

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Remote Meeting Via Teleconference
5:00 p.m.
Meeting Minutes of April 13, 2020

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 5:01 p.m.

ROLL CALL

Committee Members Present by Remote Attendance: Elizabeth Flowers (arrived 5:12 p.m.), Scott Gengler, Judy Gilmour, Matt Kellogg (Vice-Chairman), and Matthew Prochaska (Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner) and Scott Koeppel (County Administrator)

APPROVAL OF AGENDA

Member Gilmour made a motion, seconded by Member Gengler, to approve the agenda as presented. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Member Kellogg made a motion, seconded by Member Gengler, to approve the minutes of the March 9, 2020, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report.

Member Kellogg reported that the County will work with Munis to get the reports to match the budget and have a year-to-date budget report.

Member Gilmour made a motion, seconded by Member Kellogg, to forward the expenditures to the Finance Committee.

The votes were as follows:

Yeas (4): Gengler, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Flowers

The motion carried.

PETITIONS

19 – 41 – Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

For the last several months, the Planning, Building and Zoning Committee has been discussing allowing the Planning, Building and Zoning Department to issue citations in an effort to streamline and increase the time for obtaining compliance for violations to the Zoning Ordinance.

In summary, this proposal does the following:

1. Moves the procedure for handling violations of the signage portion of the Ordinance (Section 12) to the same section as the procedure for handling other violations of the Zoning Ordinance. Violations to the signage portions of the Zoning Ordinance will be treated the same as violations of other portions of the Zoning Ordinance.
2. Establishes the procedures for issuing citations and other remedies of violations to the Zoning Ordinance.
3. Abolishes the Hearing Officer for Zoning Ordinance violations. All citations will be sent to court for hearings.
4. Clarifies the fines the County may pursue in cases of violations.
5. Sets the fine structure for violations of the site plan review portions of the Zoning Ordinance as the same as other violations of the Zoning Ordinance.
6. Moves the procedure for handling violations of the site plan review portions of the Zoning Ordinance to the same section as the procedure for handling other violations of the Zoning Ordinance. Violations to the site plan portions of the Zoning Ordinance will be treated the same as violations of other portions of the Zoning Ordinance.

On October 7, 2019, the Planning, Building and Zoning Committee voted to initiate this text amendment and have the State's Attorney's Office assist in preparing the amendment. On November 12, 2019, the Committee reviewed the changes Staff incorporated based on the State's Attorney's Office's comments and the Committee did not object to the changes to the proposal. The Committee was asked to review retaining the Hearing Officer. At their meeting on January 13, 2020, the Committee chose not to amend the proposal and remove the Hearing Officer.

This proposal was sent to the townships on January 22, 2020. The townships were sent a letter notifying them of the results of the Kendall County Zoning Board of Appeals hearing. To date, no comments have been received from the townships.

ZPAC reviewed this proposal at their meeting on February 4, 2020. ZPAC recommended approval of the proposal without objection; three (3) members were absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 26, 2020. Several Commissioners had concerns regarding enforcement procedures, processes, and having a paper trail. The Kendall County Regional Planning Commission recommended that the proposal be forwarded to the Kendall County Zoning Board of Appeals with a condition added that written administrative procedures be established regarding enforcement documentation and processing and that the Department provide quarterly reports

to the Regional Planning Commission on the number of violations. Member Wilson voted against the amendment. All nine (9) Commissioners voted to forward the proposal to the Zoning Board of Appeals. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals conducted a public hearing on this proposal on March 2, 2020. No members of the public testified at the public hearing. Discussion centered on enforcement of conditions in special use permits. The Kendall County Zoning Board of Appeals recommended approval of the proposal with seven (7) members in favor and zero (0) members in opposition. The minutes of the meeting were provided.

The redlined copy of the proposal and draft ordinance were provided.

Chairman Prochaska asked why the Kendall County Regional Planning Commission proposed their amendment. Mr. Asselmeier stated that the Kendall County Regional Planning Commission was concerned about the Department abusing the power to search for violations; the Commission wanted to make sure that a tracking procedure was in place regarding the Inspector's actions and activities. The proposal did not explicitly state that the Department would still be complaint driven, but the Inspector could file citations if he/she viewed them while on the way to an investigation. Mr. Koeppel stated that, if an Inspector abused his/her powers, that would be a management issue and the County Administrator would resolve those issues as a staff issue.

Chairman Prochaska asked why the Kendall County Regional Planning Commission suggested a Global Position System (GPS) device in County vehicles. Mr. Asselmeier responded that suggestion was made in order to have a tracking system for the Inspector.

Member Flowers joined the meeting remotely at this time (5:12 p.m.).

Member Kellogg made a motion, seconded by Member Gilmour, to recommend approval of the proposal as presented.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. This matter will go to the County Board on April 21, 2020.

NEW BUSINESS

Approval of Proposal from WBK Engineering for Work Related to the Submittal of the Annual Report for the 2020 NPDES – MS4 Requirements in an Amount of \$1,800 Plus Reimbursable Costs (Costs + 10%)

Mr. Asselmeier summarized the request.

Kendall County is required to submit certain documents annually as required by its NPDES Permit. Attached please find the proposal from WBK for this work. The scope of work and costs are the same as 2019.

At this time, the Illinois Environmental Protection Agency has not changed the June 1st submittal deadline.

Member Gengler made a motion, seconded by Member Flowers, to recommend approval of the contract.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. This proposal will go to the County Board on April 21, 2020.

Approval of a Request from Jordan Brinkerhoff of Vivant Solar for a Refund of \$350 for an Unused Solar Panel Installation Permit at 12 Park Lane, Bristol

Mr. Asselmeier summarized the request. The Department has not expended any funds related to this project.

Member Kellogg made a motion, seconded by Member Gilmour, to approve the requested refund.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

OLD BUSINESS

None

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

Mr. Asselmeier noted that the Department is not doing any zoning violation investigations unless an imminent threat to public health and safety exists.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier reported that the Illinois Historic Preservation Agency completed their review of the proposed Historic Preservation Ordinance amendments on April 13, 2020. The State would like to see staggered terms for Historic Preservation Commission members clearly stated in the

Ordinance. The State reported that the proposed fee and supermajority requirement for non-owner initiated applications were not barriers to Certified Local Government status. A revised proposal reflecting the State's reflected change will be sent to the Committee after business returns to normal.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

Building inspections are still occurring. Brian Holdiman has face masks and practices social distancing in the field. Applicants are dropping off building plans in the drop box on the north side of the Administration Building.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Gilmour made a motion, seconded by Member Gengler, to adjourn. With a voice vote of five (5) ayes, the motion carried. Chairman Prochaska adjourned the meeting at 5:23 p.m.

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