KENDALL COUNTY BOARD AGENDA REGULAR SEPTEMBER MEETING

Kendall County Office Building, Rooms 209 & 210 Tuesday, September 18, 2018 at 9:00 a.m.

- 1. Call to Order
- 2. Roll Call
- 3. Determination of a Quorum
- 4. Approval of Previous Month's Minutes
- 5. Approval of Agenda
- 6. Special Recognition
- 7. Citizens to Be Heard
- 8. Executive Session
- 9. Old Business
- 10. New Business
 - A. Approval of the National Suicide Awareness Month Proclamation
 - B. Approval of Renewal of and First Amendment to the 2016 Intergovernmental Agreement between Kendall County, Illinois and Cook County, Illinois for the Housing of Detainees
 - C. Approval of the 2018 State of IL Emergency Management Grant, total compensation and reimbursement shall not exceed the sum of \$35,634.05
 - D. Approve Resolution authorizing the Kendall County Forest Preserve Board to enter into a special event lease agreement with the Yorkville Historical Society on behalf of the County of Kendall for event to be held at The Kendall County Historic Courthouse and Jefferson St. on September 29, 2018 for an amount not to exceed \$560.00 plus a \$100.00 Security Deposit
- 11. Elected Officials Report and Other Department Reports
 - A. Sheriff
 - B. County Clerk
 - C. Treasurer
 - D. Clerk of the Court
 - E. State's Attorney
 - F. Coroner
 - G. Health Department
 - H. Supervisor of Assessments
- 12. Standing Committee Reports
 - A. Planning, Building & Zoning
 - 1. Approval of an Intergovernmental Agreement between the Village of Millbrook and the County of Kendall to Administer the County's Ordinances for Zoning, Building Code, Subdivision Control, Comprehensive Plan, and Stormwater Management within the Jurisdiction of the Village of Millbrook for a Term of One (1) Year in the Amount of \$1.00 Plus Associated Costs Paid by the Village of Millbrook to the County of Kendall
 - 2. Approval of Petition 18 13 Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to Sections 3.02, 4.18, 7.01.D, 8.02.C, 8.03.H.1, 8.09.B, 9.02.C, 9.03.C, 9.04.C, 9.05.C, 9.06.F, 9.07.C, and 10.03.B of the Kendall County Zoning Ordinance by Amending Kendall County's Solar Panel Zoning Regulations
 - 3. Approval of Petition 18 26 Request from Maurice E. Ormiston as Trustee u/t/a No. 101 and Marilyn J. Ormiston as Trustee u/t/a 102 (Owners) and Gay Hoddy (Tenant) for a Special Use Permit to Operate a Banquet Center at 14905 Hughes Road (PIN: 04-34-100-001) in Fox Township and a Variance to Section 7.01.D .10.a of the Kendall County Zoning Ordinance to Allow a Banquet Center on a Non-Arterial or Non-Major Collector Roadway and a Variance to Section 11.02.F.2 of the Kendall County Zoning Ordinance to Allow Off-Street Parking and Driving Aisles to Not Be Improved with a Permanent, Concrete, Unit Paver, Asphalt Surface or Some Other Environmentally Friendly or Green Design Practice and a Variance to Section 11.02.F.12.B of the Kendall County Zoning Ordinance to Waive the Requirement for "Fully Shielded" or "Cut Off" Light Fixtures for the Parking Facility
 - **4.** Approval of Petition 18-28 Request from the Kendall County Planning, Building and Zoning Committee to Update the Kendall County Inoperable Vehicle Ordinance Including the Repeal of Ordinance 88-15
 - B. Highway
 - 1. Approve ordinance for altered speed zones on River Road and Little Rock Road
 - 2. Approve 5-year Surface Transportation Program for 2019 2023

- 3. Approve Joint Bridge Petition from Oswego Road District for emergency repairs to the Reservation Road Bridge in an amount not to exceed \$40,000
- 4. Approve resolution approving the low bid of Corrective Asphalt Materials in the amount of \$109,635 for crack filling on various county highways
- 5. Millington Bridge Update
- C. Facilities
 - 1. Approve contract with RB Crowther to replace a section of the Public Safety Center roof not to exceed \$72,950.00
 - 2. Approve 48 month electric supply contract starting June 2019 to June 2023 with Constellation New Energy, Inc. an Exelon Company at a fixed energy supply cost of \$0.03215/kWh
- D. Finance
 - 1. Approve Claims in an amount not to exceed \$1,117,860.59
 - 2. Approve Coroner Claims in an amount not to exceed \$891.65
 - 3. Approval of Release of March 16, 2017 Finance Executive Session Minutes
- E. Standing Committee Minutes Approval
- 13. Special Committee Reports
 - A. VAC
 - B. Historic Preservation
 - C. UCCI
- 14. Other Business
- 15. Chairman's Report

Appointments

Angie Hibben – Workforce Board – 2 year term – Expires September 2020

Announcements

- 16. Citizens to be Heard
- 17. Questions from the Press
- 18. Executive Session
- 19. Adjournment

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum 24-hours prior to the meeting time.

KENDALL COUNTY BOARD ADJOURNED JUNE MEETING August 21, 2018

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

The Kendall County Board Meeting was held at the Kendall County Office Building, Room 209, in the City of Yorkville on Tuesday, August 21, 2018 at 9:00 am The Clerk called the roll. Members present: Chairman Scott Gryder, Bob Davidson, Judy Gilmour, Audra Hendrix, Matt Kellogg, Matt Prochaska and John Purcell.

The Clerk reported to the Chairman that a quorum was present to conduct business.

THE MINUTES

Member Hendrix moved to approve the submitted minutes from the Adjourned County Board Meeting of 7/17/18. Member Prochaska seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

THE AGENDA

Member Gilmour moved to approve the agenda. Member Davidson seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

SPECIAL RECOGNITION

Honoring Terry F. Peshia

Member Purcell moved to approve the resolution honoring Terry F. Peshia. Member Kellogg seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Resolution 18-41 is available in the Office of the County Clerk.

CITIZENS TO BE HEARD

Todd Milliron spoke about Kendall County Petition 18-07 – special use permit issue being on the Kendall Township agenda.

Michael Way spoke about an Animal Control issue that he has yet to receive a return call from them.

Thomas Bromeland spoke about his concerns regarding the solar array. Concerns included noise levels; time parameters for construction; impact to develop his property; why utility poles installed; drainage; and training of fire departments and handling of emergency issues. Mr. Bromeland read the board an email from Andy Bromeland regarding the project manager, Borrego and their comps, the need to run utility poles, composition of solar panels for toxins and potential emergency issues.

Pat Kinnally on behalf of Tom Bromeland spoke about the solar energy panel situation; what is the urgency, this is being considered as a special use and he does not believe this is accurate and considers this as spot zoning, what is the highest and best use of the property no study has been done, this is not a private utility and if approved some plan is needed for decommissioning with respect to the use.

Bonnie Johnson expressed her concerns regarding the Newark collection facility; closest landowner concerns not been completely addressed, reports from all of the committees need to be reviewed and studied, safety concerns are valid, oversight by the county in terms of inspections, efficiency of solar relative to its risks and costs and the land.

OLD BUSINESS

Motion to Reconsider

Member Hendrix made a motion to reconsider the motion for recommendation for staff to choose an architect that the county has worked with in the recent past and/or have an agreement with to design, bid and build a system at the Public Safety Center that would encompass the chiller system and other items that need to be replaced. Member Prochaska seconded the motion.

County Administrator Scott Koeppel stated that they were looking for direction on what course to take.

Chairman Gryder asked for a roll call vote on the motion. Members voting aye Gryder and Hendrix. Members voting nay include Davidson, Gilmour, Kellogg, Prochaska, and Purcell. **Motion failed 5-2.**

NEW BUSINESS

HIDTA Grant

Member Hendrix moved to approve the HIDTA Grant G18CH0002A releasing funds in the amount of \$71,400.00. Member Hendrix seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Loan Modification

Member Hendrix moved to approve a \$225.00 per month four month loan modification trial plan, with an upfront interest and late fee payment, with Michael Manfre, James A. Manfre, and Priscilla Liberatore, borrowers under a revolving loan fund note executed on May 23, 2017. Member Davidson seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye except Kellogg. Motion carried 6-1.

ELECTED OFFICIALS REPORT AND OTHER DEPARTMENT REPORTS

Sheriff

Undersheriff Martin stated that the National Night Out was successful and the County Fair went well. They had a mock jail evacuation and completed a multi-jurisdictional sex offender verification checks. They had a Federal inspection of the correctional facility on August 6, 2018' they were pleased with the facility and how they handle day to day operations.

7/1/18-7/31/18

7/1/17-7/31/17

7/1/16-7/31/16

County Clerk

Revenue Report

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Line Item	Fund	Revenue	Revenue	Revenue
	County Clerk Fees	\$814.00	\$816.00	\$826.00
	County Clerk Fees - Marriage License	\$1,920.00	\$1,650.00	\$1,980.00
	County Clerk Fees - Civil Union	\$0.00	\$0.00	\$0.00
	County Clerk Fees - Misc	\$2,301.00	\$2,166.00	\$1,921.00
	County Clerk Fees - Recording	\$27,163.00	\$28,042.00	\$27,819.00
01010061205	Total County Clerk Fees	\$32,198.00	\$32,674.00	\$32,546.00
01010001185	County Revenue	\$43,574.25	\$41,567.75	\$32,537.50
38010001320	Doc Storage	\$16,273.00	\$16,356.00	\$16,546.00
51010001320	GIS Mapping	\$27,482.00	\$27,550.00	\$27,808.00
37010001320	GIS Recording	\$3,436.00	\$3,440.00	\$3,470.00
01010001135	Interest	\$21.77	\$18.85	\$27.69
01010061210	Recorder's Misc	\$875.50	\$1,508.00	\$4,199.75
81010001320	RHSP/Housing Surcharge	\$14,652.00	\$14,688.00	\$14,868.00
37210001575	Tax Certificate Fee	\$840.00	\$560.00	
37210001576	Tax Sale Fees	\$40.00		
37210001577	Postage Fees			
CK # 18505	To KC Treasurer	\$139,392.52	\$138,362.60	\$132,002.94

County Clerk, Debbie Gillette informed the board that there will be election judge training on September 24, 2018. Voter registration card have been sent out to notify voters of changes in polling places.

Treasurer

Office of Jill Ferko
Kendall County Treasurer & Collector
111 W. Fox Street Yorkville, IL 60560

Kendall County General Fund

QUICK ANALYSIS OF MAJOR REVENUES AND TOTAL EXPENDITURES

FOR EIGHT MONTHS ENDED 07/31/2018

REVENUES*	Annual <u>Budget</u>	2018 YTD <u>Actual</u>	2018 YTD <u>%</u>	2017 YTD Actual	2017 YTD <u>%</u>
Personal Property Repl. Tax	\$400,000	\$290,881	72.72%	\$342,889	92.67%
State Income Tax	\$2,470,000	\$1,666,413	67.47%	\$1,857,126	77.38%
Local Use Tax	\$630,000	\$461,608	73.27%	\$425,016	68.00%
State Sales Tax	\$550,000	\$349,748	63.59%	\$348,373	72.58%
County Clerk Fees	\$400,000	\$226,083	56.52%	\$262,395	79.51%
Circuit Clerk Fees	\$850,000	\$480,496	56.53%	\$489,099	51.48%
Fines & Foreits/St Atty.	\$380,000	\$197,009	51.84%	\$203,545	47.34%
Building and Zoning	\$65,000	\$51,037	78.52%	\$52,104	84.04%
Interest Income	\$86,500	\$128,981	149.11%	\$58,296	155.46%
Health Insurance - Empl. Ded.	\$1,299,440	\$774,896	59.63%	\$790,398	62.43%
1/4 Cent Sales Tax	\$2,950,000	\$1,982,063	67.19%	\$1,887,473	64.64%
County Real Estate Transf Tax	\$440,000	\$270,884	61.56%	\$276,274	69.69%
Correction Dept. Board & Care	\$832,200	\$874,312	105.06%	\$709,457	81.08%
Sheriff Fees	\$245,000	\$128,247	52.35%	\$140,811	55.22%
TOTALS	\$11,598,140	\$7,882,658	67.96%	\$7,843,257	68.82%
Public Safety Sales Tax	\$5,068,000	\$3,401,893	67.12%	\$3,305,036	65.21%
Transportation Sales Tax	\$4,750,000	\$3,401,893	71.62%	\$3,305,036	69.58%

^{*}Includes major revenue line items excluding real estate taxes which are to be collected

later. To be on Budget after 8 months the revenue and expense should at 66.67%

Treasurer, Jill Ferko stated that the second installment due date is approaching, they are seeing a pickup in mail and people coming in.

Clerk of the Court

Circuit Clerk, Robyn Ingemunson said that the State is trying to make all of Illinois uniform, HB4594, fine and fee assessment will make all counties charge the same.

State's Attorney

State's Attorney, Eric Weis stated that they had 2 graduate from drug court. Partial payment was received for one of their ASA's for their work in drug court. Mr. Weis thanked the Sheriff's office for the detective that has been assigned to the State's Attorney's office.

Coroner

Description	**	Month: July 2018	Fiscal Year-to-Date	July 2017
Total Deaths		37	206	17/219
Natural Deaths		36	189	14
Accidental Deaths	**	1	11	1
Pending		0	0	0
Suicidal Deaths		0	4	2
Homicidal Deaths		0	1	0
Undetermined		0	1	0
Toxicology		3	25	1/24
Autopsies		3	23	1/23
Cremation Authorizations		22	126	8/129

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Accidental Death(s):

1. 07/31/2018 - Sandwich - 18-year-old, Male, Probable Overdose

PERSONNEL/OFFICE ACTIVITY:

- 1. On July 2, 2018, Coroner Purcell and Dr. Tokars hosted an Opioid Study Group with local law enforcement and EMS personnel.
- 2. On July 10-11, 2018, Chief Deputy Coroner Gotte attended training at the Cook County Medical Examiner's Office regarding medicolegal death investigations.
- 3. On July 14, 2018, Coroner Purcell provided a presentation for the IL Search and Rescue Council regarding identification of human bones vs. animal bones during a search operation.
- 4. On July 17, 2018, Coroner Purcell attended the joint health board and county board meeting regarding how the nationwide opioid epidemic affects Kendall County.
- 5. On July 23-27, 2018 Coroner Purcell attended the International Association of Coroners and Medical Examiner's Annual Training Symposium in Las Vegas, NV, where she received her mandatory 24-hours of continuing education hours.
- 6. On July 24, 2018, Chief Deputy Coroner Gotte attended training at the Manhattan Fire Protection District regarding Mass Fatality Planning & Response from Rural Communities.

Health Department

Dr. Tokars announced that the flu clinic flyers will be posted soon and will begin in October. They will be a violence prevention training held on October 12, 2018.

Supervisor of Assessments

Supervisor of Assessments Andy Nicoletti stated that SB2306 was signed which will allow the disabled veterans exemption to be prorated, these are the ones that are service connected. Assessment rolls are in and balanced.

STANDING COMMITTEE REPORTS

Planning, Building and Zoning

Map Amendment Fox Metro Water Reclamation District

Member Davidson moved to approve a Request from the Fox Metro Water Reclamation District for a Map Amendment for 94.4 Acre +/-Parcels Located at 682 Route 31 and Identified by Parcel Identification Numbers 03-05-176-002, 03-05-302-001, 03-05-302-002, 03-05-302-004, 03-05-353-001, 03-05-353-002, 03-05-353-004, 03-05-353-006, 03-05-353-009, and 03-05-353-010 in Oswego Township from R-1 One Family Residential District with a Special Use Permit to M-1 Limited Manufacturing District. Member Purcell seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. Motion carried.

A complete copy of Ordinance 18-13 is available in the Office of the County Clerk.

Revoking Special Use

Member Davidson moved to approve a Request from Richard and Valvina Kaminski Revoking a Special Use Permit at 985 Harvey Road and the Property Immediately to the West of 985 Harvey Road and Identified by Parcel Identification Numbers 03-01-351-002 and 03-01-351-006 in Oswego Township; Property is Zoned A-1 Agricultural District. Member Kellogg seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Ordinance 18-14 is available in the Office of the County Clerk.

Letter of Support

Member Davidson moved to approve a request from the City of Sandwich for a Letter of Support of the City of Sandwich's Application for an Illinois Environmental Protection Agency 319 Watershed Plan Grant for the Little Rock Creek Watershed. Member Hendrix seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Petition 18-15

Member Davidson moved to Petition 18-15 – Request from Nancy Harazin on Behalf of Nancy L. Harazin Trust Number 101 for a Special Use Permit for a Public or Private Utility – Other (Solar Panels) at 16400 Newark Road, Approximately 0.2 Miles East of Route 71 on the South Side of Newark Road (PIN: 07-05-400-003) in Big Grove Township. Member Prochaska seconded the motion.

Member Gilmour spoke about the landscaping plan to help address some concerns.

Member Gilmour made a motion to postpone the vote until they have a proper landscaping plan (with the right set of trees and proper seed mix) in place until the September evening meeting. Member Hendrix seconded the motion.

Members discussed the landscape plan and the recommendations from the committee. Members discussed spot zoning and special use permits.

Margaret Blum spoke about the variety of and height of the trees and the mix of the seed.

Member Hendrix withdrew her second. Member Gryder seconded the motion. Chairman Gryder asked for a roll call vote on the motion. Members voting aye include Gilmour, Gryder and Prochaska. Members voting nay include Davidson, Hendrix, Kellogg and Purcell. **Motion failed 3-4.**

Members discussed why this falls under a special use in the A 1 District according to the county's current ordinance. Members discussed the training by the Newark Fire District and noise levels. Ms. Blum stated the benefits of solar energy.

Member Prochaska made a motion to add a County Agricultural Impact Mitigation Agreement that is consistent with the current state law be executed as a condition to Petition 18-15 and signed before construction. Member Davidson seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Chairman Gryder asked for a roll call vote on the motion for petition 18-15 with the new condition. All members present voting aye except Gilmour who voted nay. **Motion carried 6-1.**

A complete copy of Ordinance 18-15 is available in the Office of the County Clerk.

Finance

CLAIMS

Member Purcell moved to approve the claims in an amount not to exceed \$498,586.25. Member Kellogg seconded the motion.

COMBINED CLAIMS: FCLT MGMT \$24,799.54, B&Z \$2,272.09, CO CLK & RCDR \$249.01, ELECTION \$5,305.80, ED SRV REG \$6,112.92, SHRFF \$23,052.43, CRRCTNS \$19,337.34, EMA \$1,279.06, CRCT CT CLK \$5,734.81, JURY COMM \$531.96, CRCT CT JDG \$6,466.92, CRNR \$6,714.55, CMB CRT SRV \$657.53, PUB DFNDR \$840.33, ST ATTY \$14,197.10, TRSR \$194.33, EMPLY HLTH INS \$3,913.67, PPPOST \$333.81, OFF OF ADM SRV \$154.69, CO BRD \$507.25, TECH SRV \$30,483.93, PRPTY TX SRV \$16,690.26, FAC MGT UTLTS \$67.87, ECON DEV \$11.25, CO HWY \$70,472.03, CO BRDG \$122,076.52, TRNSPRT SLS TX \$30,736.33 HLTH & HMN SRV \$15,824.09, FRST PRSRV \$3,879.10, ELLIS HS \$2,279.52, ELLIS BRN \$192.65, ELLIS GRNDS \$689.89, ELLIS CMPS \$121.77, ELLIS RDNG LSSNS \$698.54, ELLIS BDAY PRTIES \$449.63, ELLIS PUB PRGMS \$151.50, ELLIS WDDNGS \$1,116.48, HOOVER \$2,982.91, ENV ED CMPS \$517.26, ENV ED NTRL BGNNNGS \$446.82, ENV ED OTHF PUB PRGMS \$91.24, GRNDS & NTRL RSRCS \$3,968.86, PCKRLL PGTT FP \$530.83, ANML MED CR FND \$676.09, ANML CNTRL EXPS \$354.07, CO RCDR DOC STRG \$311.79, DRG ABS EXP \$5,139.36, HIDTA \$32,841.93, SHRFF RNG FND \$154.97, CO CMSSRY FND \$244.18, COOK CO REIMB \$247.19, CRT SEC FND \$1,097.78, LAW LBRY FND \$5,128.99, PRBTN SRV \$4,751.66, KC DRG CT \$444.91, GIS \$110.30, CO RSRV FND \$2,600.00, EMPLY BNFT \$2,234.77, PUB SFTY \$3,327.00, SHRFF FTA FND \$552.02, CO ANML POP CNTRL \$554.50, VAC \$5,047.86, FP BND PRCDS '07 \$5,632.45

Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. Motion carried.

Coroner Claims

Chairman Gryder recused member Purcell from the vote; he shall be treated as if not here.

Member Hendrix moved to Approve Coroner Claims in an amount not to exceed \$6,714.55. Member Prochaska seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Accounting and Auditing Services

Member Purcell moved to approve accepting the Mack and Associates bid for accounting and auditing services for 3 years with the cost of \$61,450 in year 1, \$62,900 in year 2 and \$64,350 in year 3. Member Kellogg seconded the motion. Chairman Gryder asked for a roll call vote on the motion. Members voting aye include Davidson, Gilmour, Kellogg and Purcell. Members voting nay include Gryder, Hendrix and Prochaska. **Motion carried 4-3.**

Finance Committee's Recommendations

Member Kellogg moved to approve the Finance Committee's recommendations of a two percent FY2019 budget decrease county-wide, and up to a three percent salary increase for non-union employees. Member Davidson seconded the motion.

Members discussed the health insurance increase and current budget position. Members discussed the parameter for salary increase.

Chairman Gryder asked for a roll call vote on the motion. Members voting aye include Davidson, Gryder, Kellogg, Prochaska and Purcell. Members voting nay include Gilmour and Hendrix. **Motion carried 5-2.**

Hiring Freeze

Member Davidson moved to approve the resolution establishing a hiring freeze policy. Member Prochaska seconded the motion.

Members discussed the details of the resolution.

Member Hendrix moved to send the resolution establishing a hiring freeze policy to the HR Administration Committee. Member Kellogg seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

Highway

Member Kellogg informed the board that the bridge on Reservation Road is closed. County Engineer Fran Klaas explained that the Millington Bridge is delayed due to waiting on a beam.

STANDING COMMITTEE MINUTES APPROVAL

Member Purcell moved to approve all of the Standing Committee Minutes and Reports. Member Hendrix seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

SPECIAL COMMITTEE REPORTS

VAC

No report.

Historic Preservation

Mr. Asselmeier informed the board that they are working on the logistics for their annual meeting, they continue to evaluate the Historic Preservation ordinance and they are looking at criteria and categories for historic preservation awards.

Chairman's Report

Member Davidson moved to approve the appointment. Member Gilmour seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

Appointment

Dr. Anette K.S. Mnabhi – TB Board – 2 year term – Expires August 2020

CITIZENS TO BE HEARD

Todd Milliron commented on the budget and health insurance, he encourages the board to look into a HRA arrangement.

Thomas Bromeland spoke about the solar array and asked if the county is receiving any incentive, oversight questioned, many concerns not answered and he does not know what to expect with noise, tree line and drainage.

ADJOURNMENT

Member Purcell moved to adjourn the County Board Meeting until the next scheduled meeting. Member Prochaska seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

Approved and submitted this 4th day of September, 2018.

Respectfully submitted by, Debbie Gillette Kendall County Clerk

COUNTY OF KENDALL, ILLINOIS

PROCL	AMATI	NC	-		

National Suicide Prevention Awareness Month

WHEREAS; September is known around the United States as National Suicide Prevention Awareness Month and is intended to help promote awareness surrounding each of the Suicide Prevention resources available to us and our community. The simple goal is to learn how to help those around us and how to talk about suicide without increasing the risk of harm; and

WHEREAS; Suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and

WHEREAS; According to the CDC, each year more than 41,000 people die by suicide; and

WHEREAS; Suicide is the 10th leading cause of death among adults in the US, and the 2nd leading cause of death among people aged 10-24; and

WHEREAS; Kendall County is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, and parents, as partners in supporting our community in simply being available to one another; and

WHEREAS; local organizations like Suicide Prevention Services (SPS) and national organizations like the National Alliance on Mental Illness (NAMI) are on the front lines of a battle that many still refuse to discuss in public, as suicide and mental illness remain too taboo a topic to speak on; and

WHEREAS, every member of our community should understand that throughout life's struggles we all need the occasional reminder that we are all silently fighting our own battles; and

WHEREAS, I encourage all residents to take the time to inquire as to the wellbeing of their family, friends, and neighbors over the next few days and to genuinely convey their appreciation for their existence by any gesture they deem appropriate. A simple phone call, message, handshake, or hug can go a long way towards helping someone realize that suicide is not the answer.

NOW, THEREFORE, be it resolved that the Kendall County Board does hereby proclaim the month of September 2018, as National Suicide Prevention Awareness Month in County of Kendall, Illinois.

PRESENTED and ADOPTED by the County Board, this 18th day of September 2018.

Approved:	Attest:		
Scott R. Gryder, County Board Chairman	Debbie Gillette, County Clerk		



RENEWAL OF AND FIRST AMENDMENT TO THE 2016 INTERGOVERNMENTAL AGREEMENT BETWEEN KENDALL COUNTY, ILLINOIS AND COOK COUNTY, ILLINOIS FOR THE HOUSING OF DETAINEES

This Renewal and First Amendment (this "Renewal & Amendment") modifies the Intergovernmental Agreement effective September 14, 2016 (the "Agreement" or "IGA"), attached hereto as Exhibit "A," by and between the County of Cook, on behalf of the Sheriff of Cook County (collectively referred to as "Cook County") and the County of Kendall, on behalf of the Sheriff of Kendall County (collectively referred to as "Kendall County"), (collectively, the "Parties"). This Renewal & Amendment shall be effective September 14, 2018.

WHEREAS, the Parties desire to exercise the First Renewal Option set forth under Article III of the IGA; and

WHEREAS, the Parties desire to clarify the terms of the IGA for purposes of the cost of inmate medical care; and

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are conclusively acknowledged, the Parties mutually agree to amend the Agreement as follows:

- I. WAIVER. Both parties agree to waive the requirement that the agreement be renewed thirty (30) days prior to the expiration date, as set forth in Article III of the original Agreement. This waiver is limited to the 2018-2019 renewal.
- II. TERM. The first two sentences of Article III, "Term of the Agreement/Cancellation" shall be deleted and replaced with the following language: "The term of this IGA shall be from 9/14/18 and end on 9/15/20. The Parties may renew this IGA every two years, thereafter. The renewal must be in writing and signed by both parties. This IGA may be amended upon the mutual written agreement of the parties. Either party may terminate this Agreement at any time upon thirty (30) days written notice to the other party."

III. PER DIEM. Article IV, Section G, "Per Diem," is amended as follows:

1. <u>Inmate Housing Fee.</u> As consideration for the foregoing, Cook County agrees to provide compensation to Kendall County in the amount of Sixty dollars (\$60.00) per day, per detainee, and payment of each such sum in total shall be made monthly by Cook County as hereinafter specified. Failure of Cook County to so remit payment within a reasonable time as set forth below shall constitute breech of this Agreement and will constitute cause for termination. The Sixty dollars (\$60.00) per day fee shall be paid by Cook County even if an inmate is in the Kendall County facility for only a portion of a day. As such, for the purpose of this agreement, an inmate held by Kendall County at its facility shall be considered held for a whole day if the inmate is held for less than twelve (12) hours.

- 2. Medical Services Billing. In consideration of the terms set forth in Article IV, Section D, Subject (4) "Medical Services," Cook County shall be responsible for costs associated with "hospitalization, [and] non-routine medical and dental care, including prescriptions" for which Kendall County has incurred non-routine cost. Cook County shall satisfy medical services costs incurred pursuant to this IGA from the County Jail Medical Costs Fund established under Section 46-3 of the Cook County Code. See Ord. No. 10-O-48, 9-1-2010.
- 3. <u>Invoicing.</u> All billing records, evidence of services performed as may be required by Cook County shall be supplied by Kendall County. The Sheriff of Kendall County shall submit monthly invoices to Cook County citing the number of utilized beds at Sixty dollars (\$60.00) per day. Invoices if sent by mail will be sent to the Cook County Sheriff's Office, Finance Department, 69 W. Washington, Suite 1410, Chicago, IL 60602. Otherwise, such invoices may be sent via email to the Cook County Sheriff or his designee. Invoices are to be paid to the Sheriff of Kendall County within a reasonable time after their receipt, but in no case shall the time exceed 60 days from the date the invoice is dated and sent.

Except as set forth in this Renewal & Amendment, the IGA is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Renewal & Amendment and the Agreement or any earlier amendment, the terms of this Renewal & Amendment will prevail.

IN WITNESS WHEREOF, the President of the Cook County Board of Commissioners and the County Board Chairman of the Kendall County Board have caused this Renewal & Amendment to be executed.

County of Cook	County of Kendall
Toni Preckwinkle, President	Scott Gryder, Board Chairman
Acknowledged:	Acknowledged:
Thomas J. Dart Cook County Sheriff	Dwight A. Baird Kendall County Sheriff
Approved as to form:	
Cook County State's Attorney	

INTERGOVERNMENTAL AGREEMENT BETWEEN KENDALL COUNTY, ILLINOIS AND COOK COUNTY, ILLINOIS FOR THE HOUSING OF DETAINEES (2016)

This Agreement, made and entered into on the last day of signature below, between the COUNTY OF COOK, a body politic and corporate of Illinois, on behalf of the Sheriff of Cook County (collectively referred to as "Cook County") and the COUNTY OF KENDALL, a body politic and corporate of Illinois, on behalf of the SHERIFF OF KENDALL COUNTY (collectively referred to as "Kendall County"), pursuant to authority granted by the Illinois Constitution of 1970, Article VII, Section 10 and Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq.

I. RECITALS:

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, Intergovernmental Cooperation Act, 5 ILCS 220/1, provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government; and

WHEREAS, 5 ILCS 220/2, defines a public agency as follows:

"any unit of local government as defined in the Illinois Constitution of 1970, any school district, any public community college district, any public building commission, the State of Illinois, any agency of the State government or of the United States, or of any other State, any political subdivision of another State, and any combination of the above pursuant to an intergovernmental agreement which includes provisions for a governing body of the agency created by the agreement.

WHEREAS, the Cook County Department of Corrections has a need for additional housing of detainees committed to its care and custody; and

WHEREAS, Kendall County has available space for housing said detainees committed to the care and custody of the Sheriff of Cook County; and

WHEREAS, it is understood that detainee populations vary greatly each day, and it is further understood that the Kendall County Jail will be utilized by the Cook County Sheriff's Office to place detainees in a secure environment to help address overcrowding, segregation and/or other issues facing the Cook County Department of Corrections and its detainee population;

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, Cook County and Kendall County hereby agree as follows:

II. INCORPORATION OF RECITALS:

The recitals set forth above are incorporated herein as though fully set forth.



III. TERM OF AGREEMENT/CANCELLATION:

This Agreement shall become effective upon the date of acceptance and signature by all parties. The term of this Agreement shall be two (2) years from said date of acceptance by all parties. This Agreement may, provided a need continues to exist, be renewed in writing thirty (30) days prior to the expiration date for a period not to exceed two (2) years for each renewal. This Agreement may be cancelled by any party upon thirty (30) days written notice to all parties.

IV. PROVISION OF DETENTION, SERVICES:

A. DETAINEE HOUSING SERVICES:

The Kendall County agrees to provide detainee Housing Services ("Housing") for Cook County detainees as hereinafter provided. Housing is defined as the secure incarceration of detainees delivered to Kendall County by officials of the Cook County Department of Corrections.

B. DETENTION STANDARDS:

Kendall County agrees to operate the Kendall County Jail in accordance with state and federal law, including but not limited to, the Unified Code of Corrections and Illinois County Jail Act, and all other applicable laws regarding adequate care, food, bedding, clothing, inspection, supervision, mail privileges, personal hygiene and facilities, haircuts, recreation, commissary, laundry, religious ministrations and access to a television or a radio system.

C. LOCATION OF HOUSING:

Kendall County and Cook County further agree that all housing to be made available by Kendall County will be at the Kendall County Jail located at 1102 Cornell Lane Yorkville IL 60560 until such time as the detainee housed for Cook County will be transferred. No other Kendall County facility shall be utilized under this Agreement.

D. SCOPE OF SERVICES:

Cook County and Kendall County further agree as follows:

- Commissary: The Sheriff of Kendall County shall maintain a commissary
 account for each Cook County detainee for the purposes of permitting purchases
 as allowed by the rules and regulations of the Kendall County Detention Center.
- 2. Inmate Funds: The Sheriff of Kendall County agrees to hold private monies of Cook County detainees while they are in the Kendall County Jail. If a detainee is released, a check may be issued for any remaining commissary funds and given to the Cook County Transport Deputy to be returned back to Cook

- County or, Cook County may request by email any remaining commissary funds to be mailed to Cook County. If a detainee is transferred to another detention or correctional facility, he or she may request in writing that the funds be sent to the new facility; the detainee must supply the name and address of the facility and a proper inmate identification number.
- 3. Clothing: Kendall County will provide appropriate jail uniforms for each detainee accepted under this Agreement.
- 4. Medical Services: Kendall County shall provide all reasonable and necessary medical, dental and psychological care to Cook County detainees confined in the Kendall County jail under this agreement while such detainees are residents of the Kendall County facility. Reasonable and necessary care is that which is required by applicable law. Kendall County shall provide such in-house medical, optical, dental, medical prescription care and psychological services provided to other detainees confined in the Kendall County Jail. It is expressly agreed by and between the parties hereto that hospitalization, non-routine medical and dental care, including prescriptions, or any such Cook County detainee care, where such hospitalization, non-routine medical and dental care, including prescriptions, is authorized and mandated by any physician in the employ of, or under contract to the County of Kendall will be the financial responsibility of Cook County, for said detainee or detainees. In consideration thereof, Cook County shall pay to Kendall County the costs of hospitalization, non-routine medical and dental care, including prescriptions if such medical care is not billed directly by the medical provider to Cook County, as well as the actual costs of compensation of the guard or guards provided. At the time of admission or as soon thereafter as possible, the Sheriff of Kendall County shall notify the Sheriff of Cook County of the fact and the name of such hospitalization. If a Cook County detainee is admitted for in-patient services, the Sheriff of Cook County will provide the guard or guards as required during the time of such in-patient care.
- 5. P.R.E.A. Compliance: As of the date of execution of this Agreement, the Sheriff of Kendall County has adopted and the Kendall County Jail is in substantial compliance with the national standards to prevent, detect and respond to sexual abuse and sexual harassment as outlined in the applicable provisions of the Prison Rape Elimination Act (P.R.E.A.) 28 C.F.R. Parts 115.5 through 28 C.F.R. 115.405 including monitoring to ensure compliance with said standards.
- 6. Non Discrimination: The Sheriff of Kendall County agrees that no Cook County detainee confined in Kendall County facility under the terms of this Agreement shall on the grounds of age, gender, race, color, religion or national origin be subjected to discrimination in any manner relating to their confinement.

E. NUMBER OF DETAINEES:

The Sheriff of Kendall County agrees to provide housing for Cook County detainees as hereinafter provided. It is expressly agreed by and between the parties hereto that the Sheriff of Cook County shall send and the Sheriff of Kendall County shall accept, subject to space availability, detainees to be housed in the Kendall County Jail. It is further agreed by and between the parties hereto that the Sheriff of Kendall County shall make available to the Sheriff of Cook County any appropriate housing that can be conveniently provided when needed, subject to the needs of Kendall County and the Sheriff of Kendall County.

It is further expressly agreed by and between the parties hereto that the Sheriff of Kendall County shall not be obligated to accept Cook County detainees who exhibit or have exhibited any manifest physical or mental health problems or incorrigible behavior. The Sheriff of Kendall County may contact the Sheriff of Cook County or his designee to return forthwith to the Cook County Department of Corrections any previously accepted detainee who consistently violates the rules and regulations of the Kendall County Correctional Facility or who constitutes a continuing disciplinary problem and interrupts the orderly administration of the Kendall County facility.

F. CLASSIFICATION OF INMATES:

Cook County agrees that the detainees to be housed by the Sheriff of Kendall County will be limited to the following classified offenders:

- 1. Detainees currently serving sentences imposed for commission of a misdemeanor who are within one year of release.
- 2. Detainees currently serving sentences imposed for commission of felony offenses who, as a condition of probation, are required to be incarcerated for a period of six months or less.
- 3. Detainees who are of pre-trial and pre-sentence classification as chosen by Cook County staff.

The Sheriff of Kendall County agrees to accept and securely keep all such detainees delivered to him under the terms of this Agreement.

G. PER DIEM:

As consideration for the foregoing, Cook County agrees to provide compensation to Kendall County in the amount of Sixty dollars (\$60.00) per day, per detainee, and payment of each such sum in total shall be made monthly by Cook County as hereinafter specified. Failure of Cook County to so remit payment within a reasonable time as set forth below shall constitute breech of this Agreement and will constitute cause for termination. The Sixty dollars (\$60.00) per day fee shall be paid by Cook County even if an inmate is in the Kendall County facility for only a portion of a day. As such, for the purpose of this

agreement, an inmate held by Kendall County at its facility shall be considered held for a whole day if the inmate is held for less than twelve (12) hours.

All billing records, evidence of services performed as may be required by Cook County shall be supplied by Kendall County. The Sheriff of Kendall County shall submit monthly invoices to Cook County citing the number of utilized beds at Sixty dollars (\$60.00) per day. Invoices if sent by mail will be sent to the Cook County Sheriff's Office, Finance Department, 69 W. Washington, Suite 1410, Chicago, IL 60602. Otherwise, such invoices may be sent via email to the Cook County Sheriff or his designee. Invoices are to be paid to the Sheriff of Kendall County within a reasonable time after their receipt, but in no case shall the time exceed 60 days from the date the invoice is dated and sent.

H. TRANSPORTATION OF DETAINEES:

Cook County, at its own expense, shall deliver any and all detainees to the Kendall County jail, together with a duly authenticated copy of commitment, mittimus, and any other papers or documents authorizing detention.

- A specific time for delivery and pick up of detainees will be agreed upon by both parties unless exigent circumstances exist or other coordinated agreements are mutually made.
- 2. Cook County will provide a summary of the personal history of each detainee, to include their booking information, behavior and health records, to the Sheriff of Kendall County for each detainee to be incarcerated in the Kendall County jail. Such information shall precede or accompany each detainee.
- 3. It is further expressly agreed by and between the parties hereto that Cook County detainees held in Kendall County pursuant to this agreement may not be removed by any person or persons without an order or writ from a court of competent jurisdiction or permission from the Sheriff of Cook County, or his designee, except for emergency medical treatment.
- 4. Cook County detainee transportation to other origins or facilities from the Kendall County Jail by Kendall County employees will have to be previously agreed upon between the Sheriffs of Cook and Kendall County or their designees on a case by case basis. Kendall County has the right to deny any transports in its own discretion. In the event the Sheriff of Kendall County agrees to transport, Cook County agrees to reimburse the Sheriff of Kendall County for any and all fees associated with said transport, including, but not limited to fuel, lodging, meals, transport Deputy wages, etc. Such expenses shall be reimbursed within 60 days from the date the invoice for such transportation is dated and sent.
- 5. The Sheriff of Kendall County shall, at no additional expense to Cook County, comply with all writs and other valid process, including the transportation of

detainees within Kendall County. Provided, however, that if a writ is issued for appearance outside of Kendall County, such as in a Cook County Court, the Cook County Sheriff shall provide all transport unless other arrangements are made pursuant to the preceding paragraph.

I. RELEASE FROM CUSTODY:

It is further expressly agreed by and between the parties hereto that any Cook County detainee in the Kendall County Jail who is subject to discharge by due course of law shall be returned to the custody of the Cook County Sheriff on the day prior to that set for discharge and the transportation of said detainee shall be the sole responsibility of the Cook County Sheriff, unless other arrangements are agreed upon pursuant to Section IV (H) (4) above. It shall be the responsibility of the Cook County Sheriff or his designee to notify the Kendall County Sheriff or his designee of an upcoming return date at least twenty-four (24) hours, but not more than forty-eight (48) hours in advance of such return date.

J. MERITORIOUS GOOD TIME:

It is expressly agreed by and between the parties hereto, that all good time to be awarded to any detainee of Cook County housed in the Kendall County facility will be awarded by the original incarcerating authority, pursuant to the County Jail Good Behavior Allowance Act, 730 ILCS 130/1 et seq., and all sentence computations for Cook County detainees serving sentences and confined in the Kendall County jail will be prepared by the Sheriff of Cook County.

K. USES OF FORCE AND OTHER INCIDENTS INVOLVING COOK COUNTY DETAINEES:

If a use of force is made against a Cook County detainee while in the custody of the Kendall County Sheriff, Kendall County shall immediately notify a designee of the Cook County Department of Corrections and forward any/all paperwork generated in connection with the use of force. In the event there are other types of incidents involving Cook County detainees, including but not limited to the discipline of Cook County detainees or the filing of a grievance or complaint by a Cook County detainee, Kendall County shall notify a designee of the Cook County Department of Corrections of the incident and forward all relevant documentation as soon as practicable.

In the case of the escape or attempted escape of a Cook County prisoner confined in the Kendall County Jail, the Kendall County Sheriff shall notify the Cook County Sheriff promptly and use all reasonable means to recapture the prisoner. The escape of a Cook County prisoner will be reported immediately by telephone to the Cook County Sheriff or his designee. The date of such escape and the return to custody must be reported in writing to the Cook County Sheriff or his designee within forty-eight (48) hours.

L. RULES AND REGULATIONS:

It is agreed by and between the parties hereto that Cook County detainees transferred under this Agreement are subject to the rules and regulations of the Kendall County jail and the privileges or restrictions attaching thereto, and are subject to no other rules and regulations or the granting of any privileges attaching to the Cook County Department of Corrections.

It is further expressly agreed, by and between the parties hereto, that the Kendall County Sheriff will accept no responsibility for compliance with the rules, regulations, or polices of the Cook County Sheriff regarding contact visitation, programs, facilities or privileges which may be provided by the Cook County Sheriff to prisoners while confined in the Cook County Jail(s).

M. INDEMNIFICATION:

To the extent allowable by law, Kendall County shall indemnify, defend, and hold harmless Cook County and its agents, officers, and employees against any and all liabilities, claims, demands or suits in regard to claims of any intentional tort or for any claim that is based upon willful or wanton conduct only, which arises out of practice, policy, rule, regulation, act or omission of Kendall County, or the Kendall County Sheriff, or any officers, agents, employees, or servants or either, relating to the custody, care, supervision or transport of any Cook County detainee in the custody of the Kendall County Sheriff or relating to the maintenance of their property or premises.

To the extent allowable by law, Cook County shall be responsible for and shall indemnify, defend and hold harmless Kendall County, the Sheriff of Kendall County, and their agents, officers, and employees from any and all liabilities, claims, demands or suits brought by any detainee of Cook County housed pursuant to this Agreement, which arise out of any act or omission of Cook County, the Sheriff of Cook County, or any agents, employees or servants thereof relating to their care, custody, supervision or transport of any Cook County detainee while in the custody of the Cook County Sheriff.

It is further agreed that all employee benefits, wage and disability payments, pension and worker's compensation claims, damage to or destruction of equipment, facilities, clothing and related medical expenses of the Sheriff of Kendall County or his agents or employees which may result from the presence of Cook County detainees during contractual incarceration shall be the responsibility of Kendall County.

Neither party waives its immunities or defenses, whether statutory or common law, by reason of indemnification and insurance provisions of the Agreement.

N. INSURANCE:

Kendall County agrees that it shall maintain liability insurance of one (1) million dollars per occurrence and three (3) million dollars in aggregate with an excess umbrella policy of nine (9) million dollars. Certificates of such insurance detailing the coverage described

herein shall be available to the County of Cook upon execution of this agreement.

Alternatively, a self-insurance reserve of two (2) million with excess coverage of thirty (30) million is acceptable if Kendall County self-insures.

O. APPLICABLE LAW:

This Agreement shall be interpreted and enforced under the laws of the State of Illinois, and the parties agree that the venue for any legal proceedings between them shall be Kendall County, Twenty Third Judicial Circuit, State of Illinois.

P. FINAL AGREEMENT OF PARTIES/MODIFICATION:

This writing constitutes the final expression of the agreement of the parties. It is intended as a complete and exclusive statement of the terms of this Agreement, and it supersedes all prior and concurrent promises, representations, negotiations, discussions and agreements that may have been made in connection with the subject matter hereof.

No modification of this Agreement shall be binding upon the parties hereto unless the same is in writing and appropriately executed by both parties.

Q. NOTICES:

All Notices given or sent hereunder shall be sent by United States Mail, postage prepaid, addressed to respective party at the following addresses:

Cook County:

General Counsel

Cook County Sheriff's Office 50 W. Washington, Room 704

Chicago, IL 60602

Kendall County:

Kendall County Sheriff

Kendall County Sheriff's Office

1102 Cornell Lane

Yorkville, Illinois 60560

With copy sent to:

Kendall County State's Attorney

807 John Street

Yorkville, Illinois, 60560 Attention: Eric Weis

R. AUTHORIZATION:

Cook County and Kendall County represent that all necessary acts have been taken to authorize and approve this argument in accordance with applicable law and this Agreement, when executed by the parties hereto, shall constitute a binding obligation of Cook County and Kendall County, legally and enforceable at law and equity against both.

S. SEVERABILITY CLAUSE:

If any provision of this Agreement is held to be invalid, that provision shall be stricken from this Agreement and the remaining provisions shall continue in full force and effect to the fullest extent possible.

T. COUNTERPARTS

This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Kendall County C	Jerk			
Revenue Report		8/1/18-8/31/18	8/1/17-8/31/17	8/1/16-8/31/16
Line Item	Fund	Revenue	Revenue	Revenue
	County Clerk Fees	\$882.50	\$971.50	\$1,026.50
	County Clerk Fees - Marriage License	\$2,730.00	\$2,040.00	\$2,010.00
	County Clerk Fees - Civil Union	\$0.00	\$0.00	\$0.00
	County Clerk Fees - Misc	\$2,530.50	\$1,999.50	\$2,175.00
	County Clerk Fees - Recording	\$29,893.00	\$33,373.00	\$35,447.00
01010061205	Total County Clerk Fees	\$36,036.00	\$38,384.00	\$40,658.50
01010001185	County Revenue	\$54,149.50	\$46,851.25	\$46,097.25
38010001320	Doc Storage	\$17,504.50	\$19,882.50	\$20,551.50
51010001320	GIS Mapping	\$29,539.00	\$33,563.00	\$34,552.00
37010001320	GIS Recording	\$3,693.00	\$4,193.00	\$4,312.00
01010001135	Interest	\$17.76	\$23.59	\$32.99
01010061210	Recorder's Misc	\$5,910.25	\$9,282.75	\$2,146.50
81010001320	RHSP/Housing Surcharge	\$15,885.00	\$17,487.00	\$18,477.00
37210001575	Tax Certificate Fee	\$440.00	\$560.00	
37210001576	Tax Sale Fees	\$40.00	\$899.00	
37210001577	Postage Fees		\$0.00	
CK # 18526	To KC Treasurer	\$163,215.01	\$171,126.09	\$166,827.74
	L Surcharge sent from Clerk's office \$948.00	ck # 18524		
Dom Viol Fund se	nt from Clerk's office \$455.00 ck # 18525			

Office of Jill Ferko

Kendall County Treasurer & Collector 111 W. Fox Street Yorkville, IL 60560

Kendall County General Fund

QUICK ANALYSIS OF MAJOR REVENUES AND TOTAL EXPENDITURES FOR NINE MONTHS ENDED 08/31/2018

REVENUES*	Annual <u>Budget</u>	2018 YTD <u>Actual</u>	2018 YTD <u>%</u>	2017 YTD Actual	2017 YTD <u>%</u>
Personal Property Repl. Tax	\$400,000	\$296,689	74.17%	\$345,889	93.48%
State Income Tax	\$2,470,000	\$1,824,110	73.85%	\$2,087,072	86.96%
Local Use Tax	\$630,000	\$518,066	82.23%	\$473,614	75.78%
State Sales Tax	\$550,000	\$399,467	72.63%	\$393,035	81.88%
County Clerk Fees	\$400,000	\$258,281	64.57%	\$295,069	89.41%
Circuit Clerk Fees	\$850,000	\$546,676	64.31%	\$552,521	58.16%
Fines & Foreits/St Atty.	\$380,000	\$222,386	58.52%	\$229,659	53.41%
Building and Zoning	\$65,000	\$57,035	87.75%	\$60,536	97.64%
Interest Income	\$86,500	\$151,385	175.01%	\$72,289	192.77%
Health Insurance - Empl. Ded.	\$1,299,440	\$867,260	66.74%	\$878,817	69.41%
1/4 Cent Sales Tax	\$2,950,000	\$2,273,819	77.08%	\$2,149,118	73.60%
County Real Estate Transf Tax	\$440,000	\$314,458	71.47%	\$317,842	80.18%
Correction Dept. Board & Care	\$832,200	\$975,652	117.24%	\$898,137	102.64%
Sheriff Fees	\$245,000	\$149,461	61.00%	\$160,620	62.99%
TOTALS	\$11,598,140	\$8,854,745	76.35%	\$8,914,219	78.22%
Public Safety Sales Tax	\$5,068,000	\$3,904,157	77.04%	\$3,752,191	74.04%
Transportation Sales Tax	\$4,750,000	\$3,904,157	82.19%	\$3,752,191	78.99%

^{*}Includes major revenue line items excluding real estate taxes which are to be collected later. To be on Budget after 9 months the revenue and expense should at 75.00%

EXPENDITURES

All General Fund Offices/Categories

\$28.534.189	\$20.333.420	71.26%	\$20.219.295	72.63%
WEU, JUJ 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	WED.JJJ.TEU	11.20/0	WEU,E 13,E33	1 2.00 /0



Kendall County Coroner

JACQUIE PURCELL -

Description	**	Month: August 2018	Fiscal Year-to- Date	August 2017
Total Deaths		24	230	24/243
Natural Deaths		23	212	19
Accidental Deaths		0	11	5
Pending		0	0	0
Suicidal Deaths		0	4	0
Homicidal Deaths		0	1	0
Undetermined	*	1	2	0
Toxicology		1	26	4/28
Autopsies		1	24	3/26
Cremation		15	141	12/141
Authorizations				-

Scenes Responded to:		Transported by Coroner's Office:	External Examinations:
	9	6	1

**

Undetermined Death(s):

1. 08/04/2018 – Montgomery – 30-year-old, Male, Skeletal Remains found on island in Fox River

PERSONNEL/OFFICE ACTIVITY:

- 1. August 8, 2018, Coroner Purcell attended the IL Coroner's & Medical Examiner's Association Executive Board meeting in Collinsville, IL.
- 2. August 6 10, 2018, Chief Deputy Coroner Gotte attended training at the Kane County Sheriff's Office where he received his certification as a firearms instructor.

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building Rooms 209 & 210 111 W. Fox Street, Yorkville, Illinois 6:30 p.m.

Meeting Minutes of September 10, 2018 - Unofficial until approved

CALL TO ORDER

The meeting was called to order by Chairman Davidson at 6:34 p.m.

ROLL CALL

<u>Committee Members Present</u>: Bob Davidson (Chairman), Judy Gilmour, Scott Gryder, and Matt Kellogg (Vice Chairman)

<u>Committee Members Absent</u>: Lynn Cullick

<u>Also Present</u>: Matt Asselmeier (Senior Planner), Laura Hubbard, Boyd Ingemunson, Mark Caldwell, Jerry Callaghan, Linda Fosen, Kirk Friestad, Bob Friestad, Madison Friestad, Scott Friestad, Linette Halcomb, Kristen Friestad, Don Anderson, Jim Williams, Peter Pasteris, Gay Hoddy, and Paul Pope

APPROVAL OF AGENDA

Motion by Member Gilmour, seconded by Member Gryder, to amend the agenda by moving Petition 18-27 to the first item under Petitions. With a voice vote of four (4) ayes, the motion carried. Motion by Member Kellogg, seconded by Member Gryder, to approve the agenda as amended. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Member Kellogg, seconded by Member Gryder, to approve the minutes of the August 13, 2018 meeting. With a voice vote of four (4) ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims report. Member Gryder requested verification that adequate funds exist to pay the Plumbing Inspector; these costs are usually pass-throughs. Mr. Asselmeier will verify that information. Motion by Member Gryder, seconded by Member Gilmour, to forward the claims to the Finance Committee. With a voice vote of four (4) ayes, the motion carried.

Mr. Asselmeier noted that the Postage, Books/Subscriptions, Legal Publications, Plumbing Inspections, and Recording Expense Line Items were over one hundred percent (100%). The Plumbing Inspection and Recording Expense Line Items are pass-throughs.

Mr. Asselmeier stated that the Part-Time Office Assistant Zoning position is open because the person previously in that position resigned the previous week. The consensus of the Committee was to publicize and fill the vacancy.

PUBLIC COMMENT

Kirk Friestad, Chicago Road, stated his opposition to the proposed changes to the Future Land Use Map in Lisbon Township. He questioned why this proposal was under consideration because the area is a prime agricultural area.

Member Kellogg explained that the majority of the information in the proposal was contained in the Village of Lisbon's Comprehensive Plan from 2009.

Linda Fosen, Townhall Road, objected to the planning area to be one-half (1/2) mile on either side of Route 47. Chairman Davidson said that space was needed for frontage roads and commercial and industrial users. Ms. Fosen suggested a quarter (1/4) mile on either side of Route 47.

Kristin Friestad, Quarry Road, requested clarification if someone approached the County to make these changes. The changes were proposed because of the widening of Route 47 and to correspond to the Village of Lisbon's Comprehensive Plan. She requested that the map remain unchanged. She expressed concerns about the ability of the County to deny rezoning requests to mining if the proposal is adopted.

Jerry Callaghan, attorney for Green Organics, stated he was in attendance because of the proposed special use permit amendment. Chairman Davidson said that Mr. Callaghan could make his remarks when the special permit item came up during the meeting.

Madison Friestad, Quarry Road, provided handouts with aerials showing the current land uses and proposed land uses. She also provided pictures of the area. She would like the plan revisited in a few years.

Bob Friestad, Whitewillow Road, expressed concerns regarding the loss of farmland. He would like to see his family continue to farm in the area. Chairman Davidson mentioned the development along Route 59 and Naperville.

Linette Halcomb, West Sherrill Road, provided a history of her family's farming activities in the area going back to the 1840s. She showed a picture of the farmstead from the 1800s. She requested the Committee to consider the need for food and provided statistics on hunger. She believed that quarries should ask permission if they wish to open or expand in Kendall County.

PETITIONS

<u>Petition 18-27-Request from Laura Hubbard for a Conditional Use Permit to Hold a Seasonal</u>
<u>Event on September 29, 2018 and September 30, 2018 at 7626 Ashley Road, Yorkville, Kendall Township</u>

Mr. Asselmeier reported that Ms. Hubbard amended her request from earlier this year by expanding the September event to a two (2) day festival. She is rerouting traffic off of Route 126, but no other changes exist to her proposal. The Sheriff's Department expressed no concerns regarding this proposal. The Planning, Building and Zoning Department has not received any complaints from the Petitioner's previous events. The proposed dates are a Saturday and Sunday.

Motion by Member Gryder, seconded by Member Gilmour, to approve of the conditional use permit as requested.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg

Nays (0): None Abstain (0): None Absent (1): Cullick

The motion carried.

Petition 18-04- Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

The Comprehensive Land Plan and Ordinance Committee suggested holding an informational meeting on November 28th at 5:00 p.m. and that every property owner within one (1) mile of an impacted property should be notified.

The proposed changes include the following:

- 1. Changing the Agricultural Area West of Route 47 from Slightly South of Townhall Road to the Kendall/Grundy County Line to Mining.
- 2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial.
- 3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial.
- 4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial.
- 5. Removing Rural Settlement Classification from Map.
- 6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business.
- 7. Incorporating the Village of Lisbon's Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan.
- 8. Incorporate the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map.
- 9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map.

The consensus of the Committee was to waive attorney/client privilege regarding the opinion of the State's Attorney's Office on notification. The opinion of the State's Attorney's Office was notification was not required in State law for updates to land resource management plans. Land resource management plans and the recommendations of planning commissions are advisory only. Nothing in State law prevented notification from occurring.

The Committee compared the proposal to the Village of Lisbon's Future Land Use Map.

Member Kellogg asked if the Village of Lisbon was considering changing their Future Land Use Map. Mr. Asselmeier was unsure if the Village of Lisbon had plans to update their map. Staff was unaware when the last time the Village of Lisbon reviewed their map.

Don Anderson, Ashley Road, suggested not making any changes because the Village of Lisbon already planned the area. The Village of Lisbon has more control than the County.

Motion by Member Gryder, seconded by Chairman Davidson, to forward the Petition 18-04 to the Committee of the Whole for their October meeting and to invite representatives from the Village of Lisbon and Village of Plattville to the October Planning, Building and Zoning meeting.

Member Gilmour expressed concerns about forwarding the proposal at this time due to lack of information.

Yeas (3): Davidson, Gryder, and Kellogg

Nays (1): Gilmour Abstain (0): None Absent (1): Cullick

The motion passed. This matter will return to the Planning, Building and Zoning Committee on October 9th and the Committee of the Whole on October 11th.

<u>Amended Petition 18-07-Kendall County Planning, Building and Zoning Committee</u>
Mr. Asselmeier summarized the request.

This proposed text amendment was originally initiated because the Zoning Ordinance does not have a clear procedure for renewing special use permits. In reviewing all of the existing special use permits, twenty-seven (27) require some form of review or renewal. Additionally, in the future, the County Board may impose time limits on future special use permits. This proposal evolved into its current form as the Planning, Building and Zoning Committee and Kendall County Regional Planning Commission reviewed the proposal. Ultimately, the proposal called for amending the text of the Zoning Ordinance to allow the County Board to amend or revoke special use permits for any reason by a simple majority vote. This proposal only applies to special use permits issued after the date of adoption of this ordinance.

The Planning, Building and Zoning Committee reviewed the original proposal on February 13th and unanimously approved initiating the text amendment process. The Planning, Building and Zoning Committee reviewed the concerns raised by the Kendall County Regional Planning Commission at their May and June meetings and ultimately approved this text amendment proposal in its current form.

ZPAC reviewed the original proposal at their meeting on March 6th and unanimously recommended approval of the original proposal.

The Kendall County Regional Planning Commission believed that amendments and revocations should only occur after a special use permit holder had been found guilty in court and such revocations and amendments should occur by super-majority votes of the County Board. The Kendall County Regional Planning Commission also expressed concerns about the investments that special use permit holders made in their property and business that could be lost if a special use permit was revoked. Concerns about obtaining business loans were expressed on several occasions and that this proposal would discourage business. The Kendall County Regional Planning Commission also did not like the potential for litigation. Concerns about the County Board behaving arbitrarily on revocations or amendments were also expressed. The

Planning, Building and Zoning Committee was also informed of the Kendall County Regional Planning Commission's concerns about holding property and special use permit holders accountable for violations of previous property and/or special use permit holders. The Planning, Building and Zoning Committee did not share the concerns of the Kendall Regional Planning Commission on these matters and they (the Planning, Building and Zoning Committee) believed the County Board should have the ability to amend and/or revoke special use permits as outlined in the proposal. At their meeting on July 25, 2018, the Kendall County Regional Planning Commission unanimously recommended denial with eight (8) members of the Commission present.

Staff previously mailed notices of the meetings and a copy of the proposal to all special use permit holders on file.

The following comments on this subject were made at the March 28, 2018, Kendall County Regional Planning Commission meeting:

Roger Smith, Tyler Road, provided a history of his special use permit for a mobile home on his property. He was not in favor of the proposed changes.

Pat Kinnally, attorney for Bryan Holdings, Aurora, expressed concerns about the lack of clarity for grandfathering. He also expressed concerns about the difference between minor and major amendments to special use permits and the power of the Zoning Administrator. Mr. Kinnally did not want the actions of previous property owners to have an impact on whether or not a special use permit is revoked or renewed.

George Ostreko, East Beecher Road, said that he has not been inspected by Kendall County since he bought the property in the 1984. His special use permit is for mining.

The following comments on the subject were at the June 27, 2018, Kendall County Regional Planning Commission meeting:

Todd Milliron, Yorkville, does not like the simple majority language. He would like a supermajority vote of the County Board. He would like to see cause, documentation, and due process when amendments to or revocation of special use permits are considered.

Peter Pasteris, Johnson Road, expressed concerns regarding the proposal. He does not believe a special use permit should be revoked or amended if someone is following the provisions of their special use permit.

The following comments on the subject were made the July 25, 2018, Kendall County Regional Planning Commission meeting:

The proposal will not impact the campground on Van Emmon.

Dan Koukol, Oswego Township, said many of the special use permit holders employ many people in Kendall County. These employees spend money in Kendall County. The Comprehensive Land Plan and Solid Waste Plan are constantly updated. Families have been built on the special use permits. Mr. Koukol was also concerned that fewer than six (6) votes could be required to revoke someone's special use permit. He also expressed concerns that these special use permit holders will not get financing. If a

special permit holder makes four (4) County Board members angry, they could lose their special use permit.

Jerry Callaghan, attorney for Green Organics, argued that the grandfathering provisions were not clear. Does "upon revocation" mean that someone has to cease immediately? He stated that people cannot just cease an activity because of private property rights. There are no standards for revocation or amendment of special use permits which makes it difficult for people and businesses to make business decisions.

Peter Pasteris, Johnson Road, stated that his farm means a lot to him. He looked at his special use permit as a way to save their farm. He discussed the multiplier effect of his business on hotels, caterers, kids doing jobs, and similar businesses and people. He thinks that, if this proposal is approved, some of the growth will cease. He expressed concerns that he could loss his grandfathering if he makes changes to the layout of the site.

Megan Jensen, Caton Farm Road, stated that they went through the special use process two (2) years ago. She expressed concerns regarding the impact of potential changes to their special use permit. They purchased their property on the condition that the zoning must be approved. If the special use permit were revoked, that revocation would negatively impact their use of the property. The people applying for special use permits are trying to follow the rules.

Pete Bielby, Fox River Drive, asked how many special use permits did not run with the land. Mr. Asselmeier said very few. His special use permit runs with the land.

Nobody in audience at the July 25th meeting expressed support of the proposed amendment.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on July 30, 2018. The Kendall County Zoning Board of Appeals unanimously recommended denial of the proposal.

The following testimony and comments on the subject were made the July 30, 2018, Kendall County Zoning Board of Appeals meeting:

Jerry Callaghan, attorney for Green Organics, stated that he attended the Kendall County Regional Planning Commission meeting on July 23, 2018. He stated that Green Organics has five (5) more years on their special use permit. He stated the language of the petition was that the special use will remain in effect until the special use permit expires. Chairman Mohr agreed with Mr. Callaghan. Mr. Callaghan continued that, if the special use permit was to be revoked, notice had to be sent two (2) months prior to final action. Mr. Asselmeier responded, if Kendall County wanted to revoke a special use permit, yes. Mr. Callaghan expressed concerns regarding the procedure and lack of standards for revocation. Mr. Callaghan expressed concerns regarding the loss of investment made by a business if the County revoked a special use permit. Mr. Callaghan questioned the County's ability to shut down an activity due to legal nonconforming regulations. Mr. Callaghan argued the proposal did not take into consideration the owners property rights and was promoting chaos and confusion. He agreed if an owner was not adhering to their special use permit, the County has a right

revoke their special use. Mr. Callaghan agreed that the petition will discourage investments and discourage banks from lending money to owners. He requested the Zoning Board of Appeals to reject the proposed text amendment. Chairman Mohr questioned the location of the Green Organics business and if they are paying the tipping fees as part of the special use permit. Mr. Callaghan believed that Green Organics was paying the tipping fees. Chairman Mohr questioned if Green Organics will still be in a similar situation in five (5) years when they are set to renew their permit. Mr. Callaghan believed any owner would be in a better position for renewal if this proposal was not rejected. Mr. Asselmeier responds that one member of the Planning, Building and Zoning Committee believed the issues with the special use permits were a legislative decision and that revocation falls under that scope and the County would have that right to revoke under the legislative decision. Mr. Callaghan agreed that the issuance of special uses permits are a legislative decision, but did not believe it can be legislated to revoke someone's property rights.

Mark Caldwell, Finnie Road, Dickson Valley Camp, stated that he understood the camp would be grandfathered, but did not agree with the proposal. Mr. Caldwell argued that the language could be used negatively by future County Boards that have an agenda against religious organizations such as his. He stated any changes or amendments to the camp could place them under the new regulations. Mr. Caldwell admitted that the camp will continue to evolve and changes will be made. However, they will be penalized with the new language if accepted. Mr. Caldwell requested for the Zoning Board of Appeals to vote no.

Megan Jensen, Caton Farm Road, requested the Zoning Board of Appeals vote no on the petition. She understood the petition will not affect them as they are grandfathered. However, if their special use needed to be amended for any reason, the County could revoke their special use permit for any reason. Ms. Jensen argued the County should not be able to revoke at a later date if the owner agreed to follow any and all rules. Furthermore, she argued the petition was proposed for a couple of properties with issues, but this proposal will not apply to those properties because they are also grandfathered. The proposal creates issues for future special use. Also, if the special use permit that came with her property was revoked, they would have lower property values. Ms. Clementi questioned what Ms. Jensen's special use was for; Ms. Jensen's special use was for landscaping.

Fred Davis, Caton Farm Road was mainly concerned with the County's ability to revoke the special use permit without good reason and without majority of County Board members present. Mr. Davis reinvested back into the Kendall County community via his special use and he did not believe the petition will be welcoming to businesses. Mr. Davis argued if someone is not following the rules, their special use permit should be revoked. Mr. Davis questioned if he amended his business by expansion or hiring more workers would he then be under the new petition. Mr. Asselmeier stated that, if Mr. Davis' amendments were more than ten percent (10%) of something quantifiable in his special use permit, he would fall under the new regulations. Chairman Mohr stated that whatever changes Mr. Davis makes to his property will affect the homes or properties near him which would warrant him to fall under the new petition if approved. Chairman Mohr acknowledged that there will still be a procedure whether the petition is accepted

or not if Mr. Davis adds to his special use. Mr. Asselmeier explained that, with the current procedure Mr. Davis would still be required to amend his special use if he intended on amending his property more than ten percent (10%). Chairman Mohr questioned if Mr. Davis would be better off not expanding; Mr. Asselmeier confirmed.

Pete and Laurie Pasteris, Johnson Road, believed if the County was having an issue with a few people with a special use permit, the County should deal with those individuals instead of creating problems for the ones that are following the rules. Mr. Pasteris stated they have a farm but also a special use for a weddings. He argued if he changes the tent size, they would have to accept the new guidelines. Mr. Pasteris argued the farm was another selling point for his business. Ms. Pasteris argued their loan could create problems if Kendall County decided to revoke their special use permit, which is not fair in her opinion.

Nate Howell, Church Road stated his problem with the revocation language. He has a special use for his whole property, but uses a small percentage for his shooting range. Mr. Howell argued that, if he decided to demolish his current barn, he would automatically be placed under the new rules. Mr. Howell argued if someone on the County Board did not like shooting ranges, he would no longer have a business. Mr. Howell stated he cannot add or take down any building because of his special use permit. Mr. Asselmeier responded that, due to how Mr. Howell's site plan was approved, Mr. Howell would have a harder time making any changes to his property.

Chairman Mohr questioned the definition of guilty. Mr. Asselmeier responded guilty meant being found guilty by a court. Chairman Mohr referred to Mr. Howell taking down the barn on his property; Mr. Mohr believed that Mr. Howell should have his special use revoked even though the removal of the barn would technically be a violation of special use permit. Mr. Asselmeier stated, because of how his special use permit was written, Mr. Howell would be in violation. However, the original goal of the proposal was to revoke special use permits only after all legal actions have been taken and the property owner was in fact found guilty of violation by a court. Chairman Mohr agreed with Mr. Howell that, if someone on the Kendall County Board did not like shooting ranges, that belief would be a reason for revocation.

Mr. Whitfield stated there was already a revocation process in place. Mr. Asselmeier stated there was a procedure currently in place. After notice, the owner has thirty (30) days for remediation. An owner can request an extension. After all extensions were exhausted, the case goes to the Kendall County Board Committee and they can forward the case to the States' Attorney for legal action. Mr. Asselmeier stated the one (1) special use permit holder has been causing problems, but has not been found guilty because they remedied their violations. Mr. Whitfield sought clarification that there was a procedure already in place that keeps the owners in line with the rules. Mr. Whitfield stated there was already a process in place for the people who are causing problems.

Mr. Thompson agreed with Mr. Whitfield and stated the proposal is too imposing.

Mr. Davidson stated his opposition because he believed that a super majority vote should be required. Mr. Davidson did not believe the petition will have a positive effect.

Ms. Clementi did not believe the proposal was fair to the people, and the people causing problems should be addressed directly.

Mr. LeCuyer stated that too many rules could hinder the people that are adhering to the rules.

The townships were frequently updated on the status of this proposal and on July 31, 2018, they were notified that a public hearing occurred. Pursuant to 55 ILCS 5/5-12014(c), the townships of Little Rock, Kendall, Lisbon, and Seward filed formal objections to this proposal. Pursuant to State law, the approval of at least three-quarters (3/4) of the County Board is required to approve this proposal.

The Comprehensive Land Plan and Ordinance Committee met on this proposal on August 22, 2018, and suggested that the proposal be laid over reviewed for possible changes at their October meeting.

Chairman Gryder reported that Oswego Township was in favor of the proposal.

There was a legal question raised regarding whether or not the proposal would apply to those townships that did not object. Chairman Davidson wanted the State's Attorney's Opinion on the formal objections of townships and the number of votes required at the County Board.

Member Kellogg expressed concerns regarding enforcing vague statements in special use permits or enforcing the noise regulations. This proposal will not help enforce noise regulations.

Chairman Davidson wanted the State's Attorney's opinion on the legality of the proposal. Member Kellogg did not want to waste the State's Attorney's time.

Motion by Member Gryder, seconded by Member Gilmour, to request the State's Attorney's opinion regarding the legality of the proposal and the whether or not eight (8) votes are required to adopt the proposal.

Yeas (3): Davidson, Gilmour, and Gryder

Nays (1): Kellogg Abstain (0): None Absent (1): Cullick

The motion carried. The proposal will be forwarded to the State's Attorney's Office for review.

<u>Amended Petition 18-13-Kendall County Planning, Building and Zoning Committee</u> Mr. Asselmeier summarized the request.

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County's proposed solar panel regulations into the Kendall County Zoning Ordinance.

Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was "may" and not "shall" (4.18.P.6).

The townships were mailed the proposal on March 22nd and were notified of the results of the July 30, 2018, Zoning Board of Appeals hearing. To date, no townships have submitted comments.

ZPAC met on the proposal on April 3rd and unanimously recommended approval of the proposal with the following amendments:

- 1. Section 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.
- A more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance should be added to the proposal.
- 3. The reference to the State of Illinois Uniform Building Code found in Section 4.18.C.8 should be removed.
- 4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts.
- 5. The word "crops" found in line 7 of 4.18.C.4 should be replaced with the word "vegetation" because crops probably will not be the only plants growing around the solar panels and crops probably will not grow around the solar panels.

The Kendall County Regional Planning Commission met on May 23, 2018, and recommended approval of the proposal with the following changes.

- 1. The reference to a county solar garden in the definition of "Solar Garden" should be deleted.
- 2. All references to waiving the special use permit requirements and setback requirements should be deleted.
- 3. Solar gardens and solar farms had to follow the setback requirements for the zoning district in which they are located. Accordingly, the reference to a one hundred foot (100') distance from the right-of-way or property line found in 4.18.D.2 should be deleted.
- 4. The statement that solar farms require a special use permit found in Section 4.18.D.1 should be removed.
- 5. If allowed by the State's Attorney's Office, a provision should be added to Section 4.18.F regarding repair of damaged drain tile.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on July 30, 2018. No members of the public testified in favor or in opposition to the proposal. The Zoning Board of Appeals unanimously recommended approval of the proposal.

The State of Illinois recently approved an Agricultural Impact Mitigation Agreement (AIMA) requirement. This proposal requires decommissioning to be completed within six (6) months of

the commencement of the decommissioning plan (4.18.P.4); the AIMA allows a maximum twelve (12) months for decommissioning to occur (17.B). In addition, the proposal gives the County Board discretion whether or not to require a decommissioning bond (4.18.P.6); the AIMA allows decommissioning Financial Assurance to be phased over the first eleven (11) years (17.D).

Member Gilmour asked about the definition of solar garden. Mr. Asselmeier read the definition.

Member Gilmour asked about Illinois Building Code. Mr. Asselmeier responded that the code in question does not exist.

Member Gryder discussed evaluating special uses on a case-by-case basis instead of a blanket ordinance.

Solar panels used to produce energy for onsite consumption are exempt from the proposal.

Chairman Davidson liked the Kendall County proposal regarding the timing for decommissioning and the keeping of a bond for the duration of a special use permit.

The consensus of the Committee was to make the bonding requirements mandatory instead of discretionary.

Motion by Member Kellogg, seconded by Member Gryder, to forward the proposal to the Committee of the Whole.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg

Nays (0): None Abstain (0): None Absent (1): Cullick

The motion carried. The proposal will go to the Committee of the Whole on September 13th.

Petition 18-26- Maurice E. Ormiston as Trustee u/t/a No. 101 and Marilyn J. Ormiston as Trustee u/t/a 102 (Owners) and Gay Hoddy (Tenant)

Mr. Asselmeier summarized the request.

Gay Hoddy is the daughter-in-law of the Owners of the subject property. Ms. Hoddy would like to establish a banquet facility at the subject property and is requesting variances to the requirement that the facility must be located on an arterial or major collector road, the requirement for hard surface parking areas (except for the ADA required parking spaces), and that the property not be required to have fully shielded parking facility lighting.

Because a similar special use permit and similar variances were granted at a property near the subject property, Staff recommends approval of the requested special use permit and variances subject to the following conditions and restrictions:

1. The site, including parking plan, shall be developed in accordance to the attached site plan. The owner of the business allowed by this special use permit may remove the

- porta-potties shown on the site plan if adequate, permitted facilities (i.e. septic system) are installed on the property for use at the banquet facility (**Amended by ZPAC**). The owner of the business allowed by this special use permit may also install one or more temporary tents located west of the framed barn. (**Clarified after ZPAC**).
- 2. A maximum of two hundred fifty (250) guests in attendance at a banquet center related event may be on the subject property at a given time (**Added after ZPAC**).
- 3. The lighting shall be developed in accordance to the attached site plan and photometric plan. The operator of the banquet facility may install two (2) decorative lights on the south side of the barn and two (2) decorative lights on the east side of the barn.
- 4. Events shall be confined to the framed barn, patio area, and grassy area west of the barn. No events may be held in the loft or second story or above of the framed barn, the corn crib, garage, residence, or any new barns or accessory buildings on the property without an amendment to this special use permit.
- 5. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance (Clarified after ZPAC).
- 6. The subject parcel must be a minimum of five (5) acres.
- 7. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance (Ord. 99-34).
- 8. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance except where variances are granted.
- 9. A variance shall be granted to the requirement contained in Section 11.02.F.2 of the Kendall County Zoning Ordinance that the business allowed by this special use permit shall be exempt from the requirement that all required open off-street parking areas and access drives constructed or re-constructed after May 20, 2008 shall be improved with a permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. This variance shall not be extended to parking and parking related facilities required by the Americans with Disabilities Act (Clarified after ZPAC).
- 10. A variance shall be granted to the requirement contained in Section 11.02.F.12.B of the Kendall County Zoning Ordinance that the business allowed by this special use permit shall provide only "fully shielded" or "cut-off" light fixtures (Clarified after ZPAC).
- 11. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The signage will not be illuminated.
- 12. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- 13. The noise regulations are as follows:
 - Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential

land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

- 14. No music shall originate outside of any building associated with the special use permit. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony (**Added at ZPAC**). No bands shall perform at any events (**Added at KCRPC**).
- 15. Events shall be held between May 1 and October 31. The property owner or banquet operator may hold events outside of this timeframe with the approval of the Planning, Building and Zoning Committee.
- 16. No more than four (4) events in a seven (7) day period may be held at the property.
- 17. Setup for events shall not commence prior to 10:00 a.m.
- 18. All events must cease by Midnight except for cleaning up after an event which must cease by 1:00 a.m.
- 19. A new certificate of occupancy must be issued for the framed barn.
- 20. The operator of the banquet facility allowed by this special use permit shall reside at the subject property as their primary place of residence.
- 21. The operator of the banquet facility and property owner(s) acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 22. The property owner and operator of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- 23. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- 24. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Fox Township was emailed information on July 30, 2018. No comments were received.

Newark Fire Protection District was emailed information on July 30, 2018. No comments were received.

The United City of Yorkville was emailed information on July 30, 2018. While the property is within one point five (1.5) miles of the Yorkville City Limits, the subject property is not included in Yorkville's extraterritorial planning area as shown on the Yorkville Future Land Use Map.

ZPAC reviewed this proposal at their meeting on August 7, 2018. The consensus of ZPAC was to allow the Petitioner to install or expand her septic system in the future (thus removing the need for porta-potties) without having to amend her site plan. Discussion also occurred about requiring landscaping, berming, and/or trees if the neighbors complain. John Whitehouse, engineer for the Petitioner, expressed concerns installing buffering because of a complaint; he wondered who would investigate a complaint and if a complaint, whether founded or unfounded, would trigger a buffering requirement. The Petitioner agreed not to have music outside the barn except wedding ceremony music. No private security would be provided. Mr. Rybski indicated that private events are not under the jurisdiction of the Health Department so long as the well is not used. If all the water is trucked in, that is fine. Mr. Whitehouse said that he would provide additional information on the lines for the septic field. Mr. Asselmeier indicated that WBK had concerns about the unpaved parking area. Mr. Asselmeier indicated that, if the area looked bad, Ms. Hoddy's business would suffer because some prospective customers would not want to have events at a location that looked undesirable. Mr. Davidson said the Petitioner will have to let the grass grow slightly higher and mow it frequently. ZPAC unanimously recommended approval of the proposal with restrictions.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 22, 2018. Discussion occurred regarding verifying that the property owners supported the application. No music would be allowed to originate from tents. The special use permit would run with the land; a resident of the property could operate a banquet facility. Ms. Wilson expressed concerns regarding noise, particularly wedding reception music, created by the proposed use. The Petitioner indicated that no bands shall perform at events. Mr. Bledsoe expressed concerns regarding the impact of noise and lights on the house across the street from the property. Ms. Zubko suggested adding landscaping south of the parking area to block lights from the parking lot. She also suggested adjusting the handicapped stall or walkway to prevent a vehicle from blocking the south access point of the path from the handicapped parking area to the barn. Mr. Nelson suggested adding arborvitae to block the headlights from motorists on the driveway. Discussion occurred regarding adding a right-turn only sign. However, the consensus of the Commission was that people would not follow the instruction and that enforcing the sign would be difficult. Anne Vickery stated that she visited her daughter who lives near another banquet facility and did not hear any noise from that banquet facility. She also stated that people will travel down the path of least resistance and a right-turn only sign will not work. The Kendall County Planning Commission recommended approval the conditions proposed by Staff with seven (7) Commissioners in favor and one (1) Commissioner in opposition. Ms. Wilson voted no because of the lack of mitigation of noise and light. She was unsure that the property owner was in favor of the petition. She also does not think the County does an adequate job of enforcing the noise regulations.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on August 27, 2018. No members of the public expressed support or objections to this proposal. The Petitioner's attorney provided documentation from the owner expressing his support for the proposal. The Petitioner's attorney also provided a letter of no opposition from the tenant living in the house across Hughes Road from the subject property. The Zoning Board of Appeals

unanimously recommended approval of the special use permit and variances with the restrictions proposed by Staff. The complete record of the hearing, including the minutes of all related meetings and documents related to the Petition, can be found at https://www.co.kendall.il.us/wp-content/uploads/Petition 18-26.pdf.

The Zoning Board of Appeals also unanimously approved the following Findings of Fact:

FINDINGS OF FACT-SPECIAL USE

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan. The Kendall County Sheriff's Department, Fox Township Road District, and Newark Fire Protection District have not submitted comments expressing concerns for public health and safety. However, without proper buffering or screening, light and noise from the proposed use could impact the comfort of the property located southeast of the subject property.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours of operation, number of events, and buffering within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, adequate utilities, drainage, and points of ingress and egress are provided.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided that variances are approved regarding distance to arterial and collector roads, the waiver of the requirement that off-street parking areas and access drives be improved with a permanent, concrete, unit paver, asphalt surface, or some other environmentally friendly surface or green design practice, and the waiver of the requirement that only "fully shielded" or "cut-off" light fixture are allowed, the special use would conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use in consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness." Also, if the business allowed by this special use permit were to cease operations, the land could be easily converted to other uses allowed in the A-1 Zoning District.

FINDINGS OF FACT-VARIANCE

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. If the owner of the business allowed by this special use permit were required to install the required parking, the property would have greater difficulty reverting back to a farmstead if the business ceased operations. The required light is for businesses located in a more developed, commercial area and not a rural, agricultural area. The proposed banquet facility is approximately one point two (1.2) miles from an arterial roadway (Route 71); an existing, approved banquet facility on the same road is approximately one point five (1.5) miles away from an arterial roadway or major collector roadway.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is not true. Other banquet facilities in the rural areas could face similar concerns related to lighting, parking, and access to an arterial roadway or major collector roadway. The specific number of properties sharing similar characteristics is unknown.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. While no one involved with the requested special use permit and variances platted the subject property, the Petitioners created the hardship by desiring to have a banquet facility at the subject property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. True, the Kendall County Sheriff's Department, Fox Township Road District, and the Newark Fire Protection District have not expressed any concerns regarding the proposed use being materially detrimental to the public welfare or injurious to other property in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. True, the proposed use will not block light or air from adjacent properties. The proposed use will not cause an increase in congestion on public streets because events will not be held every day. Provided the business allowed by the special use permit follows the restrictions placed on the special use permit, no increase to the

danger of fire or the endangerment of public safety should occur. Data does not exist as to whether the placement of the proposed use will diminish or impair the property value of the property located southeast of the subject property.

Ms. Hoddy's business plans were provided. The site plan was provided. The site plan was revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

Events would be held in the frame barn located on the north side of site. Tents could be set up to the west of the barn. Based on the current size of the barn (approximately 1100 square feet), approximately one hundred twenty (120) people could fit inside the barn. Ms. Hoddy anticipates the largest group of attendees to be approximately two hundred fifty (250) people including staff. No members of the public would be allowed in the loft of the barn. At some point in the future, Ms. Hoddy may put concrete pavement in the barn; the current pavement is compacted gravel.

The facility would be operational from May 1st through October 31st. Ms. Hoddy would like the ability to have events outside these dates, weather permitting. The majority of events would be on weekends. However, she would like the ability to have weekday events as well. She seemed open to capping the number of events per week. The proposed hours of operation for events would be from 4:00 p.m. until Midnight. Setup for events would start at 10:00 a.m. and take down from events would be completed by 1:00 a.m.

Ms. Hoddy plans to have two (2) hostesses and four (4) servers at a maximum.

In the event of a security issue, Ms. Hoddy would call 911. The Sheriff's Department had no objections to this plan.

All events would be catered, both food and drink.

The reserving party would be responsible for securing applicable insurance. Ms. Hoddy will also have insurance.

The banquet hall will be used for weddings, birthdays, retirement parties, and similar events.

Ms. Hoddy and her husband live on the property. She has over twenty (20) years of experience as a waitress and banquet related work. She has taken CPR classes in the past and plans to take a refresher course.

Ms. Hoddy reported that she has received at least four (4) phone calls requesting weddings at the property. She had her wedding at the property. One (1) niece had a wedding at the property and another niece is planning a wedding at the property.

Ms. Hoddy agreed to follow all applicable laws related to this type of business and she also agreed to follow the Kendall County Right to Farm Clause.

If approved, Ms. Hoddy would like to start having events in May 2019.

A Change of Occupancy Permit will be required for each existing structure that will be used in conjunction with the proposed banquet facility.

Ms. Hoddy indicated that all water used for events will be brought into the site; no well water will be used. Porta-potties will be used for events. According to the site plan, one (1) handicapped accessible porta-potty and two (2) other porta-potties will be located to the northeast of the barn. Refuse containers and a dumpster will be located near the porta-potties. An ADA approved path from the barn to the handicapped accessible porta-potty will be installed with lights.

The Fox Township Highway Commissioner informed the Kendall County Highway Engineer that he had no issues with the proposed use at the subject property.

Ms. Hoddy submitted a parking plan showing sixty-three (63) parking spaces including four (4) handicapped parking spaces. The parking area is planned to be grass except for the handicapped parking spaces; Ms. Hoddy is requesting a variance to allow this type of parking. Parking will be to the south of the house west of the driveway and to the east of the driveway. No parking will encroach in the required setbacks. The site plan was revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

Staff discussed the lack of paved parking areas with WBK. If the grass is maintained correctly, no parking or erosion issues related to bare soil should arise.

The ADA parking areas will be hard surfaced.

The Kendall County Sheriff's Department expressed no concerns regarding the internal traffic circulation pattern as it relates to public health and safety concerns at the site.

Ms. Hoddy submitted a photometric plan and lighting is shown on the parking plan. According to the plan, two (2) new lights would be added for the parking lot west of the driveway. Two (2) new lights would be added to the parking lot east of the driveway. One (1) new light would be installed north of the handicapped parking area. Eight (8) solar powered lights will be installed on the walkway between the barn and the handicapped parking area. Ms. Hoddy indicated additional lighting could be installed along the south and east sides of the barn. The photometric and site plans were revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

A non-illuminated sign is proposed on the west side of the driveway as shown on the site plan. The sign will be approximately thirty-two (32) square feet in size and two (2) faced. The location and type of sign proposed meet the requirements of the Kendall County Zoning Ordinance.

Ms. Hoddy does not plan to install any additional landscaping.

The barn would not be air conditioned and the doors on the south and east sides would likely be open during events.

Ms. Hoddy indicated that no music related to events would originate outside the barn except for music related to a wedding ceremony.

Ms. Hoddy agreed to follow the Kendall County noise regulations. However, she did not provide a method for tracking noise.

Kendall County previously granted a special use permit at 13889 Hughes Road (Ordinance 2016-05) for a banquet facility. This banquet facility is approximately one point two (1.5) miles

from the nearest major collector road (Newark Road via Hollenback Road). The proposed banquet facility at the subject property is approximately one point two (1.2) miles from Route 71.

Based on the Kendall County GIS, the barn at the subject property is approximately six hundred two feet (602') from the house at 14838 Hughes Road. The parking area east of the driveway is approximately two hundred twenty-four feet (224') from the house at 14838 Hughes Road. In comparison, the closest barn at 9111 Ashley Road is approximately six hundred twenty-four feet (624') from the house across the street and the parking area is approximately four hundred eleven feet (411') from the house across the street. The impact of noise and light on the adjoining property are concerns.

Member Kellogg requested information on the control board used at the Pasteris banquet facility to control noise. Peter Pasteris provided information about his system; every disc jockey is required to plug into the system. Boyd Ingemunson, attorney for the Petitioner, expressed concerns regarding the cost of installing a sound system.

The doors of the barn have rolling doors.

A tent will be used for larger events. The dance floor is in the barn.

Discussion occurred regarding regulating the capacity at the property.

The consensus of the Committee was to allow the Petitioner to use the loft in the barn if the occupancy permit is amended and the building code requirements are met.

Discussion occurred regarding allowing the Petitioner to have non-amplified music in the tent during dinner.

The consensus of the Committee was to have the special use permit run for the land.

Motion by Member Kellogg, seconded by Member Gilmour, to forward the proposal to the Committee of the Whole with the change to the loft requirement if used for events.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg

Nays (0): None Abstain (0): None Absent (1): Cullick

The motion carried. This matter will go to the Committee of the Whole on September 13th.

Petition 18-28-Kendall County Planning, Building and Zoning Committee Mr. Assolmoior summarized the request

Mr. Asselmeier summarized the request.

The Kendall County State's Attorney's Office recently completed the proposed draft Inoperable Vehicle Ordinance.

The proposal would allow the Kendall County Planning, Building and Zoning Department to issue citations in cases of inoperable vehicles.

The proposal removes the authority to allow the Kendall County Sheriff's Department to tow inoperable vehicles.

The proposal could apply to inoperable farm machinery that meets the definition of "motor vehicle".

Discussion occurred regarding pro-active citations instead of complaint-based enforcement.

Member Gryder indicated that a possibility exists for an intergovernmental agreement with Oswego Township for code enforcement assistance from Oswego Township.

Discussion occurred about home-based business regulations.

Discussion occurred about the definition of inoperable in relation to having insurance and licensed.

Discussion occurred regarding the definition of storage.

Motion by Member Gryder, seconded by Member Kellogg, to forward the proposal to the Committee of the Whole with the amendment to Section 2 exempting any motorized equipment used in production of agriculture.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg

Nays (0): None Abstain (0): None Absent (1): Cullick

The motion carried. This matter will go to the Committee of the Whole on September 13th.

NEW BUSINESS

Approval of Agricultural Impact Mitigation Agreement Between Kendall County and 312 Solar Development, LLC c/o Borrego Solar Systems, Inc. for a Solar Panel Project at 16400 Newark Road-Committee Could Refer the Agreement to the State's Attorney's Office Mr. Asselmeier summarized the proposal.

When the County Board approved the special use permit allowing solar panels at 16400 Newark Road (Ordinance 2018-15), they included a requirement that the operator of the solar field and the owner of the property sign an Agricultural Impact Mitigation Agreement (AIMA) similar to the one approved by the State of Illinois.

This agreement differs from the special use permit in the following ways:

- 1. The special use permit required decommissioning within six (6) months of the commencement of the decommissioning plan (restriction H); this proposed AIMA allows a maximum twelve (12) month for decommissioning to occur (17.B).
- 2. The special use permit required a decommissioning bond be posted for the duration of the special use permit (restriction F); this proposed AIMA allows decommissioning Financial Assurance to be phased over the first eleven (11) years (17.D).

Staff recommends the AIMA be forwarded to the State's Attorney's Office for review.

Motion by Member Kellogg, seconded by Member Gryder, to forward the proposal to the State's Attorney's Office with the requirements that decommissioning take six (6) months and to have a bond run for the duration of the special use permit.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg

Nays (0): None Abstain (0): None Absent (1): Cullick

The motion carried. The proposal will be forwarded to the State's Attorney's Office.

Approval of Agricultural Impact Mitigation Agreement Between Kendall County and the Nancy L. Harazin Trust Number 101 for a Solar Panel Project at 16400 Newark Road-Committee Could Refer the Agreement to the State's Attorney's Office

Mr. Asselmeier summarized the proposal.

When the County Board approved the special use permit allowing solar panels at 16400 Newark Road (Ordinance 2018-15), they included a requirement that the operator of the solar field and the owner of the property sign an Agricultural Impact Mitigation Agreement (AIMA) similar to the one approved by the State of Illinois.

This agreement differs from the special use permit in the following ways:

- 1. The special use permit required decommissioning within six (6) months of the commencement of the decommissioning plan (restriction H); this proposed AIMA allows a maximum twelve (12) months for decommissioning to occur (17.B).
- 2. The special use permit required a decommissioning bond be posted for the duration of the special use permit (restriction F); this proposed AIMA allows decommissioning Financial Assurance to be phased over the first eleven (11) years (17.D).

Staff recommends the AIMA be forwarded to the State's Attorney's Office for review.

Motion by Member Kellogg, seconded by Member Gryder, to forward the proposal to the State's Attorney's Office with the requirements that decommissioning take six (6) months and to have a bond run for the duration of the special use permit.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg

Nays (0): None Abstain (0): None Absent (1): Cullick

The motion carried. The proposal will be forwarded to the State's Attorney's Office.

Request for Guidance Regarding a Special Use Permit for the Yarn Foundation at 71 Boulder Hill Pass (Ordinance 2012-10)

Mr. Asselmeier summarized the request.

On June 19, 2012, the Kendall County Board approved a special use permit allowing the operation of the Yarn Foundation, Inc. at 71 Boulder Hill Pass (Ordinance 2012-10).

One (1) of the WHEREASes states, "if the Yarn Foundation Inc. was to move out of the building the special use would dissolve at that time."

On July 18, 2018, Staff sent the owners of the Yarn Foundation, Inc. an email asking if the business was still located at the subject property. The owners responded on July 18th stating they are no longer operational at that address. Staff emailed a request to the owners asking them if they would like to revoke the special use permit. Staff has not received correspondence from the owners since July 18th.

Ordinance 2012-10 and the correspondence between Staff and the owners of Yarn Foundation, Inc. were provided.

Staff requested guidance as to how to proceed.

Motion by Member Kellogg, seconded by Member Gryder, for Staff to send notification letters to the property and tenant revoking the special use permit.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg

Nays (0): None Abstain (0): None Absent (1): Cullick

The motion carried.

Request for Guidance Regarding Redacting Personal and Private Information from Zoning
Related Applications Placed on the County's Website-Committee Could Approve a Policy on the
Matter

Mr. Asselmeier summarized the issue.

In an effort to improve transparency, in 2017, the Kendall County Planning, Building, and Zoning Department started posting petition information on the County's website. This information included the application for the petition and comments submitted by neighbors on the petition.

Staff was instructed by the previous County Administrator to redact information that would normally be redacted as part of a Freedom of Information Act request (i.e. personal signatures, personal addresses, personal email addresses, and personal phone numbers, etc.) The current County Administrator favored continuing this practice.

Staff received a complaint from several members of the Kendall County Regional Planning Commission that information about applicants and individuals that spoke at zoning related meetings should not be redacted.

Accordingly, Staff requests guidance as to how the Planning, Building and Zoning Committee would like to proceed (i.e. does the Committee still want Staff to redact this information?).

The Illinois Open Meetings Act does not require a speaker to state their address. Staff prepared a revised meeting sign-in sheet. This sheet would be used at all zoning related meetings except

the Kendall County Zoning Board of Appeals, which hearing where speakers must be sworn-in prior to providing testimony.

The consensus of the Committee was to keep the policy the same and continue redacting information allowed for redaction under the Freedom of Information Act and to make it voluntary for people to provide personal information at meetings.

Request for Guidance Regarding the Collection and Release of Personal and Private

Information at Zoning Related Public Meetings-Committee Could Approve a Policy on the Matter

Mr. Asselmeier summarized the issue.

The consensus of the Committee was to keep the policy the same and continue redacting information allowed for redaction under the Freedom of Information Act and to make it voluntary for people to provide personal information at meetings.

OLD BUSINESS

Approval to Forward Amended Petition 18-03 Pertaining to Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments to the Kendall County Zoning Board of Appeals for Public Hearing-Committee Could Also Vote to Amend or Withdraw the Petition

Mr. Asselmeier summarized the request.

At the May 7, 2018, meeting, the Kendall County Planning, Building and Zoning Committee laid over the subject petition until its September meeting. Staff requests that the Committee determine if the proposal should be advanced to the Zoning Board of Appeals for public hearing (in its present form or amended) or if the proposal should die.

At their meetings on March 28th and April 25th, the Kendall County Regional Planning Commission reviewed this proposal and unanimously recommended denial. The reasons for their denial recommendation were as follows:

- 1. The Kendall County Regional Planning Commission would like the proposal to go to the Comprehensive Land Plan and Ordinance Committee to work out issues.
- 2. The Kendall County Regional Planning Commission had concerns regarding the due process for petitions.
- 3. The Kendall County Regional Planning Commission felt that Kendall County Regional Planning Commission meetings were the appropriate setting for creating conditions and restrictions for special use permits (express the values of the community).
- 4. Removing the Kendall County Regional Planning Commission meeting from the timeline for adoption does not slow down the approval process; the Senior Planner indicated that no extra time was needed for Kendall County Regional Planning Commission meetings.

5. The Kendall County Regional Planning Commission had concerns about a lack of thorough vetting of the implications of proposals if the Kendall County Regional Planning Commission did not meet and review proposals.

Commissioner Larry Nelson circulated a draft email to the Planning, Building and Zoning Committee and requested input from Commissioners. A copy of this draft email was provided. Commissioner Nelson wanted to ensure that the Planning, Building and Zoning Committee possessed a history of the process and role of the Commission. One (1) Commissioner also requested that the Planning, Building and Zoning Committee be informed of the level of experience on the Commission.

According to the original proposal, ZPAC and the Kendall County Regional Planning Commission would not have formal meetings for the following applications:

- 1. Map Amendments
- 2. Special Use Permits
- 3. Major Amendments to Special Use Permits
- 4. Text Amendments to the Zoning Ordinance Not Impacting the Powers and Duties of ZPAC and/or Kendall County Regional Planning Commission

Members of ZPAC and the Kendall County Regional Planning Commission would continue to receive notifications of the above types of applications and individual members of these committees could submit comments on the proposals, but neither body would be required to meet and issue recommendations on these types of applications.

ZPAC would continue to meet for the following types of applications:

- 1. Site Plan Reviews
- 2. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
- 3. Amendments to the Kendall County Subdivision Control Ordinance
- 4. Preliminary Plat Approval
- 5. Final Plat Approval
- 6. RPD Related Plat Approvals

The Kendall County Regional Planning Commission would continue to meet for the following types of applications:

- 1. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
- 2. Changes to the Land Resource Management Plan
- 3. Amendments to the Kendall County Subdivision Control Ordinance
- 4. Preliminary Plat Approval
- 5. Final Plat Approval
- 6. RPD Related Plat Approvals
- 7. Requests by the County Board and/or Planning, Building and Zoning Committee for Research on Planning, Zoning, and Development Related Topics

A redlined narrative of the proposed text amendments and flow charts of applications was provided.

The Committee of the Whole discussed this proposal at their meeting on December 14th and no one objected to the proposal.

The Planning, Building and Zoning Committee reviewed this matter at their meeting on January 8th and unanimously recommended approval of initiating the text amendment as proposed.

ZPAC reviewed this proposal on February 6th and unanimously recommended approval.

The Kendall County Regional Planning Commission reviewed this proposal on March 28th and unanimously recommended denial.

Motion by Member Kellogg, seconded by Chairman Davidson, to withdraw Petition 18-03.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg

Nays (0): None Abstain (0): None Absent (1): Cullick

The motion carried.

<u>Update on Removal of Culvert Crossing an Aux Sable Creek near 13360 McKanna Road;</u> <u>Property is Owned by Mark Antos</u>

Mr. Asselmeier provided updated pictures of the bridge.

Update on 21 Dawn Avenue

Mr. Asselmeier provided information. Discussion occurred regarding drainage tile law.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

Update on Violation of Inoperable Vehicle at 93 Longbeach Road, Montgomery

Mr. Asselmeier stated the inoperable vehicles are still at the property and the case will be forwarded to the State's Attorney's Office on September 14th.

Update on Violation of Zoning Ordinance at 790 Eldamain Road

Mr. Asselmeier provided a letter from the attorney for the property owner. The consensus of the Committee was to give the property owner time to install the fence as outlined in the letter.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission is planning a meeting with other historic preservation groups for February 13, 2019, at La Salle Manor.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

None

PUBLIC COMMENT

Paul Pope, Village President of the Village of Lisbon, invited Committee members to attend their September 17th at 7:00 p.m. at 114 Canal Street in Lisbon.

Jim Williams, Boulder Hill, discussed a business operating out of a house across the street from his property.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

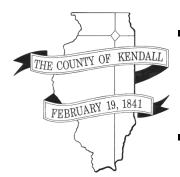
None

ADJOURNMENT

Motion by Member Kellogg, seconded by Member Gryder, to adjourn. With a voice vote of four (4) ayes the motion passed unanimously. Chairman Davidson adjourned the meeting at 9:35 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

Encs.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204 Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

MEMORANDUM

To: County Board

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: August 29, 2018

Re: Proposed Intergovernmental Agreement Between Kendall County and the Village of

Millbrook

The intergovernmental agreement between Kendall County and the Village of Millbrook expires in October. The Planning, Building and Zoning Department does not propose any changes to the body of the agreement. The Planning, Building and Zoning Department proposes changes to Exhibit A to reflect the transfer of certain powers and duties of the Hearing Officer to the Zoning Board of Appeals. The proposal reflects the changes to the insurance language approved by both parties in 2017.

A redlined copy of the proposal and a clean copy of the proposal are attached to this memo.

At their meeting on August 13, 2018, the Planning, Building and Zoning Committee unanimously recommended approval of this proposal.

At their meeting on August 28, 2018, the Village of Millbrook approved the proposal.

If you have any questions, please let me know.

Thanks,

MHA

ENCs.: Clean Copy

Redlined Copy

INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF MILLBROOK AND THE COUNTY OF KENDALL

THIS AGREEMENT, made this ____ day of October, 20187 by and between the VILLAGE OF MILLBROOK, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic, WITNESSETH:

WHEREAS, the Village of Millbrook was incorporated by act of the voters on November 5th, 2002, and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves, and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement, and

WHEREAS, the Village of Millbrook adopted a Comprehensive Plan on August 22, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Millbrook have been heretofore subject to the building and zoning codes of the County of Kendall, and to the County Flood Plain, Soil Erosion and Stormwater Management Ordinances, and

WHEREAS, the parties desire to continue that relationship,

NOW, THEREFORE, it is hereby agreed as follows:

- 1) The above recitals are incorporated by reference as if fully set forth herein.
- 2) That the Village of Millbrook has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text amendments to said ordinances and plans as may be adopted by Kendall County from time to time shall be adopted and incorporated by the Village of Millbrook as its own.

- 3) That for the consideration of \$1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for the Village of Millbrook as described in Paragraph (2) above and in accordance with the procedures attached hereto as Exhibit A and incorporated herein by reference all of which have been duly adopted by the Village of Millbrook, and apply them to all properties located within the municipal boundaries of the Village of Millbrook.
- 4) In addition to the consideration set forth in Paragraph 3 above, the Village of Millbrook shall be responsible for all costs associated with the enforcement of the Zoning Ordinance of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, and the Countywide Stormwater Management Ordinance for cases within the boundaries of the Village of Millbrook. At the written request of the Village of Millbrook, Kendall County shall provide an estimated cost for investigating individual alleged violations. Upon approval of the cost estimate by the Village of Millbrook, Kendall County will conduct the necessary investigation and bill the Village of Millbrook accordingly. The Village of Millbrook shall reimburse the County of Kendall for any actual costs incurred acting on behalf of the Village of Millbrook as provided herein.
- 5) The Village of Millbrook shall defend with counsel of the County's own choosing, indemnify and hold harmless the County of Kendall, its past, present, and future board members, elected officials, insurers, employees and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto including, but not limited to, attorney's fees and other legal expenses which the County, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the County's performance or alleged failure to perform its obligations pursuant to the Agreement.
- 6) That the Village of Millbrook shall secure, pay for and maintain throughout the period during which services are provided under this Agreement, general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's general liability coverage shall be primary coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees, arising out of the County's performance or alleged failure to perform its obligations pursuant to this Agreement. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.
- 7) Kendall County shall maintain auto liability coverage for all County owned vehicles used by the County to perform its obligations pursuant to this Agreement. However, the Village of

Millbrook shall pay the full cost of the deductible incurred by the County for any auto insurance claims arising out of or related to the County's performance of its obligations pursuant to this Agreement.

- 8) That this Agreement shall be for a term of one (1) year, commencing on the date of execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary date each year, said renewal to be in writing.
- 9) This Agreement may be terminated by either party upon 30 days' written notice to the other party.
- 10) This Agreement represents the entire Agreement between the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.
- 11) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.
- 12) The County of Kendall and the Village of Millbrook each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.
- 13) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision.
- 14) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator 111 West Fox Street Yorkville, Illinois 60560

Village of Millbrook PO Box 51 Millbrook, Illinois 60536

VILLAGE OF MILLBROOK	COUNTY OF KENDALL
BY:	BY:
Village President- Jackie Lemmerhirt	Chairman of Kendall County Board
ATTEST:	_ ATTEST:
Village Clerk	Kendall County Clerk

Procedure for Processing Zoning & Subdivision Cases For The Village Of Millbrook Under County/Municipal Intergovernmental Agreement

Under the terms of the intergovernmental Agreements executed between the Village of Millbrook and Kendall County, the County PBZ staff as well as the Kendall County ZPAC, Concept Review Committee, Regional Planning Commission, and Zoning Board of Appeals, and Hearing Officer will serve as the municipal staff and the municipal recommending bodies in providing the Village Board with recommendations on applications for zoning map amendments, Special Uses, subdivision plat approvals and zoning variance requests involving properties within the corporate boundaries or proposed for annexation into the corporate boundaries of these two municipalities the municipality. In each instance, the Village Board of the municipality shall be responsible for acting on the recommendations supplied and adopting any related ordinances approving such requests. The following outline shall be followed when filing and processing such applications:

1. Pre-Application Meeting:

Prior to the submission of any applications, the petitioner shall schedule a joint "pre-application" meeting with County staff and representatives of the affected municipality to review the proposed request and provide preliminary feedback as well as guidance regarding the steps involved in the processing of the application.

2. Filing of an Application:

- a.) Using the applicable application forms and handouts provided by the County, the petitioner will submit the requisite number of copies of application and supporting documents and plans along with all required fees to the Kendall County Planning Building and Zoning Department (PBZ).
- b.) Simultaneous to that filing, the applicant shall forward an original copy of the application forms along with a copy of all related plans and supporting documents to the Village Clerk of the affected municipality for creation of the Village's Official file on the matter.

3. Review and Processing of Zoning Map Amendments and Special Uses:

a.) Zoning Map Amendments and Special Uses, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County's ZPAC Committee, representatives from

- the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- f.) The County shall forward copies of the agenda, staff report and minutes of the ZPAC meeting to KCRPC as well as the Clerk of the affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village Clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the Regional Plan Commission, petitions involving a zoning map amendment shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the zoning matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- j.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior

- to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- k.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- 1.) The County shall forward copies of the agenda, staff report and copy of the minutes of the KCRPC meeting to the ZBA as well as to the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- m.) The County shall post copies of the ZBA agenda as required per County policies. The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- n.) If the application involves a request for a Special Use, the petition shall be forwarded to the next available meeting of the Kendall County Special Use Hearing Officer (SU/HO) Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the Special Use as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- o.) All required notices required per State Statute and the County Zoning Ordinance shall be mailed and posted prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- p.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- q.) The County shall forward copies of the agenda, staff report and minutes of the KCRPC meeting to SU/HO the ZBA as well as the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- r.) The County shall post copies of the agenda as required per County policies.

- s.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- t.) Following review and recommendation by the ZBA and/or the SU/HO, PBZ staff will forward to the appropriate Village Board a report summarizing all of the recommendations and actions taken by each of the review and recommending bodies along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- u.) Along with the report, PBZ staff will prepare a draft ordinance approving the requested map amendment or Special Use for action by the Village Board. The summary report and draft ordinance in addition to a copy of the minutes of the ZBA and/or SU/HO meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- v.) In the event a related annexation hearing is required, the Clerk shall coordinate with the applicant to insure proper notice has been supplied and shall be responsible for the preparation and posting of Board's Agenda.
- w.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- x.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.
- 4. Review and Processing of Preliminary and Final Subdivision Plats:
 - a.) Preliminary and/or Final Plats, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County's ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
 - b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
 - c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the ZPAC

- members and the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All required notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner.
- f.) The County shall forward copies of the agenda, staff report and a copy of the minutes of the ZPAC meeting to the KCRPC as well as the Clerk of affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the KCRPC, PBZ staff will prepare a report to the appropriate Village Board summarizing all of the recommendations and actions taken by each of the review and recommending bodies.
- j.) In addition to the summary the report, PBZ staff will prepare a draft ordinance approving the requested Preliminary and/or Final Plat for action by the Village Board. The summary report and draft ordinance shall NOT be forwarded to the appropriate Village Clerk for scheduling of the matter for action by the Village Board until such time as formal approval of the related preliminary and/or final engineering plans and or other supporting documents or agreements has been granted.
- k.) Once these approvals are received, PBZ staff will forward the summary report and draft ordinance in addition to a copy of the minutes of the KCRPC meeting to the appropriate Village Clerk along with copies of any revised plans, documents or supporting

- information submitted by the petitioner in support of the application.
- 1.) The Village Clerk shall then schedule the matter for action by the Village Board and prepare the related agendas for posting.
- m.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- n.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.
- 5. Review and Processing of Zoning Variance:
 - a.) Zoning Variances shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
 - b.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
 - c.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
 - d.) The County shall prepare and forward copies of the agenda and staff report to the ZBA as well as the Clerk of affected municipality for filing along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application.
 - e.) The County shall post copies of the agenda as required per County policies.
 - f.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
 - g.) Following review and recommendation by the ZBA, the PBZ staff will forward a report summarizing the findings and

recommendations made by ZBA along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application. Along with the report, PBZ staff will prepare a draft ordinance approving the variance for action by the Village Board.

- h.) The summary report, draft ordinance and minutes of the ZBA meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- i.) The Village Clerk shall be responsible for the preparation and posting of Board's Agenda.
- j.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- k.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

Exhibit B



To: Scott Koeppel, Kendall County
From: Julia Reynolds, IMLRMA Program Coordinator/Underwriter

Re: Intergovernmental Agreement Between the Village of Millbrook and the County of Kendall

The limits of liability currently provided to the Village of Millbrook with respect to General Liability and Public Officials Liability are as follows:

General Liability: \$8 million each occurrence/\$16 million annual aggregate Public Officials Liability: \$8 million each occurrence/\$16 million annual aggregate

Coverage Limits provided by:

ILLINOIS MUNICIPAL LEAGUE RISK MANAGEMENT ASSOCIATION 500 E CAPITOL AVE - PO BOX 5180 - SPRINGFIELD, ILLINOIS 62705

Member: Village of Millbrook Agreement No: 0803A0188

Coverage Period: from 12:01 a.m. CST on January 1, 2018

to 12:01 a.m. CST on January 1, 2019



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204 Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

MEMORANDUM

To: Kendall County Committee of the Whole

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: September 11, 2018

Re: 18-13 Proposed Text Amendments Pertaining to Solar Panel Zoning Regulations

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County's proposed solar panel regulations into the Kendall County Zoning Ordinance.

The amendment worksheet is attached to this memo.

Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was "may" and not "shall" (4.18.P.6).

The townships were mailed the proposal on March 22nd and were notified of the results of the July 30, 2018, Zoning Board of Appeals hearing. To date, no townships have submitted comments.

ZPAC met on the proposal on April 3rd and unanimously recommended approval of the proposal with the following amendments:

- Section 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.
- A more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance should be added to the proposal.
- 3. The reference to the State of Illinois Uniform Building Code found in Section 4.18.C.8 should be removed.
- 4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts.
- 5. The word "crops" found in line 7 of 4.18.C.4 should be replaced with the word "vegetation" because crops probably will not be the only plants growing around the solar panels and crops probably will not grow around the solar panels.

The Kendall County Regional Planning Commission met on May 23, 2018, and recommended approval of the proposal with the following changes.

1. The reference to a county solar garden in the definition of "Solar Garden" should be deleted.

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- 2. All references to waiving the special use permit requirements and setback requirements should be deleted.
- 3. Solar gardens and solar farms had to follow the setback requirements for the zoning district in which they are located. Accordingly, the reference to a one hundred foot (100') distance from the right-of-way or property line found in 4.18.D.2 should be deleted.
- 4. The statement that solar farms require a special use permit found in Section 4.18.D.1 should be removed.
- 5. If allowed by the State's Attorney's Office, a provision should be added to Section 4.18.F regarding repair of damaged drain tile.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on July 30, 2018. No members of the public testified in favor or in opposition to the proposal. The Zoning Board of Appeals unanimously recommended approval of the proposal.

The State of Illinois recently approved an Agricultural Impact Mitigation Agreement (AIMA) requirement. This proposal requires decommissioning to be completed within six (6) months of the commencement of the decommissioning plan (4.18.P.4); the AIMA allows a maximum twelve (12) month for decommissioning to occur (17.B). In addition, the proposal gives the County Board discretion whether or not to require a decommissioning bond (4.18.P.6); the AIMA allows decommissioning Financial Assurance to be phased over the first eleven (11) years (17.D).

At their meeting on September 10, 2018, the Planning, Building and Zoning Committee recommended forwarding the proposal to the Committee of the Whole with the decommissioning bond requirement changed from "may" to shall in 4.18.P.6.

The proposal in ordinance form is also attached to this memo.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks.

MHA

ENCS: Worksheet for Solar Panels (Dated 9/11/18)

Draft Ordinance

Solar Panel Amendments

(Updated 9/11/18)

RED=New Language to the Ordinance

Black=Language Changed by One of the Advisory Committees

Amend Section 3.02 by adding the following terms and definitions:

ACTIVE SOLAR ENERGY SYSTEM. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS. An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

GRID-INTERIE SOLAR ENERGY SYSTEM. A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

GROUND MOUNT SOLAR ENERGY SYSTEM. A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

OFF-GRID SOLAR ENERGY SYSTEM. A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

PASSIVE SOLAR ENERGY SYSTEM. A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy directly into electricity.

ROOF MOUNT SOLAR ENERGY SYSTEM. A solar energy system that is mounted on a rack that is fastened onto a building roof.

SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR COLLECTOR. An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY EASEMENT. An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

SOLAR ENERGY SYSTEM (SES). All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

SOLAR ENERGY SYSTEM ADDITION. A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

SOLAR ENERGY SYSTEM, PRIVATE. A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

SOLAR FARM. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

SOLAR GARDEN. A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden. (Updated 5/24/18)

SOLAR HEAT EXCHANGER. A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

SOLAR HOT AIR SYSTEM. An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

SOLAR HOT WATER SYSTEM. A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

SOLAR MOUNTING DEVICES. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

SOLAR STORAGE UNIT. A component of a solar energy device that is used to store solar generated electricity or heat for later use.

Amend Section 4.18 as follows:

4.18 SOLAR PANELS

- A. Roof Mounted for On-Site Energy Consumption. Solar panels located on the roof of an existing structure shall be permitted in all districts. Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof mounted or building integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of the Kendall County Zoning Ordinance. Roof mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of roof mounted solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility. (Updated 5/14/18)
- B. Freestanding for On-Site Energy Consumption. Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures in all zoning districts provided that the system is no larger than necessary to provide one hundred twenty percent (120%) of the electrical and/or thermal requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems. Freestanding solar panels shall be permitted if they comply with all of the following standards the standards listed in the Kendall County Zoning Ordinance. Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located. Freestanding solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is

consumed on-site shall be exempt from building permits. The use of freestanding solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility. (Updated 5/14/18)

(Properties considered agriculturally exempt as defined in State Statute from building permits are further exempt from these standards with the exception of #3 listed below):

- 1. The proposed system is no larger than necessary to provide 120 percent of the electrical and/or thermal energy requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems.
- 2. The solar panels and supporting framework shall not exceed 12' in all districts with the exception of the agricultural district as measured from adjoining grade at base to the highest elevation of the equipment.
- 3. The solar energy system including any appurtenant equipment is not located within any required setback areas within the respective zoning district.
- 4. If the solar panels are visible from off-site, the solar panels are not located within 150 feet of a dwelling located on a lot other than the lot on which the solar energy system is located unless:
 - a. There are appropriate facades, walls, fences or landscaping that screen the solar panels and supporting framework from unobstructed view.
 - b. Reflection angles from collector surfaces are oriented away from neighboring windows.
 - c. The panels are mounted as close as possible to the ground while allowing adequate drainage and preventing vegetation from shading the panels.
- The solar panels are located so that they are not readily visible from public viewing areas including parks, roads and trails located to the south of the site.
- C. Solar Gardens. Solar gardens shall be allowed in all zoning districts and shall require a special use permit whether accessory or principal use of the property subject to the following requirements:
 - 1. The requirement for a special use permit may be waived, provided the solar garden's owner/lessee obtains and records with the Kendall County Planning, Building and Zoning Department signed and notarized affidavits agreeing that the need for a special use permit be waived from all property

- owners adjoining the zoning lot on which the solar garden is to be located (as determined by the Kendall County Planning, Building and Zoning Department). (Updated 5/24/18)
- 2. Unless otherwise noted in the Kendall County Zoning Ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.
- 3. Rooftop community systems are permitted in all zoning districts where buildings are permitted.
- 4. Ground-mount community solar energy gardens must be less than or equal to twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms. (Updated 5/14/18)
- 5. Solar gardens are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
- 6. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
- 7. For solar gardens located within 500 feet of an airport or within the approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. (Updated 5/14/18)
- 8. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended, and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met. (Updated 5/14/18).
- D. Solar Farms. Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market are permitted under the following standards:
 - 1. Solar farms shall require a special use permit in the A-1 Agricultural District. Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all the required standards for structures in the district in which the system is located. (Updated 5/24/18)

- 2. The solar array and all components of the solar collector system in a solar farm shall be kept at least one hundred feet (100') from a property line or right-of-way. However, this requirement may be waived, provided the solar farm's owner/lessee obtains, and records with the Kendall County Planning, Building and Zoning Department, signed and notarized affidavits agreeing that the minimum setback be waived, from all property owners and affected road authorities adjoining the zoning lot on which the solar farm is to be located (as determined by the Kendall County, Planning, Building and Zoning Department). However, in no instance shall any part of the solar farm be located within fifty feet (50') of any of the aforementioned items. Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all required standards for structures in the district in which the system is located. (Updated 5/24/18)
- 3. Solar farms are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
- 4. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Kendall County Soil and Water Conservation District and paid for by the developer. Applicable noxious weed ordinances shall be followed. Due to potential County liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)), it is required that any crops or vegetation planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually and paid for by the developer. (Updated 5/14/18)
- 5. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
- 6. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes and the National Electric Code, as amended.
- 7. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Kendall County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible, at the discretion of the Kendall County Planning, Building and Zoning Department. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the

- construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.
- 8. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Kendall County. The site plan should also show all zoning districts and overlay districts.
- For solar farms located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Centrel Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. (Updated 5/14/18)
- 10.Solar farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online, EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer. (Updated 5/14/18)
- E. Setback Requirements. Unless otherwise stated in the Kendall County Zoning Ordinance, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions.
 - No solar energy system shall be located in any front yard of any residentially zoned or used property.
- F. Design Standards. Active solar energy systems shall be designed to conform to the County's Land Resource Management Plan and to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.
 - 1. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

- Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.
- 3. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
- 4. Damaged field drain tile shall be repaired or rerouted on a timetable approved by the Kendall County Planning, Building and Zoning Department. (Updated 5/24/18)
- 5. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. (Updated 5/14/18)
- G. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
- H. Plan Approval Required. All solar energy systems shall require administrative plan approval by the Kendall County Building Official via the review of the application for a building permit.
 - 1. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.
 - 2. For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - 3. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building shall identify

the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

- 4. Applications that meet the design requirements of the Kendall County Zoning Ordinance and do not require an administrative variance shall be granted administrative approval by the Zoning Administrator and not require Planning, Building and Zoning Committee review. Plan approval does not indicate compliance with Building or Electrical Codes.
- I. Approved Solar Components. Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an SRCC rating.
- J. Compliance with Building Code. All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County adopted building codes will apply and take precedence where applicable.
- K. Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements. (Updated 5/14/18)
- L. Compliance with State Energy Code. All photovoltaic systems and solar thermal systems shall comply with the Illinois State Energy Code. (Updated 5/14/18)
- M. Utility Notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- N. Building Permit Requirements and Fees. All solar energy systems will be required to have a Kendall County Building Permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be submitted to and collected by the Kendall County Planning, Building and Zoning Department as follows:

0-	10 kilowatts (kW)	\$150.00
11-	50 kilowatts (kW)	\$300.00
51-	100 kilowatts (kW)	\$600.00
101-		\$1,200.00
501-		\$2,750.00
1.001	I-2,000 kilowatts (kW)	\$6,000.00

Over 2,000 kilowatts (kW) \$6,000.00 + \$200.00 for each additional 0-100 kilowatts

Any solar energy system that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes. (Updated 5/14/18)

- O. Liability Insurance and Indemnification.
 - 1. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least Three Million Dollars (\$3 Million) per occurrence and Five Million Dollars (\$5 Million) in the aggregate. Such insurance may be provided pursuant to a plan of self- insurance, by a party with a net worth of Twenty Million Dollars (\$20 Million) or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.
 - 2. For private/individual SES(s), commencing with the issuance of building permits, the applicant or owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Planning, Building and Zoning Department. (Remove Per Brian Holdiman)
 - 3. Any SES(s), applicant, owner, or operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of applicant, owner, or operators selection, construction, operation, and removal of the SES(s) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the County's other indemnification rights available under the law.

P. Decommissioning Plan.

1. Upon the request of the Kendall County Planning, Building and Zoning Department, an owner of a commercial solar energy system must provide

documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have 180 days, after notification from the Kendall County Planning, Building and Zoning Department, to remove the solar energy system from the property. (Updated 5/14/18)

- 2. A decommissioning plan shall be required at the time of applying for all solar farms and solar gardens to ensure that the facilities are properly removed after their useful life.
- 3. Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.
- 4. The owner or operator will have six (6) months to complete the decommissioning plan after operation of a solar farm or solar garden ceases.
- 5. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.
- 6. The Kendall County Board may shall require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility. (Updated 9/10/18)
- 7. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.

Q. Other Requirements.

- 1. Upon request from the Kendall County Planning, Building and Zoning Department, an owner of a commercial solar energy system must provide documentation, within thirty (30) calendar days, that the solar energy system is still in use. If it is not still in use, the owner of the system will have one hundred eighty (180) calendar days, after notification from the Planning, Building and Zoning Department, to remove the solar energy system from the property. (Updated 5/14/18)
- 2. Upon request from the Kendall County Planning, Building and Zoning Department, the owner or operator of a solar farm or a solar garden must submit, within fourteen (14) calendar days, a current operation and maintenance report to the Department.

- 3. In all undeveloped areas, the solar energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the Kendall County Planning, Building and Zoning Department before a permit or special use permit will be issued.
- 4. No fencing is required; however, if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.
- 5. Any lighting for solar farms or solar gardens shall be installed for security and safety purposes only. Except for lighting that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
- 6. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
- 7. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
- 8. Solar energy systems must be in compliance with all State of Illinois Plumbing and Energy Codes.
- 9. For solar energy systems located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA (Updated 5/14/18).

Amend Section 7.01.D by adding:

"54. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.

55. Solar Farms subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."

Amend Section 8.02.C by adding:

"19. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."

Amend Section 8.03.H.1 by adding

"p. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."

Amend Section 8.09.B by adding

"9. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."

Amend Section 9.02.C

"15. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."

Amend Section 9.03.C

"26. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."

Amend Section 9.04.C

"29. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."

Amend Section 9.05.C

"20. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."

Amend Section 9.06.F

"Solar Gardens. Solar gardens shall be a special use in the B-5 Business Planned Development District.

Amend Section 9.07.C

"19. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."

Amend Section 10.03.B

"5. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."

Amend the Table of Uses to reflect Solar Gardens as special use in every zoning district and Solar Farms as a special use in the A-1 District.

ORDINANCE NUMBER 2018-

TEXT AMENDMENT TO SECTIONS 3.02, 4.18, 7.01.D, 8.02.C 8.03.H.1, 8.09.B, 9.02.C, 9.03.C, 9.04.C, 9.05.C, 9.06.F, 9.07.C, AND 10.03.B OF THE KENDALL COUNTY ZONING ORDINANCE BY AMENDING KENDALL COUNTY'S SOLAR PANEL ZONING REGULATIONS

<u>WHEREAS</u>, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

<u>WHEREAS</u>, Section 13.08 of the Kendall County Zoning Ordinance contains the procedures for approving special use permits, major and minor amendments to special use permits, and revocations of special use permits, but does not contain specific procedures for the renewal of special use permits;

<u>WHEREAS</u>, on March 12, 2018, the Kendall Count Planning, Building and Zoning Committee, hereinafter be referred to as "Petitioner", submitted a text amendment to the Kendall County Zoning Ordinance amending Kendall County's Solar Panel Zoning Regulations; and

<u>WHEREAS</u>, following due and proper notice by publication in the Kendall County Record on July 12, 2018, the Kendall County Zoning Board of Appeals conducted a public hearing on July 30, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested text amendment and zero members of the public asked questions or testified in favor or testified in opposition to the request; and

<u>WHEREAS</u>, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendment on July 30, 2018; and

<u>WHEREAS</u>, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation of approval of the requested text amendment; and

<u>WHEREAS</u>, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: Section 3.02 is amended by adding the following terms and definitions:

"ACTIVE SOLAR ENERGY SYSTEM. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS. An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or

substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

GRID-INTERIE SOLAR ENERGY SYSTEM. A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

GROUND MOUNT SOLAR ENERGY SYSTEM. A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

OFF-GRID SOLAR ENERGY SYSTEM. A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

PASSIVE SOLAR ENERGY SYSTEM. A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy directly into electricity.

ROOF MOUNT SOLAR ENERGY SYSTEM. A solar energy system that is mounted on a rack that is fastened onto a building roof.

SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR COLLECTOR. An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY EASEMENT. An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

SOLAR ENERGY SYSTEM (SES). All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

SOLAR ENERGY SYSTEM ADDITION. A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

SOLAR ENERGY SYSTEM, PRIVATE. A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility,

community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

SOLAR FARM. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

SOLAR GARDEN. A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses located off-site from the location of the solar energy system.

SOLAR HEAT EXCHANGER. A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

SOLAR HOT AIR SYSTEM. An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

SOLAR HOT WATER SYSTEM. A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

SOLAR MOUNTING DEVICES. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

SOLAR STORAGE UNIT. A component of a solar energy device that is used to store solar generated electricity or heat for later use."

- III. Amended Text: Section 4.18 is hereby deleted in its entirety and replaced with the following:
 - "A. Roof Mounted for On-Site Energy Consumption. Solar panels located on the roof of an existing structure shall be permitted in all districts. Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof mounted or building integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of the Kendall County Zoning Ordinance. Roof mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of roof mounted solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility.
 - B. Freestanding for On-Site Energy Consumption. Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures in all zoning districts provided that the system is no larger than necessary to provide one hundred twenty percent (120%) of the electrical and/or thermal requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems. Freestanding solar panels

shall be permitted if they comply with the standards listed in the Kendall County Zoning Ordinance. Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located. Freestanding solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of freestanding solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility.

- C. Solar Gardens. Solar gardens shall be allowed in all zoning districts and shall require a special use permit whether accessory or principal use of the property subject to the following requirements:
- 1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.
- 2. Rooftop community systems are permitted in all zoning districts where buildings are permitted.
- 3. Ground-mount community solar energy gardens must be less than or equal to twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.
- 4. Solar gardens are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
- 5. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
- 6. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.
- D. Solar Farms. Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market are permitted under the following standards:
- 1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all required standards for structures in the district in which the system is located.
- 2. Solar farms are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
- 3. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Kendall County Soil and Water Conservation District and paid for by the developer. Applicable noxious weed ordinances shall be followed. Due to potential County liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)), it is required that any crops or vegetation planted be in compliance with all federal and state laws protecting endangered species. This will also include

pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually and paid for by the developer.

- 4. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
- 5. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes and the National Electric Code, as amended.
- 6. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Kendall County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible, at the discretion of the Kendall County Planning, Building and Zoning Department. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.
- 7. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Kendall County. The site plan should also show all zoning districts and overlay districts.
- E. Setback Requirements. Unless otherwise stated in the Kendall County Zoning Ordinance, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions.

No solar energy system shall be located in any front yard of any residentially zoned or used property.

- F. Design Standards. Active solar energy systems shall be designed to conform to the County's Land Resource Management Plan and to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.
- Building integrated photovoltaic solar energy systems shall be allowed regardless of whether
 the system is visible from the public right-of-way, provided the building component in which
 the system is integrated meets all required setback, land use or performance standards for the
 district in which the building is located.
- Solar energy systems using roof mounting devices or ground-mount solar energy systems shall
 not be restricted if the system is not visible from the closest edge of any public right-of-way or
 immediately adjacent to a residential structure.
- 3. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the

orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

- 4. Damaged field drain tile shall be repaired or rerouted on a timetable approved by the Kendall County Planning, Building and Zoning Department.
- G. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
- H. Plan Approval Required. All solar energy systems shall require administrative plan approval by the Kendall County Building Official via the review of the application for a building permit.
- Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.
- For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
- 3. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
- 4. Applications that meet the design requirements of the Kendall County Zoning Ordinance and do not require an administrative variance shall be granted administrative approval by the Zoning Administrator and not require Planning, Building and Zoning Committee review. Plan approval does not indicate compliance with Building or Electrical Codes.
- I. Approved Solar Components. Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an SRCC rating.
- J. Compliance with Building Code. All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County adopted building codes will apply and take precedence where applicable.
- K. Utility Notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- L. Building Permit Requirements and Fees. All solar energy systems will be required to have a Kendall County Building Permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated.

Fees for processing the applications for building permits shall be submitted to and collected by the Kendall County Planning, Building and Zoning Department as follows:

0- 10 kilowatts (kW)	\$150.00
11- 50 kilowatts (kW)	\$300.00
51- 100 kilowatts (kW)	\$600.00
101- 500 kilowatts (kW)	\$1,200.00
501- 1,000 kilowatts (kW	\$2,750.00
1,001- 2,000 kilowatts (kW	\$6,000.00
Over 2,000 kilowatts (kW)	\$6,000.00 + \$200.00 for each additional 0-100 kilowatts

Any solar energy system that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes.

M. Liability Insurance and Indemnification.

- 1. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least Three Million Dollars (\$3 Million) per occurrence and Five Million Dollars (\$5 Million) in the aggregate. Such insurance may be provided pursuant to a plan of self- insurance, by a party with a net worth of Twenty Million Dollars (\$20 Million) or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.
- 2. Any SES(s), applicant, owner, or operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of applicant, owner, or operators selection, construction, operation, and removal of the SES(s) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the County's other indemnification rights available under the law.

N. Decommissioning Plan.

- 1. Upon the request of the Kendall County Planning, Building and Zoning Department, an owner of a solar energy system must provide documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have 180 days, after notification from the Kendall County Planning, Building and Zoning Department, to remove the solar energy system from the property.
- A decommissioning plan shall be required at the time of applying for all solar farms and solar gardens to ensure that the facilities are properly removed after their useful life.

3. Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.

- 4. The owner or operator will have six (6) months to complete the decommissioning plan after operation of a solar farm or solar garden ceases.
- 5. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.
- 6. The Kendall County Board shall require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.
- 7. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.

O. Other Requirements.

- 1. Upon request from the Kendall County Planning, Building and Zoning Department, the owner or operator of a solar farm or a solar garden must submit, within fourteen (14) calendar days, a current operation and maintenance report to the Department.
- 2. In all undeveloped areas, the solar energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the Kendall County Planning, Building and Zoning Department before a permit or special use permit will be issued.
- 3. No fencing is required; however, if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.
- 4. Any lighting for solar farms or solar gardens shall be installed for security and safety purposes only. Except for lighting that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
- 5. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
- 6. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
- 7. Solar energy systems must be in compliance with all State of Illinois Plumbing and Energy Codes.
- 8. For solar energy systems located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar

Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA."

- IV. Amended Text: Section 7.01.D is hereby amended by adding the following to the list of special uses:
 - "54. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.
 - 55. Solar Farms subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."
- V. Amended Text: Section 8.02.C is hereby amended by adding the following to the list of special uses:
 - "19. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."
- VI. Amended Text: Section 8.03.H.1 is hereby amended by adding the following to the list of special uses:
 - "p. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."
- VII. Amended Text: Section 8.09.B is hereby amended by adding the following to the list of special uses:
 - "9. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."
- VIII. Amended Text: Section 9.02.C is hereby amended by adding the following to the list of special uses:
 - "15. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."
- IX. Amended Text: Section 9.03.C is hereby amended by adding the following to the list of special uses:
 - "26. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."
- X. Amended Text: Section 9.04.C is hereby amended by adding the following to the list of special uses:
 - "29. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."
- XI. Amended Text: Section 9.05.C is hereby amended by adding the following to the list of special uses:
 - "20. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."

State of Illinois County of Kendall Zoning Petition #18-13

XII. Amended Text: Section 9.06.F is hereby amended by adding the following to the list of special uses:

"Solar Gardens. Solar gardens shall be a special use in the B-5 Business Planned Development District."

- XIII. Amended Text: Section 9.07.C is hereby amended by adding the following to the list of special uses:
 - "19. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."
- XIV. Amended Text: Section 10.03.B is hereby amended by adding the following to the list of special uses:
 - "5. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance."
- XV. The Table of Uses is hereby amended to reflect Solar Gardens as special use in every zoning district and Solar Farms as a special use in the A-1 District.

<u>IN WITNESS OF</u>, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 18th day of September, 2018.

Attest:			
Kendall County Clerk	Kendall County Board Chairman		
Debbie Gillette	Scott R. Gryder		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 18-26

Maurice E. Ormiston as Trustee u/t/a No. 101 and Marilyn J.
Ormiston as Trustee u/t/a 102 (Owners)
and Gay Hoddy (Operator)
A-1 Special Use – Banquet Facility and
Variances to Location and Parking Areas

INTRODUCTION

Gay Hoddy is the daughter-in-law of the Owners of the subject property. Ms. Hoddy would like to establish a banquet facility at the subject property and is requesting variances to the requirement that the facility must be located on an arterial or major collector road, the requirement for hard surface parking areas (except for the ADA required parking spaces), and that the property not be required to have fully shielded parking facility lighting.

RECOMMENDATION

Because a similar special use permit and similar variances were granted at a property near the subject property, Staff recommends approval of the requested special use permit and variances subject to the conditions contained in the proposed ordinance.

PBZ COMMITTEE

The Planning, Building and Zoning Committee reviewed this proposal at their meeting on September 10, 2018. The Committee agreed to allow the Petitioner to use the loft as event space if applicable codes were met. Discussion also occurred regarding the playing music in the tent during events. The Committee approved forwarding this petition to the Committee of the Whole with four (4) members in favor and one (1) member absent.

FOX TOWNSHIP

Fox Township was emailed information on July 30, 2018. No comments were received

NEWARK FIRE PROTECTION DISTRICT

Newark Fire Protection District was emailed information on July 30, 2018. No comments were received.

UNITED CITY OF YORKVILLE

The United City of Yorkville was emailed information on July 30, 2018. While the property is within one point five (1.5) miles of the Yorkville City Limits, the subject property is not included in Yorkville's extraterritorial planning area as shown on the Yorkville Future Land Use Map.

ZPAC

ZPAC reviewed this proposal at their meeting on August 7, 2018. The consensus of ZPAC was to allow the Petitioner to install or expand her septic system in the future (thus removing the need for porta-potties) without having to amend her site plan. Discussion also occurred about requiring landscaping, berming, and/or trees if the neighbors complain. John Whitehouse, engineer for the Petitioner, expressed concerns installing buffering because of a complaint; he wondered who would investigate a complaint and if a complaint, whether founded or unfounded, would trigger a buffering requirement. The Petitioner agreed not to have music outside the barn except wedding ceremony music. No private security would be provided. Mr. Rybski indicated that private events are not under the jurisdiction of the Health Department so long as the well is not used. If all the water is trucked in, that is fine. Mr. Whitehouse said that he would provide additional information on the lines for the septic field. Mr. Asselmeier indicated that WBK had concerns about the unpaved parking area. Mr. Asselmeier indicated that, if the area looked bad, Ms. Hoddy's business would suffer because some prospective customers would not want to have events at a location that looked

undesirable. Mr. Davidson said the Petitioner will have to let the grass grow slightly higher and mow it frequently. ZPAC unanimously recommended approval of the proposal with restrictions.

KCRPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 22. 2018. Discussion occurred regarding verifying that the property owners supported the application. No music would be allowed to originate from tents. The special use permit would run with the land; a resident of the property could operate a banquet facility. Ms. Wilson expressed concerns regarding noise, particularly wedding reception music, created by the proposed use. The Petitioner indicated that no bands shall perform at events. Mr. Bledsoe expressed concerns regarding the impact of noise and lights on the house across the street from the property. Ms. Zubko suggested adding landscaping south of the parking area to block lights from the parking lot. She also suggested adjusting the handicapped stall or walkway to prevent a vehicle from blocking the south access point of the path from the handicapped parking area to the barn. Mr. Nelson suggested adding arborvitae to block the headlights from motorists on the driveway. Discussion occurred regarding adding a right-turn only sign. However, the consensus of the Commission was that people would not follow the instruction and that enforcing the sign would be difficult. Anne Vickery stated that she visited her daughter who lives near another banquet facility and did not hear any noise from that banquet facility. She also stated that people will travel down the path of least resistance and a right-turn only sign will not work. The Kendall County Planning Commission recommended approval the conditions proposed by Staff with seven (7) Commissioners in favor and one (1) Commissioner in opposition. Ms. Wilson voted no because of the lack of mitigation of noise and light. She was unsure that the property owner was in favor of the petition. She also does not think the County does an adequate job of enforcing the noise regulations.

ZBA

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on August 27, 2018. No members of the public expressed support or objections to this proposal. The Petitioner's attorney provided documentation from the owner expressing his support for the proposal. The Petitioner's attorney also provided a letter of no opposition from the tenant living in the house across Hughes Road from the subject property. The Zoning Board of Appeals unanimously recommended approval of the special use permit and variances with the restrictions proposed by Staff. The complete record of the hearing, including the minutes of all related meetings and documents related to the Petition, can be found at https://www.co.kendall.il.us/wp-content/uploads/Petition_18-26.pdf.

The Zoning Board of Appeals also unanimously approved the following Findings of Fact:

FINDINGS OF FACT-SPECIAL USE

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan. The Kendall County Sheriff's Department, Fox Township Road District, and Newark Fire Protection District have not submitted comments expressing concerns for public health and safety. However, without proper buffering or screening, light and noise from the proposed use could impact the comfort of the property located southeast of the subject property.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. Some of the negative impacts of the proposed use on properties in the

immediate vicinity could be mitigated by restrictions related to hours of operation, number of events, and buffering within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, adequate utilities, drainage, and points of ingress and egress are provided.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided that variances are approved regarding distance to arterial and collector roads, the waiver of the requirement that off-street parking areas and access drives be improved with a permanent, concrete, unit paver, asphalt surface, or some other environmentally friendly surface or green design practice, and the waiver of the requirement that only "fully shielded" or "cut-off" light fixture are allowed, the special use would conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use in consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness." Also, if the business allowed by this special use permit were to cease operations, the land could be easily converted to other uses allowed in the A-1 Zoning District.

FINDINGS OF FACT-VARIANCE

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. If the owner of the business allowed by this special use permit were required to install the required parking, the property would have greater difficulty reverting back to a farmstead if the business ceased operations. The required light is for businesses located in a more developed, commercial area and not a rural, agricultural area. The proposed banquet facility is approximately one point two (1.2) miles from an arterial roadway (Route 71); an existing, approved banquet facility on the same road is approximately one point five (1.5) miles away from an arterial roadway or major collector roadway.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is not true. Other banquet facilities in the rural areas could face similar concerns related to lighting, parking, and access to an arterial roadway or major collector roadway. The specific number of properties sharing similar characteristics is unknown.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. While no one involved with the requested special use permit and variances platted the subject property, the Petitioners created the hardship by desiring to have a banquet facility at the subject property.

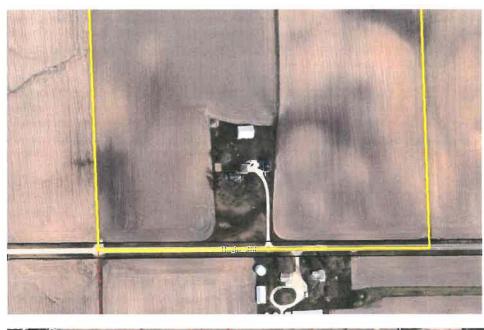
That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. True, the Kendall County Sheriff's Department, Fox Township Road District, and the Newark Fire Protection District have not expressed any concerns regarding the proposed use being materially detrimental to the public welfare or injurious to other property in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. True, the proposed use will not cause an increase

in congestion on public streets because events will not be held every day. Provided the business allowed by the special use permit follows the restrictions placed on the special use permit, no increase to the danger of fire or the endangerment of public safety should occur. Data does not exist as to whether the placement of the proposed use will diminish or impair the property value of the property located southeast of the subject property.

SITE INFORMATION

LOCATION Approximately 1.2 Miles East of Route 71 on the North Side of Hughes Road (Approximately 0.5 Miles East of Sleezer Road)





TOWNSHIP Fox

PARCEL # 04-34-100-001

LOT SIZE 5.112 +/- Acres

EXISTING LAND Agricultural/Single Family Residential

USE

ZONING A-1 Agricultural District

LRMP

Current Land Use	Agricultural and Single-Family Residential
Future	Agricultural
Land Use	
Roads	Hughes Road is a Township Road Classified as a Local Road.
Trails	None
Floodplain/ Wetlands	None

REQUESTED ACTION

A-1 Special Use to Operate a Banquet Facility with variances to be located on a nonarterial or non-collector road, allow off-street parking and driving aisles to not be improved with a permanent, concrete, unit paver, asphalt surface or some other environmentally friendly or green design practice and to waive the requirement for "fully shielded" or "cut off" light fixtures for the parking facility.

REGULATIONS

APPLICABLE Section 7.01 D.10 - A-1 Special Uses - Permits Banquet Facilities to be Located in the A-1 District with Approval of a Special Use Provided that the Facility Meets Certain Criteria

> Section 7.01.D.10.a - Requires Banquet Facilities to be Have Direct Access to an Arterial Roadway or Major Collector Road as Defined in the Land Resource Management Plan

Section 11.02.F.2 - Additional Regulations - Parking - Design and Maintenance -Surfacing - Requires All Required Open Off-Street Parking Areas and Access Drives Constructed or Re-Constructed after May 20, 2008 (Effective Date of This Amendment) in all Zoning Districts Shall Be Improved with a Permanent, Concrete, Unit Paver, Asphalt Surface or Some Other Environmentally Friendly Surface or Green Design Practices. (Petitioners are not asking for a variance to the requirements for ADA parking stalls.)

Section 11.02.F.12 - Additional Regulations - Parking - Light - Only "fully shielded" or "cut-off" light fixtures are allowed. Fully shielded means that no light is emitted above the horizontal plane of the luminaries.

Section 13.04 - Variations

Section 13.08 - Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Agricultural	A-1

South	Agricultural/Farmstead	A-1	Agricultural	A-1	
East	Agricultural/Farmstead	A-1	Agricultural	A-1	
West	Agricultural	A-1	Agricultural	A-1	

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on July 11, 2018; consultation was termination.

NATURAL RESOURCES INVENTORY

NRI application submitted on July 11, 2018. The NRI was completed on August 14, 2018. The LESA Score was 201 indicating a medium level of protection.

GENERAL

Gay Hoddy lives on the subject property with her husband and would like to operate the Harvest Moon Barn banquet facility. Ms. Hoddy requires a special use permit to operate a banquet facility at the subject property. The barn furthest to the north will be used for events. The building with red doors will not be used for events.

This type of use is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

- a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan. (Variance is required for this requirement.)
- b. The subject parcel must be a minimum of 5 acres.
- c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

BUSINESS OPERATION

Ms. Hoddy's business plans were provided. The site plan was provided. The site plan was revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

Events would be held in the frame barn located on the north side of site. Tents could be set up to the west of the barn. Based on the current size of the barn (approximately 1100 square feet), approximately one hundred COW Memo – Prepared by Matt Asselmeier – September 11, 2018

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twenty (120) people could fit inside the barn. Ms. Hoddy anticipates the largest group of attendees to be approximately two hundred fifty (250) people including staff. No members of the public would be allowed in the loft of the barn. At some point in the future, Ms. Hoddy may put concrete pavement in the barn; the current pavement is compacted gravel.

The facility would be operational from May 1st through October 31st. Ms. Hoddy would like the ability to have events outside these dates, weather permitting. The majority of events would be on weekends. However, she would like the ability to have weekday events as well. She seemed open to capping the number of events per week. The proposed hours of operation for events would be from 4:00 p.m. until Midnight. Setup for events would start at 10:00 a.m. and take down from events would be completed by 1:00 a.m.

Ms. Hoddy plans to have two (2) hostesses and four (4) servers at a maximum.

In the event of a security issue, Ms. Hoddy would call 911. The Sheriff's Department had no objections to this plan.

All events would be catered, both food and drink.

The reserving party would be responsible for securing applicable insurance. Ms. Hoddy will also have insurance.

The banquet hall will be used for weddings, birthdays, retirement parties, and similar events.

Ms. Hoddy and her husband live on the property. She has over twenty (20) years of experience as a waitress and banquet related work. She has taken CPR classes in the past and plans to take a refresher course.

Ms. Hoddy reported that she has received at least four (4) phone calls requesting weddings at the property. She had her wedding at the property. One (1) niece had a wedding at the property and another niece is planning a wedding at the property.

Ms. Hoddy agreed to follow all applicable laws related to this type of business and she also agreed to follow the Kendall County Right to Farm Clause.

If approved, Ms. Hoddy would like to start having events in May 2019.

BUILDING CODES

A Change of Occupancy Permit will be required for each existing structure that will be used in conjunction with the proposed banquet facility.

ENVIRONMENTAL HEALTH

Ms. Hoddy indicated that all water used for events will be brought into the site; no well water will be used. Porta-potties will be used for events. According to the site plan, one (1) handicapped accessible porta-potty and two (2) other porta-potties will be located to the northeast of the barn. Refuse containers and a dumpster will be located near the porta-potties. An ADA approved path from the barn to the handicapped accessible porta-potty will be installed with lights.

ROAD ACCESS

The Fox Township Highway Commissioner informed the Kendall County Highway Engineer that he had no issues with the proposed use at the subject property.

PARKING AND INTERNAL TRAFFIC CIRCULATION

Ms. Hoddy submitted a parking plan showing sixty-three (63) parking spaces including four (4) handicapped parking spaces. The parking area is planned to be grass except for the handicapped parking spaces; Ms. Hoddy is requesting a variance to allow this type of parking. Parking will be to the south of the house west of the driveway and to the east of the driveway. No parking will encroach in the required setbacks. The site plan was revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

Staff discussed the lack of paved parking areas with WBK. If the grass is maintained correctly, no parking or erosion issues related to bare soil should arise.

The ADA parking areas will be hard surfaced.

The Kendall County Sheriff's Department expressed no concerns regarding the internal traffic circulation pattern as it relates to public health and safety concerns at the site.

LIGHTING

Ms. Hoddy submitted a photometric plan and lighting is shown on the parking plan. According to the plan, two (2) new lights would be added for the parking lot west of the driveway. Two (2) new lights would be added to the parking lot east of the driveway. One (1) new light would be installed north of the handicapped parking area. Eight (8) solar powered lights will be installed on the walkway between the barn and the handicapped parking area. Ms. Hoddy indicated additional lighting could be installed along the south and east sides of the barn. The photometric and site plans were revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

SIGNAGE

A non-illuminated sign is proposed on the west side of the driveway as shown on the site plan. The sign will be approximately thirty-two (32) square feet in size and two (2) faced. The location and type of sign proposed meet the requirements of the Kendall County Zoning Ordinance.

LANDSCAPING

Ms. Hoddy does not plan to install any additional landscaping.

NOISE CONTROL

The barn would not be air conditioned and the doors on the south and east sides would likely be open during events.

Ms. Hoddy indicated that no music related to events would originate outside the barn except for music related to a wedding ceremony.

Ms. Hoddy agreed to follow the Kendall County noise regulations. However, she did not provide a method for tracking noise.

RELATION TO OTHER SPECIAL USES

Kendall County previously granted a special use permit at 13889 Hughes Road (Ordinance 2016-05) for a banquet facility. This banquet facility is approximately one point two (1.5) miles from the nearest major collector road (Newark Road via Hollenback Road). The proposed banquet facility at the subject property is approximately one point two (1.2) miles from Route 71.

Based on the Kendall County GIS, the barn at the subject property is approximately six hundred two feet (602') from the house at 14838 Hughes Road. The parking area east of the driveway is approximately two hundred twenty-four feet (224') from the house at 14838 Hughes Road. In comparison, the closest barn at 9111 Ashley Road is approximately six hundred twenty-four feet (624') from the house across the street and the parking area is approximately four hundred eleven feet (411') from the house across the street. The impact of noise and light on the adjoining property are concerns.

PROPOSED ORDINANCE

The proposed ordinance for this special use permit and variance is attached.

ATTACHMENTS

1. Proposed Ordinance

ORDINANCE NUMBER 2018-

GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A
BANQUET FACILITY AND A VARIANCE TO SECTION 7.01.D.10.A OF THE KENDALL
COUNTY ZONING ORDINANCE TO ALLOW A BANQUET FACILITY TO BE LOCATED
OFF OF A NON-ARTERIAL OR NON-MAJOR COLLECTOR ROADWAY AND A VARIANCE
TO SECTION 11.02.F.2 OF THE KENDALL COUNTY ZONING ORDINANCE TO ALLOW
OFF-STREET PARKING AND DRIVING AISLE TO NOT BE IMPROVED WITH A
PERMANENT, CONCRETE, UNIT PAVER, ASPHALT SURFACE, OR SOME OTHER
ENVIRONMENTALLY FRIENDLY OR GREEN DESIGN PRACTICE AND A VARIANCE TO
SECTION 11.02.F.12.B OF THE KENDALL COUNTY ZONING ORDINANCE TO WAIVE THE
REQUIREMENT FOR "FULLY SHIELDED" OR CUT-OFF LIGHT FIXTURES FOR THE
PAKING FACILITIES FOR A 5.112 ACRE +/- PARCEL LOCATED AT 14905 HUGHES ROAD,
NEWARK, ILLINOIS AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 04-34-100001 IN FOX TOWNSHIP

<u>WHEREAS</u>, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

<u>WHEREAS</u>, Section 13.04 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue variations and place conditions on variations and provides the procedure through which variations are granted; and

<u>WHEREAS</u>, Section 7.01.D.10 of the Kendall County Zoning Ordinance permits the operation of banquet facilities as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

<u>WHEREAS</u>, Section 7.01.D.10.a of the Kendall County Zoning Ordinance requires banquet facilities located in the A-1 Agricultural Zoning District to have direct access to an arterial roadway or major collector road as defined in the Land Resource Management Plan; and

<u>WHEREAS</u>, Section 11.02.F.2 of the Kendall County Zoning Ordinance requires all off-street parking areas and access drives be constructed or re-constructed after May 20, 2008, shall be improved with a permanent, concrete, unit paver, asphalt surface, or some other environmentally friendly surface or green design practices; and

<u>WHEREAS</u>, Section 11.02.F.12 of the Kendall County Zoning Ordinance requires only "fully shielded" or "cut-off" lighting fixtures; and

<u>WHEREAS</u>, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 5.112 acres located at 14905 Hughes Road, Newark, Illinois (PIN: 04-34-100-001) in Fox Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property."; and

<u>WHEREAS</u>, the subject property is currently owned by Maurice E. Ormiston as Trustee u/t/a No. 101 and Marilyn J. Ormiston as Trustee u/t/a 102 and Gay Hoddy currently resides at the subject property and shall hereinafter be referred to as "Petitioner"; and

<u>WHEREAS</u>, on or about July 22, 2018, Petitioner filed a petition for a Special Use Permit allowing the operation of a banquet facility at the subject property and variances to Sections 7.01.D.10.a, 11.02.F.2, and 11.02.F.12 of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on August 27, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and presented evidence, testimony, and exhibits in support of the requested special use permit and variances and zero members of the public testified in favor or in opposition; and

<u>WHEREAS</u>, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permit and variances with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated August 27, 2018, a true and correct copy of which is attached hereto as Exhibit B; and

<u>WHEREAS</u>, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested special use permit and variances with conditions; and

<u>WHEREAS</u>, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, this special use permit and variances shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

<u>NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,</u> as follows:

- 1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
- 2. The Kendall County Board hereby grants approval of Petitioner's petition for a special use permit and variances allowing the operation of a banquet facility on the subject property subject to the following conditions:
 - A. The site, including parking plan, shall be developed in accordance to the attached site plan attached hereto as Exhibit C. The owner of the business allowed by this special use permit may remove the porta-potties shown on the site plan if adequate, permitted facilities (i.e. septic system) are installed on the property for use at the banquet facility. The owner of the business allowed by this special use permit may also install one or more temporary tents located west of the framed barn.
 - B. A maximum of two hundred fifty (250) guests in attendance at a banquet center related event may be on the subject property at a given time.
 - C. The lighting shall be developed in accordance to the attached site plan and photometric plan attached hereto as Exhibit C. The operator of the banquet facility may install two (2)

decorative lights on the south side of the barn and two (2) decorative lights on the east side of the barn.

- D. Events shall be confined to the framed barn, patio area, and grassy area west of the barn. No events may be held in the loft or second story or above of the framed barn (unless these areas are included in the occupancy permit), the corn crib, garage, residence, or any new barns or accessory buildings on the property without an amendment to this special use permit.
- E. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance.
- F. The subject parcel must be a minimum of five (5) acres.
- G. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- H. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance except where variances are granted.
- I. A variance shall be granted to the requirement contained in Section 11.02.F.2 of the Kendall County Zoning Ordinance that the business allowed by this special use permit shall be exempt from the requirement that all required open off-street parking areas and access drives constructed or re-constructed after May 20, 2008 shall be improved with a permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. This variance shall not be extended to parking and parking related facilities required by the Americans with Disabilities Act.
- J. A variance shall be granted to the requirement contained in Section 11.02.F.12.B of the Kendall County Zoning Ordinance that the business allowed by this special use permit shall provide only "fully shielded" or "cut-off" light fixtures.
- K. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The signage will not be illuminated.
- L. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- M. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the

maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

- N. No music shall originate outside of any building associated with the special use permit. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. No bands shall perform at any events.
- O. Events shall be held between May 1 and October 31. The property owner or banquet operator may hold events outside of this timeframe with the approval of the Planning, Building and Zoning Committee.
- P. No more than four (4) events in a seven (7) day period may be held at the property.
- Q. Setup for events shall not commence prior to 10:00 a.m.
- R. All events must cease by Midnight except for cleaning up after an event which must cease by 1:00 a.m.
- S. A new certificate of occupancy must be issued for the framed barn.
- T. The operator of the banquet facility allowed by this special use permit shall reside at the subject property as their primary place of residence.
- U. The operator of the banquet facility and property owner(s) acknowledge and agree to follow Kendall County's Right to Farm Clause.
- V. The property owner and operator of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- W. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- X. If one or more of the above conditions is declared invalid by a court of competent iurisdiction, the remaining conditions shall remain valid.
- 3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

<u>IN WITNESS OF</u>, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 18th day of September, 2018.

Attest:				
Z - 1.11 C C - 1	Ward 10 Court David Chairman			
Kendall County Clerk	Kendall County Board Chairman			
Debbie Gillette	Scott R. Gryder			

Attachment 1, Page 7

LEGAL DESCRIPTION OF PARCEL SUBJECT TO SPECIAL USE PERMIT APPLICATION AND VARIANCE APPLICATION

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID WEST HALF; THENCE NORTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, ALONG THE SOUTH LINE OF SAID NORTH HALF, 425.00 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 18 MINUTES 44 SECONDS WEST, 240.00 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 16 SECONDS WEST, 175.00 FEET; THENCE NORTH 02 DEGREES 41 MINUTES 16 SECONDS WEST, 170.86 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 16 SECONDS WEST, 260.00 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 16 SECONDS EAST, 400.00 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, 600.00 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 44 SECONDS EAST, 600.00 FEET TO SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 41 MINUTES 16 SECONDS WEST, 400.00 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

THE ABOVE DESCRIBED PROPERTY CONTAINS 5.1126 Acres

Exhibit B FINDINGS OF FACT-SPECIAL USE

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan. The Kendall County Sheriff's Department, Fox Township Road District, and Newark Fire Protection District have not submitted comments expressing concerns for public health and safety. However, without proper buffering or screening, light and noise from the proposed use could impact the comfort of the property located southeast of the subject property.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours of operation, number of events, and buffering within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, adequate utilities, drainage, and points of ingress and egress are provided.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided that variances are approved regarding distance to arterial and collector roads, the waiver of the requirement that off-street parking areas and access drives be improved with a permanent, concrete, unit paver, asphalt surface, or some other environmentally friendly surface or green design practice, and the waiver of the requirement that only "fully shielded" or "cut-off" light fixture are allowed, the special use would conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use in consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness." Also, if the business allowed by this special use permit were to cease operations, the land could be easily converted to other uses allowed in the A-1 Zoning District.

FINDINGS OF FACT-VARIANCE

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. If the owner of the business allowed by this special use permit were required to install the required parking, the property would have greater difficulty reverting back

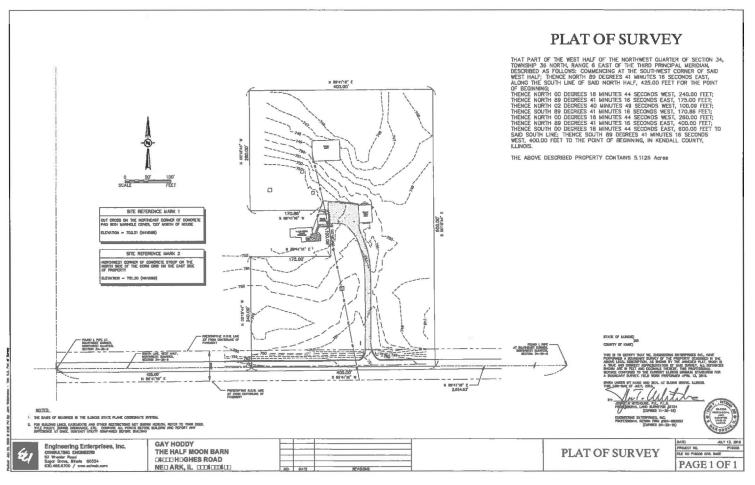
to a farmstead if the business ceased operations. The required light is for businesses located in a more developed, commercial area and not a rural, agricultural area. The proposed banquet facility is approximately one point two (1.2) miles from an arterial roadway (Route 71); an existing, approved banquet facility on the same road is approximately one point five (1.5) miles away from an arterial roadway or major collector roadway.

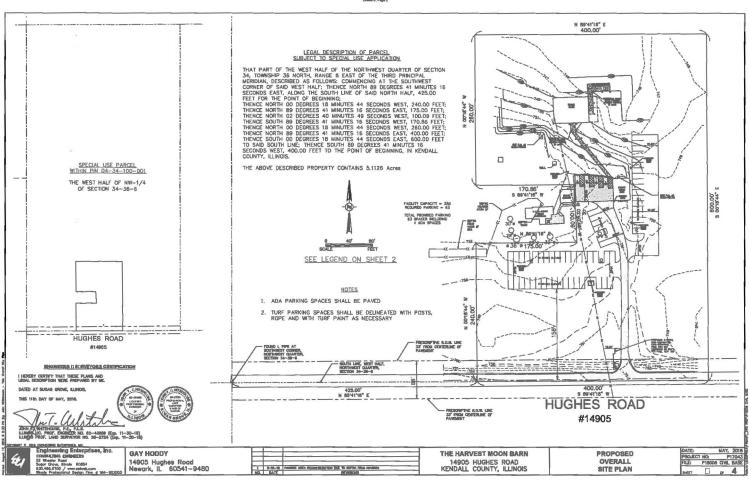
That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is not true. Other banquet facilities in the rural areas could face similar concerns related to lighting, parking, and access to an arterial roadway or major collector roadway. The specific number of properties sharing similar characteristics is unknown.

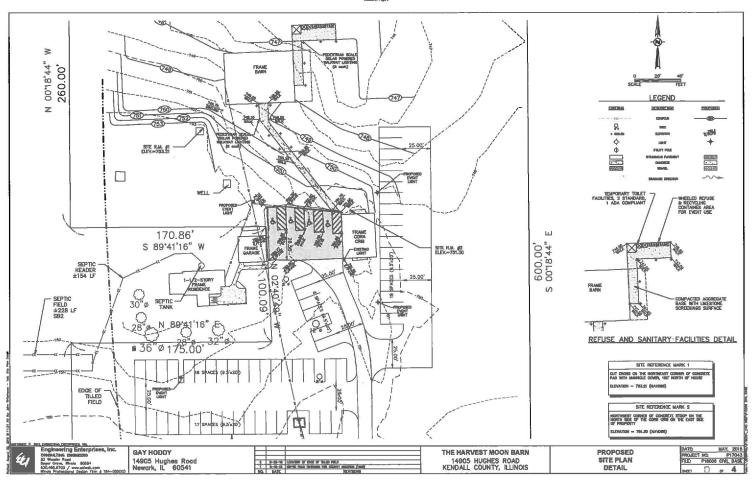
That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. While no one involved with the requested special use permit and variances platted the subject property, the Petitioners created the hardship by desiring to have a banquet facility at the subject property.

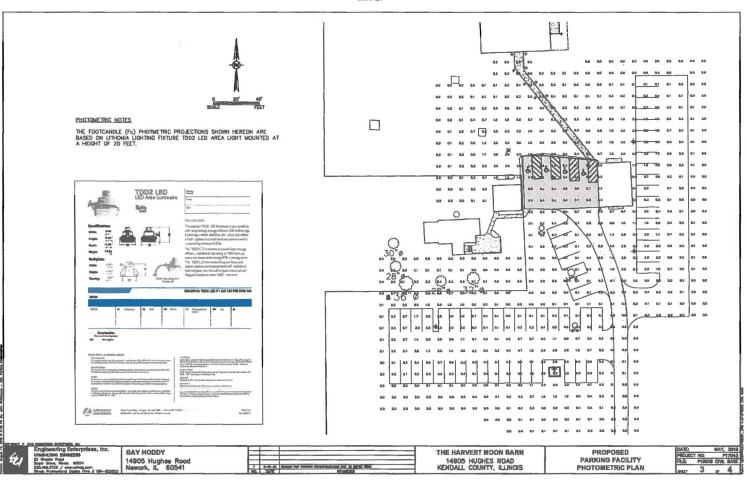
That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. True, the Kendall County Sheriff's Department, Fox Township Road District, and the Newark Fire Protection District have not expressed any concerns regarding the proposed use being materially detrimental to the public welfare or injurious to other property in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. True, the proposed use will not block light or air from adjacent properties. The proposed use will not cause an increase in congestion on public streets because events will not be held every day. Provided the business allowed by the special use permit follows the restrictions placed on the special use permit, no increase to the danger of fire or the endangerment of public safety should occur. Data does not exist as to whether the placement of the proposed use will diminish or impair the property value of the property located southeast of the subject property.









THE COUNTY OF KENDALL FEBRUARY 19, 1841

DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204 Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Committee of the Whole From: Matthew H. Asselmeier, AICP, Senior Planner

Date: September 11, 2018

Re: Petition 18-28 Inoperable Vehicle Ordinance

The Kendall County State's Attorney's Office recently completed the attached draft Inoperable Vehicle Ordinance.

The proposal would allow the Kendall County Planning, Building and Zoning Department to issue citations in cases of inoperable vehicles.

The proposal removes the authority to allow the Kendall County Sheriff's Department to tow inoperable vehicles.

At their meeting on September 10, 2018, the Planning, Building and Zoning Committee reviewed the proposal and recommended that farm machinery be exempt from the regulations. The attached proposal reflects this change in Section 2.e. The Committee approved forwarding this proposal to the Committee of the Whole with four (4) in favor and one (1) absent.

The existing Inoperable Vehicle Ordinance is also attached to this memo.

If you have any questions, please let me know.

MHA

ENC: Draft Inoperable Vehicle Ordinance

Ordinance 88-15

ORDINANCE NUMBER 18-

INOPERABLE MOTOR VEHICLES

WHEREAS, it is the policy of the Kendall County Board to promote the health, safety, and welfare of Kendall County by abating the nuisance created by the outside storage of inoperable motor vehicles in unincorporated areas of the County; and

WHEREAS, on May 10, 1988, the Kendall County Board adopted Ordinance No. 8815 entitled "Inoperable Motor Vehicles;" and

WHEREAS, Ordinance No. 8815 stated the circumstances under which the storage of inoperable motor vehicles in unincorporated areas of Kendall County would constitute a nuisance and provided procedures for the abatement of such nuisance; and

WHEREAS, the Kendall County Board now desires to implement an updated procedure for the abatement of the nuisance created by the storage of inoperable motor vehicles; and

WHEREAS, Section 5-1092 of the Counties Code (55 ILCS 5/5-1092) authorizes a county board to declare by ordinance inoperable motor vehicles, whether on public or private property, to be a nuisance and authorize fines to be levied against a person for failure to dispose of an inoperable motor vehicle after receiving notice; and

WHEREAS, pursuant to Section 5-1092, this Ordinance shall not apply to motor vehicles kept within a building when not in use, operable historic vehicles over 25 years of age, or motor vehicles on the premises of a place of business engaged in the wrecking or junking of motor vehicles; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby authorizes the abatement of the nuisances created by the storage of inoperable motor vehicles and the levying of fines for a person's failure to abate as follows:

Section 1.

Pursuant to authority granted by 55 ILCS 5/5-1092, the purpose of this Ordinance is to provide a method for abating nuisances created in the County of Kendall by inoperable motor vehicles and to provide for fines to be levied for the failure of any person to obey a notice received from the county which states that such person is to dispose of any inoperable motor vehicles under that person's control.

Section 2.

It is hereby declared a nuisance for any person to cause or permit the existence or storage upon any premises within the County of Kendall and outside the municipal confines of any city, village or incorporated town any inoperable motor vehicle or part thereof.

For purposes of this Section, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least 7 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include:

a. a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations;

- b. any motor vehicle that is kept within a building when not in use;
- c. an operable historic vehicle over 25 years of age which is licensed pursuant to section 3-804 of the Motor Vehicle Code (625 ILCS 5/3-804);
- d. a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.
 - e. any motorized equipment used in the production of agriculture.

Section 3.

- a. Any Kendall County code enforcement officer and the Kendall County Sheriff, or his deputies, are hereby authorized to issue citations to the offender for a violation of this Ordinance.
- b. Whenever any authorized officer determines an inoperable motor vehicle exists on any public or private property located in the County of Kendall and outside the municipal confines of any city, village, or incorporated town, the officer shall cause a written notice to be served by hand delivery upon the person(s) controlling the inoperable motor vehicle, which notice shall inform the person served that an inoperable motor vehicle constitutes a nuisance under this Ordinance.

An inoperable motor vehicle is under the control of a person(s) if that person(s):

- i. holds legal title to the inoperable motor vehicle;
- ii. is in custody or possession of the inoperable motor vehicle;
- iii. is the owner of real property upon which the inoperable motor vehicle is located;
- iv. has any possessory interest in the real property upon which the inoperable motor vehicle is located;
- v. has any possessory interest in the inoperable motor vehicle.
- c. Such notice shall include the following:
 - i. The name of the defendant and his or her address, if known;
 - ii. The nature of the offense and a reference to this Ordinance;
 - iii. The date, time and place that the person is required to appear in court;
 - iv. A statement that defendant can avoid the court appearance if he, within 10 days of the service of the notice, repairs the vehicle to an operable condition or disposes of the inoperable vehicle;
 - v. A statement that the defendant may demand a jury trial by filing a jury demand and paying a jury demand fee when entering his or her appearance, plea, answer to the charge, or other responsive pleading;
 - vi. A statement that a default judgment may be entered in the event the person fails to appear in court or answer the charge made on the date set for the defendant's court

appearance or any date to which the case is continued and the amount of any default judgment.

Section 4.

- a. Any person receiving such notice to dispose of an inoperable motor vehicle shall, within 10 days of the date of service of said notice:
 - i. Repair all inoperable motor vehicles identified in the notice to operable condition; or
 - ii. Dispose of all inoperable motor vehicles identified in the notice in accordance with all applicable statutes of the State of Illinois and all applicable ordinances and resolutions of the County of Kendall.
- b. If the person receiving such notice repairs or disposes of the inoperable motor vehicle within 10 days as required, that person shall contact the Kendall County Planning, Building, and Zoning Department at least 10 days prior to the scheduled court appearance for an inspection. If the code enforcement officer determines the inoperable motor vehicle has been repaired or disposed of so that it is no longer in violation of this Ordinance, the court appearance shall no longer be required.

Section 5.

- a. It shall be unlawful and in violation of this Ordinance for any person to neglect, refuse, or otherwise fail to remove or abate any nuisance as defined in Section 2 within 10 days following service of notice pursuant to Section 3(c).
- b. A violation of this Ordinance by any person shall be punishable by a fine not exceeding \$200.00 for each offense.
- c. Each day a violation continues to exist following the expiration of the 10 day cure period set forth in Section 4(a) shall constitute a separate offense.

Section 6.

Ordinance No. 8815 adopted May 10, 1988 is repealed.

enacted by a majority vote of the Kendall County Board this	IN WITNESS OF, this Ordinance has been enact
	day of, 2018.
	Attest:
Scott R. Gryder	
•	
Scott R. Gryder Kendall County Board Chairman	Attest: Debbie Gillette Kendall County Clerk

BE IT HEREBY ORDAINED AS FOLLOWS:

- That all inoperable motor vehicles located in the unincorporated areas of the County, whether on public or private property are hereby declared to be a nuisance.
- 2. That "inoperable motor vehicle" means any motor vehicle from which for a period of at least 7 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.
- 3. That any person having an inoperable motor vehicle under his or her control shall dispose of said vehicle within 7 days after receipt by said person from the County of notice thereof.
- 4. That the Building and Zoning Office of Kendall County is hereby authorized to enforce the notice provision under the terms of this ordinance.
- 5. That any person failing to dispose of an inoperable motor vehicle after notice shall be in violation of this Ordinance and shall be fined not to exceed \$200.00 for each day that such a violation continues.
- 6. This Ordinance is expressly declared not to apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.
- 7. That the Sheriff's Office of Kendall County is authorized to remove, after 7 days from the issuance of the Notice as provided in § 3 herein, any inoperal motor vehicle or parts thereof.

ADOPTED this 10 day of Miller, 1988

Chairman, Kendall County Boar

ATTEST:

County Clerk

HIGHWAY COMMITTEE MINUTES

DATE: September 11, 2018

LOCATION: Kendall County Highway Department

MEMBERS PRESENT: Matt Kellogg, Judy Gilmour, Lynn Cullick, Bob Davidson

STAFF PRESENT: Ginger Gates, Fran Klaas

ALSO PRESENT: PJ Fitzpatrick

The committee meeting convened at 4:00 P.M. with roll call of committee members. Gryder absent. Quorum established.

Motion Davidson; second Cullick to approve an amended agenda with item #9, eminent domain resolution, removed. Motion approved unanimously.

Motion Gilmour; second Cullick to approve the Highway Committee meeting minutes from July 10, 2018. Motion approved unanimously.

An ordinance for altered speed zones was presented to the Committee. The ordinance would reduce the speed limit on River Road from 50 mph to 45 mph from Fox River Drive to the Yorkville city limits. It would also reduce the speed limit on Little Rock Road from 55 mph to 50 mph from Meyer Road to Galena Road. Little Rock Township and Bristol Township had requested the speed reduction on River Road. Klaas reminded the Committee that the County Board sets speed limits on both county and township highways. After reviewing the proposed speed limits, the Committee voted unanimously to forward the ordinance to the County Board for consideration.

The Committee reviewed the 5-Year Surface Transportation Program update for 2019-2023. One of the new projects that has been included is funding for intersection improvements at Orchard Road and U.S. Route 30. Davidson asked about the WIKADUKE Trail funding. Klaas indicated that after the current alignment study is completed, there is no more funding included in the 5-Year Plan per the Committee's previous direction. Motion Davidson; second Cullick to recommend approval of the 5-Year Plan to the County Board. Motion carried unanimously.

A joint bridge petition was received from Oswego Road District in the amount of \$40,000 to make emergency repairs to the Reservation Road Bridge. If approved, the County and the Township would share repair costs 50/50 up to a total of \$80,000. Klaas stated that, historically, townships would petition the County for aid, and the County would be obligated to pay for 50% of the costs. Today, with the complications of PTELL, townships are not levying the absolute maximum allowable under PTELL, and so the County is not legally required to fund 50% of the costs, according to our State's Attorney. Although not obligated to fund these types of projects, the County has generally agreed to fund them, with few exceptions. Klaas said that it would be very helpful to the township if the County honored this petition for aid. Gilmour suggested that the funding should be not-to-exceed \$40,000 for the County. Motion Cullick; second Gilmour to fund not-to-exceed \$40,000 for the joint repair of the Reservation Road Bridge. Davidson stated that he had no problem with this petition; but was upset that a similar petition from Little Rock Township for construction of the Mitchell Road Bridge was turned down earlier this year.

Cullick indicated that the nature of the current project (a repair) was very different from the construction of a completely new bridge on Mitchell Road. The costs are also very different... \$40,000 vs. \$200,000. Davidson said that his taxpayers in District 1 got nothing on the Mitchell Road petition, and they deserve the same consideration. Gilmour and Cullick voted "yes" on the motion, while Kellogg and Davidson voted "no". Gilmour asked how long the repair project would take, and Klaas indicated that he thought it would take about 30 days. The township is handling this as an emergency repair.

A resolution approving the low bid of Corrective Asphalt Materials in the amount of \$109,635 was presented to the Committee. Roads to receive crack filling include Caton Farm Road, Grove Road and Joliet Road. Motion Cullick; second Gilmour to recommend approval of the low bid to the County Board.

Klaas presented the proposed budgets for FY 2019 to the Committee. The combined property tax levy for County Highway Fund and County Bridge Fund is \$2,000,000. He stated that you would have to go back to FY 2008 to find a combined levy that is lower than the currently-proposed levy. Cullick asked if this would be a comfortable place to be for the Highway Department, and Klaas indicated that it would be. He was showing nearly \$70,000 deficit spending in the Highway Fund, but that was due to a projected fund balance of around \$250,000 in the current year. Kellogg asked what the balance was in the Building Fund. So far, Highway Department has paid back \$1,037,352 out of a total required of \$1,300,000 to the Building Fund.

PJ Fitzpatrick provided update on the Collins Road Extension project. Final approval of the Project Development Report is expected within the next 30 days. This will bring to conclusion the Phase I Engineering. Davidson asked about the land acquisition, and whether Oswego would be acquiring land for the project. Klaas indicated that, because of anticipated federal funding, it might be necessary for the County to be the lead agency on the land acquisition. Davidson suggested that Oswego might have a multi-year payback for land acquisition costs. Funding opportunities for Phase II Engineering, land acquisition, and construction will continue to be pursued through Kane / Kendall Council of Mayors.

Motion Cullick; second Gilmour to forward Highway Department bills for the month of September in the amount of \$844,404.30 to the Finance Committee for approval. Motion approved unanimously.

Motion Cullick; second Gilmour to adjourn the meeting at 4:35 P.M. Motion carried unanimously.

Respectfully submitted,

Francis C. Klaas, P.E. Kendall County Engineer

Action Items

- 1. Ordinance for altered speed zones on River Road and Little Rock Road
- 2. 5-Year Surface Transportation Program for 2019 2023
- 3. Joint Bridge Petition from Oswego Road District for emergency repairs to the Reservation Road Bridge in an amount not to exceed \$40,000
- 4. Resolution approving the low bid of Corrective Asphalt Materials in the amount of \$109,635 for crack filling on various county highways

COUNTY OF KENDALL, ILLINOIS FACILITIES MANAGEMENT COMMITTEE MEETING MINUTES THURSDAY SEPTEMBER 6, 2018

Committee Chairman Bob Davidson called the meeting to order at 4:00 p.m.

Roll Call: Members Present: Bob Davidson, Judy Gilmour, Matt Kellogg, Audra Hendrix

Members Absent: Tony Giles

With enough members present, a quorum was formed to conduct business.

Others Present: Facilities Management Director Jim Smiley, County Administrator Scott Koeppel.

<u>Approve the August 6, 2018 Facilities Committee Meeting Minutes</u> – there were no changes to the August 6, 2018 minutes; Member Gilmour made a motion to approve the minutes, second by Member Kellogg. <u>With enough</u> <u>present members voting aye, the minutes were approved.</u>

Motion by Member Gilmour to add discussion of the 2019 budget under the Capitol Budget discussion to the agenda second by Member Kellogg. With all present members voting aye, the agenda was approved.

Public Comment – None

Old Business/Projects

- 1. Healy Bender, 111 W. Fox St. Part I Analysis Follow Up Director Smiley stated that he discussed with Jacob Bean at Healy Bender the Committee's request to move the records from the Annex and Annex II to the Courthouse in year 1 of the proposed plan. Mr. Bean also suggested that the records be placed in cabinets, just in case the sprinkler system were to go off. Healy Bender also suggested to electronically scan whatever documents that could be scanned, however Jacob stated that this could be a costly process. Jim also stated that the window security film for the windows can be added to the east side windows. Mr. Smiley stated that adding the window security film to the windows on the west side windows are slated to be installed in year 1 of the proposed plan, if approved to be in the Capital Budget.
- 2. *Historic Courthouse Window Project* Mr. Smiley informed the Committee that he signed off on the revised drawings on August 31, 2018. Jim said the vendor still anticipates a November installation date.
- 3. 2018 Parking Lot Repairs Jim stated that all parking lot and sidewalk repairs or replacements were completed by mid-August. Jim also informed the Committee that striping at both the Fox St. and Rt. 34 campuses was completed on August 31, 2018. **Project Complete.**
- 4. County Clerk New Office Construction Mr. Smiley informed the Committee that the painting on the outside of the office is complete. The employee in this office has moved backed into the completed space a few weeks ago when the interior of the office was complete. Jim also stated the window pane and door installation is all that is left to be completed. Jim anticipates installation this week.
- 5. Vending Machine Changes at County Office Building & Courthouse Director Smiley stated the State's Attorney's office is in review of the proposed MOU. Jim also stated that the proposed contract with Super G Vending has been reviewed with the State's Attorney and the changes are being provided to the vending company for their review.

New Business/Projects

- 1. Chairman's Report
 - a. Solar Project Update Chairman Davidson informed the Committee that the Solar Project is moving forward with the City of Yorkville. The City of Yorkville requires a tree study be provided as part of the Special Use Permit. That study is being paid for by GRNE.
 - b. Public Safety Center A/C Replacement Chairman Davidson stated that the money should be budgeted for next year. Director Smiley dropped the amount to be between \$850-\$900,000.00. The Committee will continue discussion on this next month.
 - c. Capital Budget Discussion The Committee's direction for Mr. Smiley is to submit the Healy Bender Proposed Security Plan in two parts. 1) Landscape barriers, interior electronic door locks on the main hallways and outside doors, window security film and moving records. 2) Flip Flopping locations for the County Board room and Record's department. Demand Response Proceeds - The Committee recommended the funds generated from the Demand Response Program of approximately \$30,000 per year to be allocated to a capital improvement fund line item. Motion by Member Kellogg to bring to the Finance Committee, a recommendation to allocate funds from the Demand Response Program be used for Facilities projects and deposited into a new line item number in the Building Capital Improvement Fund. Second by Member Hendrix. All members present voting aye, Motion Carried. Operating Budgets - Director Smiley has submitted an operating budget that is 97.6% of 2018's budget. Which is below the request 98% of 2018's budget. Director Smiley also submitted a utility budget of 98.2%. Due to utilities being a commodity and traded, the cost controls are limited. Director Smiley feels confident that the we continue to make that have will bring the budget even lower for 2019. Director Smiley also stated at the Courthouse new Illinois Legislation mandates that a lactation room be available in any building with a Circuit Clerk's office. Jim stated that he will be meeting with Judge McCann this week about this. The Committee directed Mr. Smiley to give Dr. Tokars the cost estimates for the dental clinic so Dr. Tokars can submit them for her budget. Jim also stated that a control upgrade in the sally port elevator at the Courthouse will need to be included in the proposed 2019 Capital Budget for Facilities.
- 2019 Electric Supply Jim said the State's Attorney is working on the contract with Constellation and hopes it will be ready for the County Board meeting on September 18th for approval. Motion by Member Hendrix to bring the Constellation Contract to the September 18, 2018 Board meeting for approval. Second by Member Kellogg. <u>All members present voting aye</u>, <u>Motion Carried.</u>
- 3. Public Safety Center Roof Replacement Mr. Smiley informed the board the winning bid is RB Crowther Company, which came in at \$65,750.00. Director Smiley stated that RB Crowther has been vetted and is capable to do this project. Jim received back the contract from the State's Attorney's Office. Motion by Member Kellogg to forward the recommendation to approve RB Crowther Company and not to exceed \$72,950.00 at the September 18, 2018 County Board meeting for approval. Second by Member Hendrix. All members present voting aye, Motion Carried.
- 4. *U.P.S. Systems Battery Replacements* Mr. Smiley informed the Committee the batteries in the UPS systems were all completed between last week and this week. **Project Complete.**
- 5. City of Yorkville Detention Basin Letter Director Smiley informed the Committee that we received a letter from the City of Yorkville concerning the inspection of the Detention basin next to the Health and Human Service Building. Jim stated that we have 90 days or no later than November 9, 2018 to correct the items that were listed. These items include clearing sediments and all vegetation causing blockage around flared end sections, stabilize the shoreline from erosion, removal of all invasive species/weeds, discharge at flared end sections causing undercutting and erosion, and movement flow appeared to not be occurring. Jim met with our landscaping vendor and they removed the "farmer's gate" which did

drop the water by a few inches, but not enough. Jim had meetings with Matt Asselmeier in Planning, Building and Zoning, County Administrator Koeppel and Facilities Chair Davidson to discuss the situation. The consensus of the Committee is to meet with the City of Yorkville's engineer to discuss the situation further.

6. *Demand Response EPA Compliance Testing* – Mr. Smiley informed the Committee the generator was tested and passed to comply with EPA regulations was completed on August 2, 2018. Jim stated the final report is still forthcoming. **Project Complete.**

Staffing/Training/Safety

➤ Reportable Labor Hours – Reports were included in the packet.

Other Items of Business

- > CMMS Charts Reports were included in the packet for:
 - Reported versus Completed Work Orders, Reported by Building Current Month
 - Work Orders by Work Type Current month
 - Committee members discussed when to have the next meeting due to the Labor Day Holiday.
 - Committee members decided to schedule the next meeting on September 6 2018 at 4:00 pm.

Questions from the Media – None

Executive Session – None

<u>Adjournment</u> – Chairman Davidson asked if there was a motion to adjourn. Member Gilmour made a motion to adjourn the meeting, second by Member Kellogg. <u>With all members present voting aye, the meeting</u> adjourned at 5:39 p.m.

Respectfully submitted,

Christina Wald Administrative Assistant

COUNTY OF KENDALL, ILLINOIS BUDGET & FINANCE COMMITTEE

Meeting Minutes for Thursday, August 30, 2018

Call to Order

Committee Chair John Purcell called the Budget and Finance Committee meeting to order at 5:36p.m.

Roll Call

Attendee	Status	Arrived	Left Meeting
Lynn Cullick		5:49p.m.	
Bob Davidson		5:36p.m.	
Matt Kellogg	Here		
Matthew Prochaska	Here		
John Purcell	Here		

Staff Members Present: Latreese Caldwell, Robyn Ingemunson, Scott Koeppel, RaeAnn Van Gundy

<u>Approval of Agenda</u> – Member Kellogg made a motion to approve the agenda, second by Member Prochaska. <u>With three members present voting aye, the agenda was approved by a vote of 3-0</u>.

<u>Approval of Claims</u> – Member Kellogg made a motion to forward Approval of Supplemental Claims in an amount not to exceed \$908,374.27, and Coroner Claims in an amount not to exceed \$2,323.82 to the County Board, second by Member Prochaska.

Discussion on the number of County Offices or Departments that are members of each municipality chamber, or EDC committee. The committee asked Mr. Koeppel to research and report back at a future committee meeting.

With three members present voting aye, the claims were approved by a vote of 3-0.

Department Head and Elected Official Reports

Robyn Ingemunson, Circuit Clerk – Member Purcell stated that the Governor recently signed a bill setting some of the Circuit Clerk fees, which has potential to generate additional revenue for the County. Ms. Ingemunson reviewed the proposed changes that will take effect in July 2019 based on the new state law. Ms. Ingemunson stated that the only fees that can increased now are the subsequent filing fees, and that according to a new state law, other fees cannot be increased until July 2019.

Discussion on the current fee assessment, the portion that is distributed to the County Clerk's Office, the portion to the County, and the portion to the State. Ms. Ingemunson stated that the fees that can be increased in July 2019 should increase revenue to the

County General Fund.

There was consensus by the committee to forward to the September 4, 2018 County Board meeting, the Approval of Proposed Circuit Clerk Fee Increases effective October 1, 2018.

Reports from Other Committees - None

Items of Business

• From Economic Development Committee: Approval of 2018 Chicago Regional Growth Corporation Membership Dues in an amount not to exceed \$5,000. — Member Prochaska made a motion to forward the item to the County Board for approval, second by Member Cullick.

Member Cullick stated that the Chicago Regional Growth Corporation distributed \$10,000 of export grants to Kendall County last year, and Member Kellogg said that the Trucking Permit initiative will benefit the Highway Department so that one permit will go through the County and all County municipalities, in an effort to stream-line truck permits and transportation. Discussion on the make-up of the Board, what County Board members serve on the Board and in what capacity.

Roll Call: Member Davidson – yes, Member Prochaska – yes, Member Kellogg – yes, Member Cullick – yes, Member Purcell – no. With Members Davidson, Prochaska, Kellogg and Cullick voting aye, and Member Purcell voting no, the motion carried by a 4-1 vote.

• Discussion on Health Department Levy – Mr. Koeppel reported that he and Ms. Caldwell met with Ms. VanGundy from the Health Department last week to review the proposal discussed in the Finance Committee, the actual costs associated with the Health Insurance, IMRF and Social Security. Mr. Koeppel stated that Ms. VanGundy stated in the meeting that the Health Department needs the full levy amount, and that the contribution amount they were asked to contribute in 2018 (\$457,000.) isn't sustainable for the Health Department going forward into the future, and that they need the full levy amount as it has been in the to continue with their operations as they currently are, minus any contribution for the Health Insurance, IMRF and Social Security costs. If they are expected to contribute toward those costs, the net would need to be increased to include any net contribution.

Discussion on the current Health Department fund balance of 3-4 months, the impact on their fund balance if any contribution is made, their annual operational budget, and the ending balance after 5-years if they made contributions.

The committee will discuss further after The Horton Group presents final Health Insurance Benefit increase amounts at the Admin HR Committee meeting on September 10, 2018 at 8:00a.m.

2019 Budget – Member Davidson presented his ideas for balancing the budget by taking a ten
percent reduction on all levies, taking the PSST and Highway Department payments into the
General Fund, and imposing a 3-month County-wide Hiring Freeze.

Discussion on other options, ideas and anticipated revenue, as well as waiting for the final increases for employee Health Insurance benefits.

Public Comment – Todd Milliron, Yorkville

Questions from the Media – None

Items for the September 4, 2018 County Board Agenda

Approval of Supplemental Claims in an amount not to exceed \$908,374.27, and Coroner Claims in an amount not to exceed \$2,323.82

Approval of Proposed Circuit Clerk Fee Increases effective October 1, 2018

Items for the September 13, 2018 Committee of the Whole Agenda - None

<u>Executive Session</u> – for the purpose of the review of discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06, 5ILCS 120-2 – **Item tabled until the September 13, 2018 committee meeting**

<u>Adjournment</u> – Member Prochaska made a motion to adjourn the Budget and Finance Committee meeting, second by Member Cullick. <u>The meeting was adjourned at 7:26p.m.</u> <u>by a 5-0 vote.</u>

Respectfully submitted,

Valarie McClain Administrative Assistant and Recording Secretary

COUNTY OF KENDALL, ILLINOIS BUDGET & FINANCE COMMITTEE

Meeting Minutes for Thursday, September 13, 2018

Call to Order

Committee Chair John Purcell called the Budget and Finance Committee meeting to order at 4:35p.m.

Roll Call

Attendee	Status	Arrived	Left Meeting
Lynn Cullick	Here		
Bob Davidson	Yes		
Matt Kellogg	ABSENT		
Matthew Prochaska	ABSENT		
John Purcell	Present		

Staff Members Present: Latreese Caldwell, Scott Koeppel, Rae Ann VanGundy

<u>Approval of Agenda</u> – Member Cullick made a motion to approve the agenda, second by Member Davidson. <u>With three members present voting aye, the agenda was approved by a vote of 3-0.</u>

<u>Approval of Claims</u> – Member Cullick made a motion to forward Approval of in an amount not to exceed \$1,117,860.59, and Coroner Claims in an amount not to exceed \$891.65, to the County Board, second by Member Davidson. <u>With three members present voting aye, the claims were approved by a vote of 3-0.</u>

Department Head and Elected Official Reports - None

Reports from Other Committees

Facilities Management Committee – Member Davidson said that the City of Yorkville has stated that the Route 34 Campus Detention Basin is holding too much water, and that Facilities Management received a letter that The City of Yorkville had completed a 5-year inspection, and that several things needed to be corrected within 90-days. Davidson reported that Facilities has already completed some of the corrections, and will complete others as required.

Items of Business

• Discussion on Health Department Levy – Discussion on the formula that has been used for the past three years for the Health Department's contribution for their employee health benefits, IMRF and Social Security for any salary about the grants. Discussion also on the amount of the levy that is distributed to the Health Department each year, the actual costs for Health Department employee health insurance, IMRF

and Social Security, the annual grant money received by the Health Department, and next steps for the Finance Committee regarding the Health Department budget for the next fiscal year.

• 2019 Budget – Member Cullick reported that The Horton Group provided detailed information on the health insurance quotes from United Healthcare and Blue Cross Blue Shield, and stated that the BCBSIL quote was approximately \$700,000. less than the quote from United Healthcare. Member Purcell said that Horton will continue working with BCBS on several special employee health cases that BCBS is reviewing to see if they will be able to comply with current exceptions made by United Healthcare. Member Cullick stated that BCBS had previously made accommodations for this special cases, and should have ample documentation from the County's previous relationship with them. Horton will provide an update at the October Admin HR Committee meeting.

Ms. Caldwell reminded the committee that the committee has been using a deficit number of \$2.5 million. But when the committee meets for budget presentations that deficit will be substantially larger than \$2.5 million because the reports will include the IMRF increases related to the new salaries, the social security increases related to the new salaries, as well as any increases that departments or offices add to their budget.

Public Comment – None

Questions from the Media – None

Items for the September 18, 2018 County Board Agenda

Approval of Supplemental Claims in an amount not to exceed \$1,117,860.59, and Coroner Claims in an amount not to exceed \$891.65

Approval of Release of Finance Committee Executive Session Minutes from March 16, 2017

Items for the October 11, 2018 Committee of the Whole Agenda - None

Executive Session – Member Cullick made a motion to Enter into Executive Session for the purpose of discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated (5ILCS 120/2/21), second by Member Davidson.

Roll Call: Member Davidson - yes, Member Cullick - yes, Member Purcell - yes. <u>With three</u> members in agreement, the committee entered into Executive Session at 5:08p.m.

Committee Members Absent: Matt Kellogg, Matthew Prochaska

Date of Executive Session	Retained	Released
March 29, 2012	X	
October 25, 2012	X	
March 16, 2017		X

The committee reconvened in Open Session at 5:12p.m.

<u>Adjournment</u> – Member Cullick made a motion to adjourn the Budget and Finance Committee meeting, second by Member Davidson. <u>The meeting was adjourned at 5:14p.m.</u> <u>by a 3-0 vote.</u>

Respectfully submitted, Valarie McClain, Administrative Assistant and Recording Secretary

COUNTY OF KENDALL, ILLINOIS

Law, Justice and Legislation Committee Monday, September 10, 2018 Meeting Minutes

<u>Call to Order and Pledge Allegiance</u> – Vice Chair Tony Giles called the meeting to order at 3:15p.m. and led the Pledge of Allegiance.

<u>Roll Call</u>: Member Purcell, Member Giles and Member Gilmour were present. <u>With three members</u> <u>present voting aye, a quorum was determined to conduct business</u>.

Member Hendrix arrived at 3:18p.m. Member Prochaska was absent

<u>Others Present</u>: Judge Melissa Barnhart, Public Defender Vicki Chuffo, Circuit Clerk Robyn Ingemunson, Chief Deputy Mike Peters, Undersherrif Harold Martin, Chief Deputy Coroner Levi Gotte, Court Services Director Alice Elliott

<u>Approval of the Agenda</u> –Member Gilmour made a motion to approve the agenda, second by Member Giles. <u>With four members present voting aye and one nay, the motion carried.</u>

Public Comment – None

Status Reports

Coroner – Chief Deputy Coroner Levi Gotte reviewed the monthly report with the committee, and reported 24 total deaths for August, 23 natural, and 1 still being determined.

Circuit Clerk – Written report provided. Ms. Ingemunson stated that staff will be attending the Clerk's Conference from September 19-21, 2018.

Courthouse – Judge Barnhart reported that Court Administrator Lizette Ulloua finished the first week of Court Administrator training last week, and will continue to attend training as needed in the future.

Court Services – Ms. Elliott reported that she is working on the annual AOAC Plan, and that Probation Officers recently attended Tactical Training that prepares them in assessing potentially dangerous situations, protecting themselves from danger, and ensuring safety and security when meeting with clients.

EMA – Written report provided.

KenCom – Member Gilmour had nothing to report.

Public Defender – Written report provided.

State's Attorney – No report

Sheriff's Report

a. Operations Division – Written report provided. Chief Deputy Mike Peters stated that the Sheriff's Office recently received two grants, one for \$21,000. for child safety seat installation, and a Tobacco grant.

Chief Deputy Peters also reported that the Sheriff's Office has procured an additional speed sign, that will be placed in the Boulder Hill area with one already in place. Chief Peters also reported that the Sheriff's Office continues work with five other law enforcement agencies in identifying and eliminating crews coming out of Chicago that have been stealing vehicles in the suburbs.

- **b.** Corrections Division Written report provided. Undersheriff Martin reported that the Corrections Division begun to allow "Fast Food Friday's" for inmates that demonstrate good behavior and are declared qualified to participate. Meals from various fast-food restaurants are purchased by inmates, and delivered to the jail. There is no cost to the County or citizens. Undersheriff Martin stated there seems to be an increase in inmate morale since beginning the program a few weeks ago.
- **c.** Records Division Written report provided.

Old Business - None

New Business - None

Legislative Update – No report

Public Comment - None

Items for September 18, 2018 County Board meeting agenda - None

Executive Session – Not needed

<u>Adjournment</u> – Member Hendrix made a motion to adjourn the meeting, second by Member Gilmour. <u>With four members in agreement, the meeting adjourned at 3:44p.m.</u>

Respectfully Submitted,

Valarie McClain Administrative Assistant and Recording Secretary

COUNTY OF KENDALL, ILLINOIS

ADMIN HR MEETING

Monday, September 10, 2018

CALL TO ORDER - The meeting was called to order by Committee Chair Lynn Cullick at 8:00 a.m.

ROLL CALL

Attendee	Status	Arrived	Left Meeting
Lynn Cullick	here		
Elizabeth Flowers	present		9:40a.m.
Judy Gilmour	here		
Matthew Prochaska		8:03a.m.	
John Purcell		8:05a.m.	

Others in Attendance: Alice Elliott, Leslie Johnson, Bob Jones, Scott Koeppel, Becki Rudolph

APPROVAL OF AGENDA – Motion made by Member Flowers, second by Member Gilmour to approve the agenda. With three members voting aye, the agenda was approved by a 3-0 vote.

APPROVAL OF MINUTES – Motion made by Member Flowers, second by Member Gilmour to approve the August 28, 2018 minutes. With three members voting aye, the minutes were approved by a 3-0 vote.

UPDATE BY THE HORTON GROUP – Mike Wojcik and Beth Ismael provided detailed information about the five medical markets that were approached on behalf of the County for Health Insurance coverage, the benefits of 4-tier plan designs versus 2-tier plan designs, the costs provided by United Healthcare and Blue Cross Blue Shield of Illinois, the types of plans, the innetwork and out-of-network benefits, the premiums and employee/employer contributions, the annual costs to the County, the annual cost increase, the hospital participation by network for both agencies, additional deductible options, the Benefit Value Advisor Concierge service available through BCBSIL, the emergency room co-pay options, and the prescription co-pay costs to employees. Mr. Wojcik informed the committee that the BCBSIL quote is approximately \$700,000. less than the quote from United Healthcare.

Mr. Wojcik also covered the Ancillary Coverage for dental, Life, Voluntary Life, and Vision benefits available to employees, stating that the Dental benefit offer from Met Life would be at approximately \$37,000. less than the United Healthcare offer, and would offer the County a two-year rate guarantee.

After discussion, there was consensus by the committee to accept and proceed with the Blue Cross Blue Shield of Illinois offer, to offer a 2-tier design of an HMO plan and an H.S.A. plan, a \$300 co-pay for emergency room visits, a \$10/\$40/\$60 drug card for both plans, and to offer an additional third H.S.A. \$2800 deductible/100percent plan in addition to the

<u>current H.S.A. plan</u>. The Horton Group will update the committee at next month's meeting and research additional HMO options, network options, etc. as requested.

DEPARTMENT HEAD AND ELECTED OFFICIAL REPORTS – No reports

PUBLIC COMMENT - None

COMMITTEE BUSINESS - None

EXECUTIVE SESSION – Not needed

ITEMS FOR COMMITTEE OF THE WHOLE – None

ACTION ITEMS FOR COUNTY BOARD - None

ADJOURNMENT – Member Purcell made a motion to adjourn the meeting, second by Member Gilmour. With five members voting aye, the meeting was adjourned at 9:50a.m.

Respectfully Submitted,

Valarie McClain Administrative Assistant and Recording Secretary