

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

MINUTES OF THURSDAY, NOVEMBER 17, 2011

Chairman Hill called the Planning and Development Committee meeting to order at 8:33 a.m. The following members were present: Tina Hill, Chairman; Mary Donner; Sue Draffkorn; Jim Heisler; Marc Munaretto and Ersel Schuster. Randy Donley was absent. Also in attendance: Peter Austin, County Administrator; Pam Palmer, Auditor; Dennis Sandquist, Matt Hansel, Maryanne Wanaski, Sarah Ciampi and Sean Foley, Planning and Development; Diane Evertsen, Mary McCann, Kathy Bergan Schmidt and Donna Kurtz, County Board; Brian Sager, City of Woodstock Mayor; John Schmitt, Algonquin Village President; Anna Bicanic Moeller, McHenry County Council of Governments Executive Director; Nancy Schietzeit, Environmental Defenders of McHenry County; and interested public.

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

MINUTE APPROVAL: Mr. Heisler made a motion, seconded by Ms. Donner, to approve the minutes from October 6, 2011, October 20, 2011 and November 3, 2011. The minutes were approved with a unanimous voice vote of all ayes.

PUBLIC COMMENT: None.

PRESENTATIONS: None.

SUBDIVISIONS: None.

OLD BUSINESS:

Resolution Adoption of an Amendment to the Bylaws of the McHenry County Community Development Block Grant Commission: Mr. Munaretto made a motion, seconded by Ms. Donner, to recommend the County Board approve the above resolution as submitted. Chairman Hill mentioned that the Community Development Block Grant (CDBG) Commission that is currently seated met yesterday and reviewed the proposed amendments to the Bylaws. Commission members discussed the amendments and proposed two additional alternative versions for "Section III. Membership". There are now three versions of "Section III. Membership" to choose from: the version attached to the Resolution; the second alternate version; and the third alternate version. Mr. Munaretto questioned if they are proposing to make changes to the business in the agenda that he just made a motion to approve and Chairman Hill answered yes. Mr. Munaretto withdrew his motion and Ms. Donner withdrew her second to the motion. Ms. Wanaski mentioned that during yesterday's meeting, CDBG Commission members had concerns about not being able to vote and still volunteer their time on the Commission. Members felt that the process worked well last year by recusing themselves from certain votes. Two new versions for "Section III. Membership" with redlined changes were reviewed by committee members (second alternate version and third alternate version). The first alternate version requests one representative from each County Board district. Instead of the Commission consisting of 17 members, it is recommended that the Commission consist of a minimum of nine members with a maximum of 12 voting members. The original version still keeps ex-officio members which would consist of two non-voting members from service agencies and one representative from the Housing Authority. Ex-officio members may have a conflict if they are voting on service contracts, but also if they are voting on structural improvements to their buildings. The second alternate version does not include ex-officio members and suggests the Commission consist of a minimum of nine and a maximum of 12 voting members. The original version suggests the Commission consist of a minimum of seven and a maximum of nine voting members. It also suggests that the non-voting membership consist of a minimum of three and a maximum of five members. The largest changes were for the voting and non-voting members, according to Chairman Hill. Some Commission members wanted all members to be voting members. If voting members have a conflict, they will have to recuse themselves. Ms. Draffkorn mentioned that they suggested two members-at-large and Commission members suggest six members, one from each County Board district. Chairman Hill mentioned that previously the County Board member on the CDBG Commission had to be the Chairman of the Commission. This provision remains in the Bylaws because there will only be one County Board member on the Commission and that County Board member will automatically be the Chairman of the Commission. Mr. Munaretto mentioned that they are a county agency endowed with the responsibility by the federal government to distribute these funds and it would be logical to have an elected member of the County Board as Chairman of the CDBG Commission.

Ms. Wanaski mentioned that a second change Commission members brought up at the meeting was term limits. The original version allowed for two three-year terms. Commission members decided that they would prefer one four-year term which is reflected in the second alternate version provided to members. Chairman Hill mentioned that the current by-laws allow members to apply for reappointment and their terms can be concurrent. The McHenry County Conservation District's terms are for five years and members are not eligible for reappointment until after they have been off of the board for at least one year. Ms. Wanaski mentioned that a provision could be included in the by-laws that Commission members could re-apply for a position after being off of the Commission for one year. It was the consensus of the committee to incorporate this language in the by-laws. It was suggested that the Commission have an odd number of voting members. After discussion, it was the consensus of the committee that the Commission consist of a minimum of nine, maximum of 11 voting members. Mr. Munaretto summarized that the committee is proposing that the first alternate version provided today will be the language incorporated into the by-laws, with changing the maximum number of voting members to 11. Ms. Wanaski mentioned that staff is conducting research and working towards the waiver from HUD regarding recusals when members have a conflict of interest. Chairman Hill mentioned that there is a waiver process with HUD to recuse members. Mr. Munaretto mentioned that the committee is empowered with the obligation to make the choices that conform to the regulations that they are obligated to adhere to. Mr. Munaretto suggested inserting language in the by-laws stating that anybody who sits on the Commission is prohibited from, to the extent they represent anybody, making any application to the CDBG. This wording will eliminate a potential conflict of interest. It was suggested that a provision be placed in the by-laws that stipulates that members and units of government or the organizations they represent would be barred from competing for CDBG funds. It was the consensus of the committee to add the above language to the CDBG by-laws. It was the consensus of the committee to retain social service agencies as ex-officio members of the Commission. A revised resolution and by-laws will be presented to the committee at the December 1, 2011 P&D meeting.

NEW BUSINESS:

Chairman Hill requested that item No. 6.10 be heard next.

McHenry County Council of Governments (MCCG) request to allow municipalities to enforce their property maintenance codes in specified unincorporated areas: Mr. Sandquist, Mr. Sager, Mr. Schmitt and Ms. Bicancic Moeller joined committee member to discuss the County's assistance in addressing property maintenance issues in specified unincorporated areas. Mr. Sager stated that there are properties adjacent to municipalities which are not necessarily being used in a way that is either within the best interest of the County and under the County's standards, for the property or municipalities. Issues may include the storage or abandonment of vehicles, junk and debris, tall grass, billboards and signs, and inappropriate and incompatible uses for the property. The County is largely rural and agricultural in terms of its zoning. At the September 23, 2011 MCCG Mayors' meeting, which was attended by mayors, staff and chairman Hill, it was determined that this is a challenge and they discussed possible solutions. He mentioned that there are four elements to the suggestion which include the opportunity for individual municipalities to enter into intergovernmental agreements (IGA) with the County. Those individual IGAs would be only relevant to specific portions of property that are immediately adjacent to municipal boundaries. It would only be for parcels that have significant evidence and historic problems as mentioned in the issues outlined. The fourth aspect is if an IGA was to arrive between a municipality and the County on the specific adjacent parcels with evidence problems, then it would be the municipality's responsibility and financial burden to provide the inspection and oversight. It would provide in the IGA that the standards of the immediate adjacent area/property, in terms of regulations, would be applicable. This is an effort to address the multiplicity of needs, the shared interests, provide no burden upon the County in terms of an additional financial outlay which would be assumed by municipalities, and it would be case specific. Some municipalities may be interested in this type of IGA with the County, and some may not. Mr. Sager mentioned that before the County and municipalities could enter into an IGA, the County would have to pass an ordinance allowing such arrangements between them. MCCG is requesting the County to consider such an ordinance and to authorize P&D staff to draft an ordinance for County Board consideration. Mr. Schmitt provided members with photographs of various properties showing abandoned vehicles and buildings in disrepair. The County's ordinance states that one billboard is allowed for each 50' lot. This is a significant problem, especially for appearances. Mr. Munaretto mentioned that there may be language inserted in the UDO which may allow the County to deal with the urbanized areas differently from the rural areas of the County. He suggested that this matter be reviewed by the State's Attorney's Office for an opinion. Ms. Schuster mentioned that she understands the issues, but it comes back

to the UDO so they do not continue to create problems for the future. She would have liked to have known what the State's Attorney's Office's opinion was on this matter before it was presented to the committee today. Mr. Sager mentioned that the September 23rd meeting was a brainstorming session. Sometimes there are entities or groups that set up shop on the parcels and they bring in vans or truck beds and sell items that are non-conforming for both the municipality and the County. This is problematic and in many instances becomes semi-permanent in some of the situations. Mr. Sager mentioned that not every municipality within the larger group of the McHenry County Council of Governments is interested in this particular type of opportunity. They would not necessarily request or pursue an IGA with the County. Mr. Munaretto mentioned that they should be careful and not set standards with ordinances that are not applied uniformly throughout the County, or force some of the rural parcels to have to conform to ordinances that are not adopted by their elected representatives. He wanted to reemphasize that the County will run into this problem all of the time because McHenry County, unlike municipalities, is not homogenous. The County does not look alike throughout the entire 600 square miles of McHenry County, unlike municipalities that are neat and compact and homogenous. Handing over the responsibilities of the County to another unit of government may not be the solution and he feels the solution can be achieved in the UDO if given the proper attention. Mr. Sager mentioned that they were attending today's meeting to address the problems, ask how they can work together to meet the mutual interests and needs they have, and suggest a possible type of approach. He confirmed that the proposal is for adjacent parcels. It was the consensus of the committee to direct staff to obtain an opinion from the State's Attorney's Office.

Model Wind Energy Ordinance: Mr. Sandquist, Mr. Foley, Ms. Evertsen and Ms. Schietzeit, members of the Wind Energy Taskforce, joined committee members to discuss the draft ordinance. Mr. Sandquist mentioned that the Taskforce met 12 times between August, 2010 and July, 2011 to discuss what a model ordinance may look like and what standards the communities in the County, along with the County, could move forward for adoption. Through the process a model Wind Energy Ordinance was prepared. The County has three alternatives available for consideration: (1) continue using the current Zoning Ordinance, Building Codes and state statues; (2) proceed with the immediate adoption of the Model Wind Energy Ordinance as a stand-alone revision of the Zoning Ordinance; or (3) direct Camiros to work this into the UDO as it moves forward. Mr. Munaretto mentioned that the substance of the work completed should be used and he does not feel that having separate ordinances that deal with land uses are in the best interest since they are in a period of time when they are combing everything into one UDO. He suggested that this be given to Camiros to incorporate into the UDO. Mr. Munaretto stated that in his opinion wind energy, as a component of land use, ought to be a conditional use in any zoning districts where permitted. He would not allow it by right anywhere. As a conceptual comment, he does not agree that this is a land use that should be permitted by right anywhere. Ms. Schietzeit mentioned that it seems logical that this ordinance would be folded into the UDO. Mr. Sandquist mentioned that the committee should start receiving working drafts of the UDO in January, 2012 and should have a public hearing draft by November, 2012. It was the consensus of the committee to provide Camiros with the model Wind Energy Ordinance for their review. Mr. Sandquist will provide committee members with an electronic version of the proposed Wind Energy Ordinance. Members will provide Camiros with their personal comments and recommended changes. Members will also provide their personal comments and recommended changes to the draft ordinance to the Wind Energy Taskforce members.

REPORTS TO COMMITTEE:

Community Metropolitan Agency for Planning (CMAP): Chairman Hill mentioned that Dan Shea provides her with copies of agendas and minutes for CMAP meetings. She will provide members with copies of these, along with copies of legislation that CMAP supports and opposes. Ms. Schmidt suggested that copies be provided to the Legislative and Intergovernmental Affairs Committee members as well.

Community Development Block Grant (CDBG) Commission: None.

Historic Preservation Commission: Mr. Foley mentioned that the Commission currently has one commissioner position unfilled. The Commission has interviewed two candidates and will interview the third candidate at the January 4, 2012 meeting. They will bring their recommendations to this committee after all interviews have been completed. The Commission has started the Rural Intensive Survey for certain townships and Gail Brown is the mentor for this project. Mr. Sandquist mentioned that they will be adding three additional landmark plaques on the hallway wall in the Administration Building. The plaques will be for the Barber Cemetery, Trout Valley Stonegate, and Chunn's Burying Ground (Oak Glenn Cemetery).

Chairman Hill mentioned that Ms. Schuster and she work on the Victory Garden project because it involves both of their committees. It is their understand that there was little support and help the past two years provided to Laurie Selpien who works on the Victory Garden. This past year Ms. Selpien and her daughter did all of the work, except tilling the garden. It was suggested that emails be sent to County employees asking for their help with the 2012 garden. This matter will be brought to the attention of the Historic Preservation Commission to inform them that there is no community support for this project. A suggestion was made to discontinue the Victory Garden. Staff will report back to the committee as to what the Historic Preservation Commission suggests for this project.

Housing Commission: Ms. Draffkorn reported that the Commission is meeting tomorrow.

MISCELLANEOUS: None.

EXECUTIVE SESSION: None.

ADJOURNMENT: Noting no further business, Ms. Draffkorn made a motion, seconded by Mr. Heisler, to adjourn the meeting at 9:51 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION/APPROVAL:

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