsen, Hammerand, Heisler and Koehler. The vote being seventeen (17) ayes and six (6) nays, the Chairman declared the **motion to approve Petition #11-14 as amended has passed.**

ZBA REGULAR AGENDA

None

PLATS

None

PUBLIC COMMENT

Chairman Koehler explained the rules of Public Comment. The following people spoke:

Patty Boyd of McHenry	regarding	pay of county employees
Sandy Lewis of Mental Health Board	regarding	Mental Health Board actions

Noting no others wishing to speak, Chairman Koehler closed public comment.

NEW AND UNFINISHED BUSINESS

Chairman Koehler asked if any of the board members had an interest in moving the next board meeting from July 5th to July 7th. There wasn't much interest shown, the board meeting will remain on July 5th.

APPOINTMENTS

None

STANDING COMMITTEE CHAIRMAN UPDATES

None

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Miller removed Item #15.2 E(1) and Mr. Hammerand removed item #15.2 B(4).

Ms. Peschke made a motion seconded by Mr. Heisler to approve the Routine Consent Agenda with two items removed.

Chairman Koehler asked for any discussion, noting none he asked for a roll call vote. The following members responded aye: Miller, Munaretto, Nowak, Peschke, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann and Koehler. Nay: Provenzano. Absent: Merkel. The vote being twenty-two (22) ayes and one (1) nay noting one (1) absent, the Chairman declared the motion to approve the Routine Consent Agenda with two items removed has passed.

15.2 B(4) *Resolution adopting Ordinance No. 11-840 of the McHenry County conservation District as provided for in Public Act 91-629*

Mr. Breeden made a motion seconded by Ms. Wheeler to approve the above-named resolution.

Mr. Hammerand and other board members were against voting on the MCCD budget as it includes raises for their employees and the County Board has no say in their budget. Ms. McCann said there was a public hearing on their budget and the MCCD is their own taxing body. What we do here is an administrative procedure because we appoint the trustees. There are no provisions that say the MCCD has to come to the board to discuss their budget. Ms. Salgado agreed with Ms. McCann and agrees that we should not be voting on something that we have zero control of.

Ms. Kurtz asked what would happen if the board didn't pass this budget. Chairman Koehler said if the budget is not passed they can't operate after July 1st. They would have to go back and revise the budget and there would be many special meetings costing a lot of money.

Chairman Koehler asked someone from the MCCD to come forward. John Kramer, Director of Operations for the MCCD came forward. Mr. Kramer said if the budget is not approved the statute says they can't expend funds if they have not approved a budget within the first quarter of the year. Employees would be sent home and summer camps would be canceled, and there are about three camps with about 40 people participating. Also they have multiple

capital projects going on right now and the contractors would have to be sent home and could cost several hundred thousands of dollars.

Ms. Rein told the board that the statute gives no authority for the County Board to amend this budget.

It was pointed out that the involvement that the county has is in appointing the trustees. Any changes to this would have to go through our state legislators.

It was suggested that a presentation would be helpful for board members on how their budget is done.

Some board members suggested that the Conservation District should recommend not implementing the raises to their employees at this time.

Andy Dylak, Director of Finance for MCCD came forward and told board members that every year they do consult with the county on what their intentions are for merit increases. The county indicated that they were not giving increases on December 1st but would be addressing the increases again in the spring with possibly doing a 2% increase. Based on that information the MCCD included an increase for their employees in their budget. Mr. Dylak said by statute they have to approve their budget in the first fiscal quarter, they have a public hearing and then come to the board for approval. They also did a survey of other agencies and the majority was giving their employees a 2% to 4% increase. He also pointed out that the Conservation District has passed on about a 50% increase of health insurance costs to their employees and therefore any increase will not even cover this increase.

Chairman Koehler thanked Mr. Dylak for this information.

Noting no further discussion, Chairman Koehler asked for a roll call vote on the motion to approve 15.2 B(4).

The following members responded aye: Miller, Munaretto, Nowak, Peschke, Schmidt, Wheeler, Bless, Breeden, Donner, Draffkorn, Hill, Kurtz, McCann and Koehler. Nay: Provenzano, Salgado, Schuster, Yensen, Donley, Evertsen, Hammerand, Heisler and Jung. Absent: Merkel. The vote being fourteen (14) ayes and nine (9) nays, noting one (1) absent, the Chairman declared the motion to approve 15.2 B(4) has passed.

15.2 E(1) *Resolution designating the number of board members and adopting the McHenry County Redistricting Map*
Mr. Heisler made a motion seconded by Ms. Donner to approve the above-named resolution.

Chairman Koehler asked for any discussion.

Ms. Miller made a **motion** seconded by Mr. Bless **to amend the resolution to approve the alternate map with changes made for District 1 by reinstating precincts Algonquin 21, 67 and 49 and still accept some of Grafton 17 and 30.**

Chairman Koehler asked for any discussion on the motion to amend.

Ms. Miller pointed out on a larger version of the map what came out of the Legislative Committee looked like it had taken Lake Killarney that had been taken out of District 1 nine years ago and redistricted into District 3 and then added 21, 67 and 49. She is asking that we reinstate these precincts to District 1 and still accept some of Grafton Twp because they need that to address the population criteria. She went on to explain that constituents have never been able to establish a connection when their precinct was removed from District 1, not knowing who their representatives were. This will bring them back into the District they knew. Ms. Miller said she realized the Legislative Committee offered the opportunity to the public to weigh in on the map they are presenting as well as a public meeting was offered by Mr. Provenzano and the Nunda Twp Central Committee. They were all pleased that District 3 was going to stay intact. Ms. Miller said now that people have seen the map she has heard from precinct committeemen, residents and representatives in Algonquin Twp and they were not as happy with what we had been able to do on behalf of District 1. She asked the board to consider the residents of District 1 when reviewing this alternative map.

Some board members appreciated Ms. Miller's concerns but wanted to know how it would affect the other districts if the lines were moved around as other board members had no say in the alternate map being presented here today, and other districts will be affected. It's hard to tell from the map here how the other districts would change.

Chairman Koehler said employees of GIS were here to try and show us how things would look, however with the power outage they're having a problem bringing up the maps to show changes.

Board members discussed back and forth at length about not having been at the meeting where the alternate map was created from and how this new map would affect their own districts. Ms. Kurtz stated that the process in which the meeting set up by Chairman Koehler to discuss the alternate map may have violated the Open Meetings Act. She also stated that by not working appropriately through the Legislative Committee the process was seriously flawed, jeopardized the Board's ability to thoroughly assess the alternate map, and caused public concern regarding transparency in government. Mr. Provenzano said he believes the amendment being discussed is defective on its face because it does not meet the resolution that was passed earlier that we retain 3% or less deviation.

Ms. Schuster said she believes the motion is flawed because it is not a complete motion and does not take into account the repercussions of the requests. Ms. Kurtz suggested that it would be in the board's interest to review the Open Meetings Act.

Noting no further discussion, Chairman Koehler asked for a voice vote on the motion to amend to approve the alternate map as presented by Ms. Miller. The nays having it, noting one aye the **motion to approve the alternate map has failed.**

Chairman Koehler asked for any discussion on the main motion to approve the map brought forward by the Legislative Committee. Ms. Schmidt requested that we have a roll call vote for this map. Mr. Provenzano asked board members in District 1 to work with board members in District 3 to welcome their new constituents from Cary and make them feel welcome. Chairman Koehler said it's also in District 2.

Noting no further discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Nowak, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz and McCann. Nay: Miller, Munaretto, Bless and Koehler. Absent: Peschke and Merkel. The vote being eighteen (18) ayes and four (4) nays noting two (2) absent, the Chairman declared the motion to approve the Resolution designating the number of board members and adopting the McHenry County Redistricting Map as presented by the Legislative Committee has passed.

ORDINANCES

16.1 For Review

Ordinance setting the duties and responsibilities of the Office of County Administrator

Ms. Schuster made a motion seconded by Ms. Schmidt to put the above-named Ordinance up for 30-day review.

16.2 For Action

Ordinance Adopting the Prevailing Wage Rates (waiver of 30 day review)

Ms. Breeden made a motion seconded by Mr. Provenzano to approve the above-named Ordinance.

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Nowak, Schmidt, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Draffkorn, Hammerand, Jung, Kurtz and McCann. Nay: Provenzano, Salgado, Schuster, Evertsen, Heisler, Hill and Koehler. Absent: Peschke and Merkel. The vote being fifteen (15) ayes and seven (7) nays noting two (2) absent, the Chairman declared the motion to approve the Prevailing Wage rates has passed.

ADMINISTRATOR'S REPORT

None, administrator is out of town.

MEMBERS' COMMENTS

Mr. Donley commented on the calling of the question on Petition #11-14 when it was being discussed and was very disappointed in this being done. It took away the opportunity of other members wishing to speak or make amendments.

Ms. McCann said it would be helpful if we had a discussion about the advantages and disadvantages of B zoning in the AG district and if there is an opportunity to create an AG B zoning, which would be different than a B1, 2 or 3. More importantly in regard to the budget, she feels the board needs to understand the difference on how some entities are spending county money and others are spending their own money. Also, at the combined Finance and NERC meeting when Mr. Dylak of MCCD did his presentation, the comments from the members were how clear and concise and well explained the details were. She said in the future it would help the Finance Committee if each member identified areas that they feel we need more information on.

Mr. Provenzano asked the P & D Committee to please resurrect the work that Mr. Munaretto's task force started with the Agritourism and either develop its own zoning classification with the board's input so that we have some guidelines for these types of entities. Although he supports a landowner's right to a certain extent, we need to clean up our processes. He said he is disappointed that all of the board members who are elected to represent their constituents weren't given their full opportunity to express their opinion on the CUP discussed here today because the question was called.

Ms. Schuster said she hoped that in P & D they would take a serious look at the educational process for both the ZBA and for the County Board members on zoning issues. It is disconcerting to have to try and defend and work within our district and have the rest of the board members act like it is a joke. She feels that the county is digging a hole that could cause problems financially because of the things we are allowing to happen.

Mr. Bless gave a word of caution, when we are discussing zoning issues, variance and conditional use requests and adding restrictions, we may run into the possibility of violating the petitioner's due process rights and issues of where we want to pass a condition based on the owner of the land rather than the land, when such things are not brought forward within the zoning appeal, we need to look at that. He feels the board trying to add things that have not been addressed by the ZBA where a petitioner is given due process rights and we're not affording these same rights before us when we're offering up additional conditions, he thinks counsel should advise on this in the future. Mr. Bless said the board is always talking about economic development and using our zoning process to inhibit our economic development but we tend to restrict commerce in what we do and are micromanaging and it should be changed.

EXECUTIVE SESSION

Chairman Koehler said there is a need to go into executive session for the purposes of contract negotiation.

Mr. Heisler made a motion seconded by Ms. Evertsen to go into executive session.

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Nowak, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Kurtz, McCann and Koehler. Absent: Peschke, Jung and Merkel. The Chairman declared a quorum present with twenty-one members responding.

Mr. Heisler made a motion seconded by Ms. Donner to return to open session.

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Provenzano, Schmidt, Schuster, Yensen, Bless, Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Kurtz, McCann and Koehler. Absent: Nowak, Peschke, Salgado, Wheeler, Jung and Merkel. The Chairman declared a quorum present with eighteen members responding.

ADJOURNMENT

Mr. Hammerand made a motion seconded by Ms. Donner to adjourn at 11:15 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 2nd day of August, A.D., 2011.

s/ Kenneth D. Koehler
Kenneth D. Koehler, Chairman
McHenry County Board

ATTEST:

s/ Katherine C. Schultz
Katherine C. Schultz, County Clerk