

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

MINUTES OF THURSDAY, DECEMBER 1, 2011

Chairman Hill called the Planning and Development Committee meeting to order at 8:30 a.m. The following members were present: Tina Hill, Chairman; Randy Donley; Mary Donner; Sue Draffkorn; Jim Heisler; and Ersel Schuster. Marc Munaretto was absent. Also in attendance: Peter Austin, County Administrator; Dennis Sandquist, Matt Hansel, Cory Horton, Darrell Moore, Maryanne Wanaski and Sarah Ciampi, Planning and Development; Kathy Bergan Schmidt, County Board; and interested public.

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

MINUTE APPROVAL: Ms. Donner made a motion, seconded by Mr. Donley, to approve the minutes from November 17, 2011. The minutes were approved with a unanimous voice vote of all ayes.

PUBLIC COMMENT: Jude Schmidt of Jude Schmidt Custom Construction, Inc., Marengo, Illinois, joined members and presented them with a letter addressed to the McHenry County Building Committee and dated December 1, 2011. He stated that his #1 topic is the manpower requirements for stormwater control. He mentioned that if a person has to wait four or five weeks or longer to get something reviewed, it is not acceptable. He does not want to increase government payroll, but if the County has the Stormwater Ordinance, he feels it should be funded for manpower to perform the duties outlined in the Ordinance in a timely manner. It is costing customers who are builders and homeowners money because of delays due to the stormwater department. He mentioned that he went to the Planning & Development (P&D) Department on November 4, 2011 to have plans reviewed for adding a 45-degree bend to a wing wall on a building. He found out that a wing wall was not noted on the septic plan which necessitated a new stormwater review and permit. He mentioned that his customer considered having a geothermal heating system installed. Mr. Schmidt spoke with P&D staff who informed him that there are state codes for this type of system. He also spoke with the Health Department which provided him with state codes stating minimum distances between well water and geothermal system liquids. He was informed that there are no permits required at this time, however, beginning January 1, 2012 the County may require a permit for this type of system. The geothermal heating system was installed and was inspected by the P&D Department. On November 23, 2011 they received a letter from the P&D Department stating that he needed a permit for the system and the permit for the wing wall would not be issued until the geothermal system was approved. He applied for the permit for the wing wall, along with a permit with the IEPA for the geothermal heating system. He has been informed that it will be at least 30 days before they receive information from the IEPA concerning the system. With winter weather approaching, he will not be able to finish installing siding on one side of the house. He is requesting to be able to install the requested wing wall now and have the County inspect it. He submitted all the requested information and feels that he should not have to wait. Chairman Hill mentioned that staff will review this matter and be in contact with him.

Kris Koehler and Kate Harma joined members concerning the request for funds for the McHenry County Attainable Housing Corporation's (MCAHC) Pearl Street Senior Housing Project. Mr. Koehler is the Executive Director of MCAHC and Ms. Harma is a member of the board. MCAHC is the newest certified Community Housing Development Organization (CHDO) in McHenry County and they are sponsored by Habitat for Humanity which is also a McHenry County CHDO. He stated that MCAHC is requesting CHDO set aside HOME funds in the amount of \$13,000 for a proposed 70-unit independent affordable senior housing complex. The proposed site is at the corner of Pearl Street and Rt. 31 in McHenry, Illinois. There is a need for affordable housing for the County's elderly population. The property is currently zoned two different classifications. One half of the property is zoned commercial and the other half is zoned residential. They are currently in the pre-development phase of the project and plan to use the funds for a formal market analysis to confirm the viability of the project.

Mr. Heisler arrived at 8:41 a.m.

MCAHC has an option contract on the property which lasts for one year. He mentioned that approximately 55% of McHenry Township residents are 55 years of age and older and they expect demand for this type of housing to increase

because of the aging population. They intend to work with social service agencies in the County to help place residents into the facility. He requested that committee members reconsider the Housing Commission's denial of their request for CHDO operating, as well as HOME funds for a market study in the amount of \$13,000. Ms. Harma stated that she was representing MCAHC's Board and assured the members that thorough planning has taken place for this project.

PRESENTATIONS: None.

SUBDIVISIONS: None.

OLD BUSINESS:

Resolution Adoption of an Amendment to the Bylaws of the McHenry County Community Development Block Grant Commission: Ms. Draffkorn made a motion, seconded by Ms. Donner, to recommend the County Board approve the above resolution as submitted. Chairman Hill mentioned that she has received feedback from township representatives stating that township supervisors and township highway commissioners are different offices and units of government and they represent two different constituencies and objectives. Mr. Heisler mentioned that a township supervisor is approximately the same level as a mayor of a city, but different from a highway commissioner. Ms. Wanaski mentioned that if there are three representatives for CDBG, two from townships and one from a municipality, along with six members at large from each one of the districts, there will be a total of nine CDBG Commission members. At the previous P&D meeting staff was informed by committee members that they would prefer to keep the CDBG Commission between 9 and 11 members.

Ms. Schmidt mentioned that on the 9th line from the top on page 8 of the By-Laws, the sentence would read clearer if the words "the Commissioner shall" be inserted after the word "issue".

Ms. Schuster made a motion, seconded by Mr. Heisler, to amend the By-Laws to include a township highway commissioner and a township supervisor to be voting members of the CDBG Commission. Ms. Wanaski mentioned that on page 2 under Section 3, Membership, third paragraph, it states that "representation from township supervisors, township road commissioners and/or a representative from a municipality within McHenry County ..." allows a choice. Mr. Sandquist suggested rewording #3 under Section 3, Membership, to read as follows: "Representation from township supervisors, township road commissioners, and/or municipalities within McHenry County limited to a mayor, trustee, or manager." Ms. Schuster withdrew her motion, and Mr. Heisler withdrew his second to the motion. Ms. Donner mentioned that trustees in government have a very limited role and they cannot be on many boards/commissions, just as a trustee from a township cannot become a board member. A supervisor can, but a trustee cannot. Mr. Sandquist mentioned that the section "mayor, trustee, or manager" is intended only for a municipality. Chairman Hill questioned members if the word "trustee" should be eliminated from this sentence and Ms. Schuster agreed, along with several other members. Ms. Schmidt stated that a trustee is not an elected position.

Ms. Schuster made a motion, seconded by Mr. Heisler, to amend the By-Laws, Section 3, Membership, #3 as follows: "Representation from township supervisors, township road commissioners, and/or municipalities within McHenry County limited to mayors (presidents), aldermen/councilmen (trustees), or administrators (managers)." The motion carried on a voice vote of all ayes (Donley, Donner, Draffkorn, Heisler, Schuster and Hill).

Ms. Schmidt noted a grammatical error in the yellow highlighted paragraph on page 2 of the proposed By-Laws. The word "maybe" in the first sentence should be changed to "may be". The amended By-Laws will reflect this change.

Members discussed the yellow highlighted paragraph on page 2 under "Membership." The paragraph mentions that a representative of a service agency cannot be a member of the CDBG Commission because they would not be able to apply for CDBG funds. Ms. Wanaski mentioned that they still want input from service agencies because it is important for the Commission to have their resources and input.

Mr. Donley left the meeting at 9:11 a.m.

Mr. Hansel mentioned that HUDs regulations for CHDO board membership want a person receiving the services with a say at the table on those organizations because they bring a user perspective to committees and commissions.

Chairman Hill made a motion, seconded by Ms. Donner, to strike the yellow highlighted paragraph under "Membership." The motion carried on a voice vote of all ayes (Donner, Draffkorn, Heisler, Schuster and Hill).

Ms. Donner left the meeting at 9:18 a.m.

Mr. Sandquist inquired if they wanted to split the voting members and the ex-officio members between two and three or between three and four. Chairman Hill stated that it is her intent to have a Housing Authority representative and social service agencies as ex-officio members. Ms. Hill made a motion, seconded by Mr. Heisler, to delete paragraphs 4 and 5 on page 2 under "Membership" and add wording stating that non-voting (ex-officio) membership shall include a representative from a McHenry County service agency and a representative from the McHenry County Housing Authority.

Mr. Donley returned to the meeting at 9:20 a.m. and Ms. Donner returned to the meeting at 9:21 a.m.

The motion carried on a voice vote of all ayes (Donley, Donner, Draffkorn, Heisler, Schuster and Hill).

The initial motion carried on a roll call vote of five ayes (Donner, Draffkorn, Heisler, Schuster and Hill) and one nay (Donley).

Staff will provide County Board members with a revised version of the By-Laws before the December 6, 2011 County Board meeting.

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

NEW BUSINESS:

Resolution Adoption of the HOME Investment Partnerships (HOME) Program Community Housing Development Organization (CHDO) Reserve Funding Recommendation and Administration Allocation and Amendment of the Action Plan for the 2011 Program Year. Ms. Donner made a motion, seconded by Ms. Draffkorn, to recommend the County Board approve the above resolution as submitted. Ms. Draffkorn suggested that the committee reconsider McHenry County Attainable Housing Corporation's (MCAHC) request for CHDO operating funds in the amount of \$13,000. Ms. Draffkorn made a motion, seconded by Ms. Donner, to amend the resolution to fund MCAHC's request for CHDO and HOME funds in the amount of \$13,000 to be used as pre-development money for a market study for the proposed Pearl Street Senior Housing Project in McHenry, Illinois. A question was asked as to how this differs from the Housing Commission's recommendation. Ms. Draffkorn mentioned that they have been looking for CHDOs to come forward before they get CHDOs from out of the county. This is money that is coming to McHenry County and there is finally a CHDO that has come forward and she feels that they should assist MCAHC in getting started with this project. Ms. Wanaski mentioned that the funds are available and in order to provide the funds, they will reallocate \$13,000 from the grant general funds to the CHDO reserve. The original grant was for \$450,000 of which \$122,000 is allocated for the Habitat for Humanity CHDO. CDBG cannot fund anything above \$13,000 because there is a pre-development cap of that amount. Chairman Hill mentioned that Ms. Draffkorn and she heard from attainable housing what they thought the feedback was as to why the Housing Commission was against MCAHC's request for funds. Ms. Draffkorn stated that she was at the last meeting, but Ms. Peschke was not. Ms. Draffkorn mentioned that at the last Housing Commission meeting, there were three presentations and afterwards they received staff recommendations concerning the projects. When the voting came through, Ms. Draffkorn was very surprised as to the way the Commission voted. Ms. Draffkorn did not see any reason why the Housing Commission should not fund this project and the Housing Commission decided to go with a larger project, which is located in Huntley. Ms. Draffkorn mentioned that both projects can be done. Ms. Wanaski stated that the \$13,000 would be considered a loan. If the project does not go through, according to HUD rules, the money would come back to the County's grant fund. The money would come back to the County when MCAHC's funding comes through, unless the project is rendered infeasible. Ms. Schuster questioned who would pay back the loan. Ms. Ciampi stated that it would then be forgiven by HUD which is the rule for a pre-development loan. Pre-development loans exist for only Community Housing Development Organizations (CHDO). With a cap in place, there is a limit as to the amount of funding that can be given for this type of exploratory type of project. If the project should not go through because it is rendered infeasible, then the money would be forgiven under the statute. However, if any other progress is made on the project because it is feasible, the money gets paid back to the County. The motion carried on a roll call vote of four ayes (Donner, Draffkorn, Heisler, and Hill) and two nays (Donley and Schuster).

The initial motion carried on a roll call vote of four ayes (Donner, Draffkorn, Heisler, and Hill) and two nays (Donley and Schuster).

Chairman Hill stated that Ms. Wanaski is retiring at the end of this week. Committee members thanked her for all of the work she has performed on behalf of McHenry County and wished her a wonderful retirement.

Resolution Authorizing a Contract for Stormwater Engineering Services with Gewalt Hamilton Associates, Inc., Vernon Hills, Illinois in the Fiscal Year 2012 Budget: Ms. Schuster made a motion, seconded by Ms. Donner, to recommend the County Board approve the above resolution as submitted. Mr. Sandquist mentioned that they received 11 proposals and staff selected three firms for on-site interviews. Gewalt Hamilton quoted less per hour for permit and subdivision review services than the County currently pays. Gewalt Hamilton also proposes that the primary permit reviewer be the same person who has been providing these services for the County since last December. The County's current stormwater permit review firm is no longer providing these services and they subcontracted this work to Gewalt Hamilton.

Mr. Donley left the meeting at 9:41 a.m.

Mr. Sandquist mentioned that it is a challenge for the department to process permits in a timely manner and for staff to keep up with the permit reviews, along with the numerous code enforcement violation issues. He feels the Stormwater Ordinance needs to be amended to make it easier to read and understand for enforcement purposes. This may lessen the burden on applicants which will also lessen the burden on staff on items they have to review. He feels that the department needs another full-time stormwater engineer.

Mr. Donley returned to the meeting at 9:43 a.m.

Mr. Sandquist mentioned that there was legislation proposed last year to allow counties to charge for stormwater utilities which would charge for a user fee as a tax which would be based on the amount of stormwater generated based on site characteristics and impervious surface area. This would raise funds for stormwater planning, enforcement and management activities. This tax would go to every property owner who is benefitting from stormwater management functions. This is a potential long-term solution. The P&D Department has previously brought forward a proposed fee schedule to charge public sector applicants for stormwater fees. Staff will compile the data for the past two fiscal years by agencies, municipalities and townships as to what permits the department received and what fees would have been received with the proposed increased fee schedule. The motion carried on a roll call vote of all ayes (Donley, Donner, Draffkorn, Heisler, Schuster and Hill).

REPORTS TO COMMITTEE:

Community Metropolitan Agency for Planning (CMAP): None.

Community Development Block Grant (CDBG) Commission: None.

Historic Preservation Commission: Committee members were invited to the Commission's dinner meeting scheduled for December 7, 2011 at 6:30 p.m. at Pirros in Woodstock. Staff will continue to see if they can obtain more support for the Victory Garden and if not, the project may be discontinued.

Housing Commission: None.

Mr. Donley left the meeting at 9:51 a.m.

MISCELLANEOUS:

Wind Energy Ordinance: Ms. Schuster will forward her comments concerning the Wind Energy Ordinance to Mr. Sandquist. Mr. Sandquist requested that other committee members also forward their comments to him. All committee member input will be forwarded to Camiros. Many wind energy ordinances from throughout the state were reviewed before the recommended ordinance was presented. The Wind Energy Ordinance was intended to be a model ordinance for the County and municipalities. The standards were intended to address the broad range of land use in the unincorporated areas of the County.

Mr. Donley returned to the meeting at 9:53 a.m.

Mr. Sandquist mentioned that any regulations with regard to wind energy will be stricter than what the County currently has. Mr. Hansel mentioned that he recently attended the Illinois Association of County Zoning Officials meeting. Many central Illinois counties that have wind farms attended the meeting and they expressed concerns about future funding. The code enforcement officers explained that federal and state subsidies are designed to be in effect for the initial life of the wind farm. LaSalle County stated that they only needed federal subsidy and state tax breaks for the first four years of a wind farm and after that they will have recouped the cost of their initial investment. He also mentioned that Illinois, through the General Assembly, has a requirement stating that so much of the power produced in Illinois has to be produced by something other than nuclear power or coal and one of the ways to meet this requirement is through wind farms.

Staff will work with Jude Schmidt concerning the concerns he mentioned at today's meeting.

EXECUTIVE SESSION: None.

ADJOURNMENT: Noting no further business, Ms. Donner made a motion, seconded by Ms. Schuster, to adjourn the meeting at 10:11 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION/APPROVAL:

- Resolution Adoption of an Amendment to the Bylaws of the McHenry County Community Development Block Grant Commission
- Resolution Adoption of the HOME Investment Partnerships (HOME) Program Community Housing Development Organization (CHDO) Reserve Funding Recommendation and Administration Allocation and Amendment of the Action Plan for the 2011 Program Year
- Resolution Authorizing a Contract for Stormwater Engineering Services with Gewalt Hamilton Associates, Inc., Vernon Hills, Illinois in the Fiscal Year 2012 Budget

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