

**PLANNING AND DEVELOPMENT COMMITTEE**  
**McHenry County Government Center – Administration Building**  
**667 Ware Road – Conference Room A**  
**Woodstock, IL 60098**

MINUTES OF THURSDAY, OCTOBER 20, 2011

Vice-Chairman Donner called the Planning and Development Committee meeting to order at 8:30 a.m. The following members were present: Mary Donner, Vice-Chairman; Randy Donley; Sue Draffkorn; Jim Heisler; Marc Munaretto and Ersel Schuster. Ms. Hill was absent. Also in attendance: Peter Austin, County Administrator; Dennis Sandquist, Matt Hansel, Darrell Moore, Wayne Kleinfelder, Cory Horton, Alicia Law, Sarah Ciampi and Maryanne Wanaski, Planning and Development; Diane Evertsen and Mary McCann, County Board; Joe Korpalski and Wally Dietrich, Division of Transportation; Robert Miller, Leon Von Every, Dave Diamond and Dave Nolan, Township Highway Road Commissioners; and interested public.

	Tina Hill, Chairman	
Randy Donley		Mary L. Donner
Sue Draffkorn		Jim Heisler
Marc Munaretto		Ersel Schuster

MINUTE APPROVAL: None

PUBLIC COMMENT:

Steve Frazier from Union Illinois joined the committee members to speak about a horse racing event that took place on September 4, 2011. He stated that he understood that the owners applied for a permit for the event, but the permit was denied. The owners held this event without the required permit. He stated he did not call the Sheriff, but instead elected to call County Board member Ms. Schuster. This call took place at 9:15 a.m. Mr. Frazier questioned how this property, along with the horse racing events held there, is not considered a commercial business. He stated that the owner is working under the guise of a training facility. He stated that that is not true. The only activity taking place on this property is horse races. Since he has been fighting these commercial events for the past six years, another facility has been opened on Tomlin Road. He stated this could be on Jackson Road and the owners are from Chicago. They are non-residents that are coming into our area and our CEO is allowing this to happen. The 2030 Plan states that you are to promote and encourage appropriate use of the land. He encouraged the committee to deny any future permits for horse racing events.

Mr. Terry Kappel from Woodstock joined the committee and questioned what the makeup is of the CDBG (Community Development Block Grant Commission). In the objectives of the program listed on page two of the agenda in the by-laws, it states that the first objective is to benefit low and moderate income persons. He recommends that there be a representative from this community to serve on this commission in order to represent the interest of these individuals.

Ms. Valerie Ksiazek sent a letter, dated October 19, 2011, to the committee and requested that it be read during the committee meeting so that it becomes a part of the minutes. Vice-Chairman Donner read the following letter to the committee members:

“Dear Ms. Hill,

I’m so sorry I am unable to attend the Planning and Development meeting however, I would like to have this letter read out loud and included in the record of the meeting.

I want it to be known that on Sunday, September 4th, 2011 that there was indeed one race that morning at 18718 West Union Road. It was the morning after our son’s wedding and we were having coffee with our overnight guests when we heard the gate doors open with a bang and then heard cheers from the crowd of attendees. We looked at the clock at it was 9:15 a.m. We looked out the window and noticed many people gathered by the track cheering on the 2 horses and riders. Ron along with 2 other of our guests walked back to our property line and saw people, estimated to be around 100. The Frazier’s can also confirm that they heard the bang of the gate opening and the cheering of the crowds that morning. Steve Frazier emailed Ersel about this race when it occurred.

After finishing our coffee we took some of our guests for a ride to see the front of their barns and house. We were surprised the people were gone. They came for one race only at 9:15 a.m. and then left. We understand that their permit for that day was not approved, so why did they have this race?

Ron and I want to go on record to say that indeed there was a race at 9:15 a.m. on September 4<sup>th</sup> with about 100 people in attendance. We did not call to complain about this race since by 10:00 a.m. when we drove past no one was at the property, they all left. We try very hard to be "good neighbors" and not complain about every little thing they do, so as not to become labeled as "complainers". But we also feel that no matter what we do we are told we did it wrong. Someone always tells us "well, you should have done this or you should have done that".

The bottom line is this – their permit was pulled, not approved, but they still had one race.

As always, thank you for your continued help with this situation.

Sincerely,

Valerie and Ronald Ksiazek  
6405 Dunham Road  
Union, IL 60180"

Vice-Chairman Donner requested that Item No. 7.15 concerning the Victory Garden status report be heard next.

Laurie Selpien joined committee members to provide an update on the Victory Garden. She reported that the garden produced 92.3 lbs. of food and there are still some tomatoes on the vines. The food went to the food pantry in Lake in the Hills. Committee members questioned who helped with the garden. They were informed that Cory Horton from Planning and Development helped to till the garden and all of the remaining work was done by Ms. Selpien and her daughter. No other volunteers helped this year. She stated that she would like to do the garden again next year. She stated that she feels it is important that this food goes to the people who need it. She would like to get the word out in early spring to get more volunteers signed up to help her with the garden. She stated maybe she could get some help from community service workers. She informed committee members that she contacted individuals from the Woodstock Food Pantry to ask people who received food to help with the garden. They stated they cannot put up a poster soliciting help for this project. The Woodstock Food Pantry refused to weigh the food or provide receipts for the food so she had to transfer the program to the Lake in the Hills Food Pantry. Committee members stated that they thought the Master Gardeners were to be a part of this program. They were informed that she asked for some help from Master Gardeners but they stated that no one was interested in assisting with the Victory Garden. Ms. Selpien stated that he has to label all of the food. Committee members suggested that the Victory Garden become a County employee program. Mr. Austin stated that a notice was supposed to go out to the employees requesting volunteers, though it was unsure whether this was done. Committee members requested that a request for volunteers be sent out to the County employees. Ms. Selpien stated she also needs someone from the County to help turn the water to the garden on an off at least once a day. Committee members stated that one of the reasons that the recipients from the food pantry may not be able to help is they may not have transportation. Ms. Selpien stated that she would designate a day during the week to work with any volunteers. It was suggested that Ms. Selpien return in February in order to provide the Committee a reminder that the program will be starting again. Mr. Sandquist stated that this project is an initiative of the Historic Preservation Commission. He stated that he will have the staff liaison be responsible for notices sent to employees requesting volunteer help in the spring of 2012 for this program. Ms. Schuster informed committee members that Ms. Selpien will be attending a Management Services Committee meeting to provide an update to that committee as well.

PRESENTATIONS: None.

SUBDIVISIONS: None.

#### OLD BUSINESS

*CDBG Commission Revision Bylaws (Draft):* Ms. Wanaski joined committee members to review the recommended changes to the CDBG Commission Bylaws. She provided members with a memorandum from the State's Attorney's Office which suggested revising the conflicts of interest section to include the County Board Rule's wording for conflicts of interest in that section. It was stated that in the voting section of the Bylaws, they would like the "non-voting" block to note that it is "non-voting" so there is no misunderstanding. With regards to the "Special Meetings" portion of the Bylaws, it was stated that this must follow the Open Meetings Act. Committee members stated that a person from the general public could be added to the commission. Ms. Donner noted that it is not an easy task to get someone from Section 8 housing

or low income to attend the CDBG meetings. They may not have the resources or transportation. Mr. Munaretto stated that on page 3 (A) Appointment, the Chairman of the County Board is normally obligated to make his appointments with the advice and consent of the full County Board. It appears that this language is absent in this provision and he would like this wording inserted. It says "in consultation with the Planning and Development Committee subject to confirmation". It should read "with advice and consent of the full County Board". Ms. Wanaski stated she will make the changes in the By-laws. Vice-Chairman Donner requested that the State's Attorney's Office be consulted concerning the conflict of interest language, including language concerning recusal from a vote. On page 9, XV Legal Counsel, Ms. Schuster questioned if the proposed language refers to the full County Board's legal liability policies regarding indemnification. Ms. Wanaski stated that this section means that the County is also indemnifying the Commission for their decisions and recommendations they make to the committee. It was the consensus of the committee to move the bylaws forward through the process.

NEW BUSINESS:

*Requested Village of Trout Valley Intergovernmental Agreement for Building Permitting Services:* Mr. Munaretto made a motion, seconded by Mr. Donley, to recommend the County Board approve the above Intergovernmental Agreement as presented. Mr. Munaretto voiced concern as there were a few blank spaces in the agreement and it does not include the hourly rates. Mr. Sandquist responded that this is the agreement that was forwarded by the Village Attorney and President of Trout Valley. Committee members were informed that this is a "conceptual" contract that is being reviewed by the State's Attorney. After review by the State's Attorney, the agreement will be brought back to the committee for review. Committee members were informed that the Village of Trout Valley is built-out and has approximately 200 homes. Until approximately nine years ago the County did all the permitting for the Village. The Village Board has requested that the McHenry County Department of Planning and Development process building permit applications, conduct plan reviews and inspections, and issue occupancy permits or certificates of completion for construction projects within the Village. The Village would be responsible for notifying property owners of the need to obtain a building permit from the County. The Department will notify the Village when it is unable to gain property owner compliance with the building codes. All enforcement proceedings shall be prosecuted by the Village. County staff will attend meetings at the Village Hall and court or administrative adjudication hearings for an hourly fee. The Village prefers that the P&D Department assume responsibility for building code enforcement, including pursuing violations through the legal process. The P&D Department will maintain the responsibility to issue stormwater permits and will coordinate stormwater review for building permits submitted to the P&D Department as long as the Village remains uncertified. The Village has stated that they would like the County to consider the enforcement part of the agreement. Committee members stated that it needs to make sure the County is being reimbursed for any cost for staff time. It was stated that the States Attorney needs to review the document and provide their recommendation prior to any additional consideration of the agreement. Committee members stated they are not prepared to move this forward until the staff work and State's Attorney's review are completed. Mr. Munaretto withdrew his motion and Mr. Donley withdrew his second.

Vice-Chairman Donner requested that Item No. 6.10 be heard next.

*Appointment – McHenry County Historic Preservation Commission – Lynn Gray:* Mr. Heisler made a motion, seconded by Ms. Schuster, recommending the appointment of Lynn Gray to the McHenry County Historic Preservation Commission. Committee members were informed that Gail Brown has resigned from this Commission effective July 6, 2011. The unexpired term for this position will expire on November 30, 2013. The Historic Preservation Commission interviewed three potential candidates for this appointment and recommended the appointment of Ms. Gray. The motion carried with all members present voting aye on a roll call vote (Donley, Donner, Draffkorn, Heisler, Munaretto and Schuster).

*Proposed FY2012 Fee Schedule and Ordinance for the McHenry County Building, Zoning, Stormwater, Subdivision and Motel License Fee Schedule:* Mr. Munaretto made a motion, seconded by Mr. Heisler, to recommend approval of the above Ordinance as presented. Mr. Sandquist stated that the proposed fee schedule would go into effect in 2012. The last update of the fee schedule was done in mid-year 2010. The Department is proposing modest increases to the fee schedule to continue to move towards covering the costs of providing services. He would like to discuss the proposed change to eliminate the waiver of fees for government agencies, with the exception of County general fund departments. Representatives from MCDOT were present, along with many township highway commissioners. Representatives from MCCD were unable to attend the meeting, and Mr. Sandquist received emails from both the Executive Director and the Business Manager of MCCD stating that they are opposed to this fee schedule. The proposed fee schedule is not intended as a punishment to any agency, but is an attempt to make the Department's permitting activities more self

sufficient. The proposed fee increases will also allow adequate funding to provide the level of customer service the Department needs. Additional funds will allow the Department to provide additional services. He mentioned that other surrounding counties charge for their stormwater permits for government agencies. Ms. Schuster mentioned that they need to be aware of the expenses involved for each of the entities and the expenses need to be applied where appropriate. If there are waivers involved, they will not be showing true costs for projects. Mr. Munaretto mentioned stormwater engineering has no permit fee. The dollars that might be required to service the permit fee may be spent elsewhere in the project. The County has a cost to provide the service, and they need to determine if they want to make it a part of a contribution to other units of government, or do they want them to support some reimbursement of the County's cost to review a permit. Mr. Korpalski stated that there was a brief discussion yesterday with the Transportation Committee concerning the proposed fee schedule. There may be unintended consequences of what other departments may be charged. MCDOT is concerned about the proposed fee schedule from the budget aspect. Their projects also have local dollars and are not solely funded by federal or state dollars. MCDOT does provide other services for the County at no cost, including traffic studies. There is a spirit of intergovernmental cooperation they have with the County. Mr. Sandquist stated that Lake County has a category for public road projects and they charge governmental agencies, including their own LCDOT and the Lake County Forest Preserve. Their fees, compared to the proposed fee schedule, are about double for each category. Kane County also charges fees for governmental agencies. Mr. Horton mentioned that with the Stormwater Ordinance, there are many certified communities applying the same ordinance in the County. Many of the certified communities charge governmental agencies strictly because they are sub-consulting all of the reviews so they have to cover their costs to cover those fees. Mr. Miller stated that the Township Road Commissioners are strictly against the fee schedule as applied to townships. They are also looking at the unintended consequences. The Stormwater Ordinance is burdensome to the road districts, especially concerning replacing culverts. Perhaps the townships may obtain a consulting engineer to review their permits which may remove the burden from the County for the permitting process. This is a subject for future discussion. By being more burdensome and requiring more permits and more fees, the townships simply do not have the funds for these. Mr. Miller stated that he was speaking on behalf of the townships and requested to go on record that they oppose this. It needs more discussion and more review of some of the requirements in the permitting process itself. Mr. Miller questioned what will be charged for a determination letter and Mr. Horton mentioned that an official determination letter will cost \$65. Mr. Sandquist mentioned that they reviewed all of the permits that were issued in the past 22 months for government agencies and what the fees would have been with the proposed fee schedule. If they charged regular stormwater and building permit fees, fees collected would have been \$98,000 for those 22 months. Vice-Chairman Donner stated that if they collected those fees, they would have had enough money to have an additional stormwater engineer in the P&D Department. Mr. Sandquist reviewed with committee members the proposed 2012 schedule of fees. There is a proposed fee which would allow property owners to freeze their building permits which are currently good for two years. There are currently several property owners who cannot complete their projects in two years. Currently they are required to obtain a new permit when they are ready to start the project again, which is expensive. P&D is proposing that permits may be frozen and impose a reinstatement fee payable when construction resumes. They propose \$10 per month plus a \$150 reinstatement fee which will allow some relief to property owners from obtaining new permits. This would require a modification to the Building Code to specifically allow this provision. P&D is proposing a new fee for extending stormwater permits. Currently stormwater permits are valid for two years with extensions of six months. The fee schedule proposes offering a six month extension for 25% of the original permit fee. A new proposed subdivision extension review fee was mentioned. Currently all subdivision extension requests are reviewed by MCDOT, stormwater, P&D, Environmental Health and the code enforcement officer. The proposed \$500 extension fee would be shared with the reviewing agencies. Mr. Donley requested additional information from the Department as to what it may cost specific townships if the proposed fee schedule is approved and staff will compile this information and provide it to the committee. Mr. Sandquist mentioned that P&D had proposed an expediting fee for stormwater reviews recognizing that the Department is behind with those reviews. Many applicants are requesting to have their permits reviewed in an expedited manner. The proposed fee schedule has a proposal which will allow applicants have their permits reviewed in an expedited manner at the current consulting contract rate which is currently \$120 per hour. The contract consultant would be brought in to do the permit reviews and the applicants would pay the time and materials for the review at the contract rate. There will be money placed in the 2012 P&D budget for the expedited permit reviews. P&D will initially pay for the expedited permit reviews and the money collected from the applicants will be placed back into the budget to offset the expense. If approved today, the Ordinance would be sent to the County Board for 30 day review. It was the consensus of the committee to move forward with the fee structure with the following changes: "Fee Waivers 1. Permit fees are waived for County General Fund Agencies" would be changed to

state what it did in the past. It will be changed as follows: "Fee Waivers 1. Permit fees, except for expedited permit review fees, are waived for Government Agencies". If a government agency wants its permit expedited, they would pay the expediting fees. Further review of this section will be discussed at a later date. Ms. Schuster mentioned that she will vote against this matter. On a roll call vote, the motion carried with five members voting aye (Donley, Donner, Draffkorn, Heisler and Munaretto) and one nay (Schuster).

REPORTS TO COMMITTEE:

*Community Metropolitan Agency for Planning (CMAP):* None.

*Community Development Block Grant (CDBG) Commission:* None.

*Historic Preservation Commission:* Committee members were informed that the Greenwood Road dedication is scheduled for Friday, October 21, 2011.

*Housing Commission:* None.

MISCELLANEOUS: None

EXECUTIVE SESSION: None.

Mr. Donley and Mr. Munaretto left committee at 10:11 a.m.

ADJOURNMENT: Noting no further business, Mr. Heisler made a motion, seconded by Ms. Draffkorn, to adjourn the meeting at 10:12 a.m. The motion carried with a unanimous voice vote.

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**RECOMMENDED FOR BOARD/COMMITTEE ACTION/APPROVAL:**

Appointment of Lynn Gray to the McHenry County Historic Preservation Commission  
Ordinance McHenry County Building, Zoning, Stormwater, Subdivision, and Motel License Fee Schedule

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