

**KENDALL COUNTY BOARD
REGULAR SEPTEMBER MEETING
September 16, 2014**

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, September 16, 2014 at 9:00 a.m. The Clerk called the roll. Members present: Chairman John Shaw, Amy Cesich, Lynn Cullick, Elizabeth Flowers, Judy Gilmour, Scott Gryder, Dan Koukol, Matthew Prochaska, and Jeff Wehrli.

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

THE MINUTES

Member Cullick moved to approve the submitted minutes from the Adjourned County Board Meeting of 8/19/14. Member Gilmour seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

THE AGENDA

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

CITIZENS TO BE HEARD

Todd Milliron of Yorkville stated that there is a pending lawsuit regarding legal fees that WSPY may be entitled to receive if they prevail on a FOIA case. Mr. Milliron asked that the board consider this for the budget.

Scott Friedstad from Lisbon Township addressed the special use permit for the asphalt plant. They have concern with the noise, since the last meeting they have run several nights – it is very loud and disruptive and it is hard to sleep. The berm to the south becomes of great importance; 8’ might not be enough to deflect the noise. Mr. Friedstad read part of the location protect regarding berming under Section 10 28 in the M-3 Mining Ordinance. Mr. Friedstad asked that the county follow the zoning ordinance and hire a technically trained person to determine what the berm height should be.

ELECTED OFFICIALS REPORT AND OTHER DEPARTMENT REPORTS

County Clerk

Revenue Report

8/1/14-8/31/14

Line Item	Fund	Revenue
	County Clerk Fees	\$ 2,234.00
	County Clerk Fees - Marriage License	\$ 1,950.00
	County Clerk Fees - Civil Union	\$ -
	County Clerk Fees - Misc	\$ 631.50
	County Clerk Fees - Recording	\$ 22,085.00
01010061205	Total County Clerk Fees	\$ 26,900.50
01010001185	County Revenue	\$ 21,628.25
38010001320	Doc Storage	\$ 13,488.50

51010001320	GIS Mapping	\$	22,756.00
37010001320	GIS Recording	\$	2,840.00
01010001135	Interest	\$	30.21
01010061210	Recorder's Misc	\$	3,760.00
81010001320	RHSP/Housing Surcharge	\$	11,367.00
CK # 17638	To KC Treasurer	\$	102,770.46

County Clerk, Debbie Gillette stated that they are busy preparing for the upcoming November Election as well as providing information for the Consolidated Election in 2015

Treasurer

Kendall County General Fund
QUICK ANALYSIS OF MAJOR REVENUES AND TOTAL EXPENDITURES
FOR NINE MONTHS ENDED 08/31/2014

<u>REVENUES*</u>	<u>Annual Budget</u>	<u>2014 YTD Actual</u>	<u>2014 YTD %</u>	<u>2013 YTD Actual</u>	<u>2013 YTD %</u>
Personal Property Repl. Tax	\$365,000	\$325,199	89.10%	\$322,952	102.52%
State Income Tax	\$2,410,000	\$1,894,724	78.62%	\$2,006,189	102.88%
Local Use Tax	\$395,000	\$337,992	85.57%	\$305,092	89.73%
State Sales Tax	\$900,000	\$583,428	64.83%	\$660,922	69.79%
County Clerk Fees	\$452,000	\$238,386	52.74%	\$353,770	88.44%
Circuit Clerk Fees	\$1,100,000	\$711,448	64.68%	\$887,523	73.96%
Fines & Foreits/St Atty.	\$520,000	\$336,324	64.68%	\$390,345	70.97%
Building and Zoning	\$40,000	\$52,434	131.08%	\$30,254	75.63%
Interest Income	\$35,000	\$12,645	36.13%	\$16,969	48.48%
Health Insurance - Empl. Ded.	\$1,112,053	\$878,904	79.03%	\$860,772	78.22%
1/4 Cent Sales Tax	\$2,460,000	\$1,912,772	77.75%	\$1,868,588	77.86%
County Real Estate Transf Tax	\$330,000	\$233,007	70.61%	\$262,030	137.91%

Correction Dept. Board & Care	\$850,000	\$669,080	78.72%	\$680,580	84.54%
Sheriff Fees	\$650,000	\$349,774	53.81%	\$541,309	77.11%
TOTALS	\$11,619,053	\$8,536,116	73.47%	\$9,187,296	83.72%
Public Safety Sales Tax	\$4,300,000	\$3,338,486	77.64%	\$3,294,668	78.44%
Transportation Sales Tax	\$4,300,000	\$3,338,486	77.64%	\$3,294,668	78.44%

*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 74.97%

County Treasurer, Jill Ferko stated that the second installment of the property tax collection has been wrapped up and there should be a distribution next week.

State's Attorney

State's Attorney, Eric Weis reminded the board that there will be two informational meetings on the two drainage districts on September 23rd and September 25th. They have received notifications on scams; most recent one is an IRS scam; they state they are calling from the IRS telling that you are involved in a criminal investigation and to please give them information. Another scam involves inmates calling saying their grandson/granddaughter or friend is in trouble and they need money right away, give money over the phone and this is their only phone call. The 2nd District Appellate Court affirmed the 1st Degree murder convictions from 2009 in the death of Jason Ventura.

Coroner

Statistics:

2014 Statistics		Stats for Same Period in 2013		Difference
2014 Total Deaths.....	198	Total Deaths.....	220	-10%
Autopsies to Date.....	14	Autopsies....	15	-7%
Toxicology Samples.	17	Toxicology Samples..	12	42%
Cremation Permits....	107	Cremation Permits...	109	-2%

Coroner's Office Personnel Update:

Coroner Toftoy and Deputy Coroner Gutierrez attended the Illinois Coroner's & Medical Examiner's Annual Training Conference in Collinsville, Illinois.

Supervisor of Assessments

Supervisor of Assessments, Andy Nicoletti stated that they published assessment changes; final filing date is October 14th. They published 27,033 parcels at a cost of \$21,626. The tentative state factor is 1.0 which means that the state at this point will not be changing assessments different than they are right now.

STANDING COMMITTEE REPORTS

Planning, Building & Zoning

Petition 14-24: Special use for 1016 Route 30

Member Gryder made a motion to approve Petition 14-24: Approval of a special use for Divyesh Patel/Council Court Motel at 1016 Route 30 for a dwelling unit for a watchman and families including a caretaker. Member Cesich seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

State of Illinois
County of Kendall

Zoning Petition
#14-24

ORDINANCE NUMBER 2014 - 25

GRANT A SPECIAL USE AT 1016 ROUTE 30

FOR A DWELLING UNIT FOR A WATCHMAN AND FAMILIES INCLUDING A CARETAKER & A VARIANCE

WHEREAS, Divyesh Patel/ Council Court Motel, has filed a petition for a Special Use within the B-3 Highway Business District and a variance for a 2.94 acre property located on the northeast side of Route 30, 0.06 miles north of Gastville Street, commonly known as 1016 Route 30, (PIN #03-12-100-003), in Oswego Township, and;

WHEREAS, said petition is to build a dwelling unit for a watchman and families including a caretaker in accordance with Section 9.04.C.6 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is currently zoned B-3 Highway Business District since the 1974 Countywide zoning change; and

WHEREAS, Section §9.04.F.2-3 (B-3 Highway Business District- Yard Areas) of the Zoning Ordinance states that the side/rear yard setback of a structure must be a minimum of twenty (20) feet; and

WHEREAS, said petition is to allow construction of a dwelling unit for a watchman and families including a caretaker to be located five (5) feet from the side/rear yard setback line to the north abutting the ComEd right-of-way; and

WHEREAS, said property is legally described as:

THAT PART OF THE NORTH HALF OF THE NORTH HALF OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12 WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. ROUTE 30; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID U.S. ROUTE 30; 240 FEET FOR THE POINT OF BEGINNING; THENCE NORTHEASTERLY AT RIGHT ANGLES TO SAID NORTHEASTERLY RIGHT OF WAY LINE TO THE WESTERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE NORTH LINE OF SAID SECTION 12; THENCE WEST ALONG SAID NORTH LINE TO A POINT 115.39 FEET EASTERLY OF (MEASURED ALONG SAID NORTH LINE) THE POINT OF INTERSECTION OF SAID NORTH LINE WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID U.S. ROUTE 30; THENCE SOUTHWESTERLY 57.26 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID U.S. ROUTE 30 WHICH IS 68.09 FEET SOUTHEASTERLY OF (MEASURED ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE) THE POINT OF INTERSECTION OF THE NORTH LINE OF SAID SECTION 12 WITH SAID NORTHEASTERLY RIGHT OF WAY LINE; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on September 3, 2014; and

WHEREAS, the findings of fact were approved as follows:

*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. **A watchman's quarter will actually help the public health, safety, morals, comfort and general welfare having security on site.***

*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 petitioner is trying to locate the watchman's quarters as far from any residents as possible with the motel that's been in existence to be the buffer. This will help security on site and also inform the owners of what's going on at all times on the site.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **A driveway already exists to the property and a new septic field will be installed onsite.***

*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 Hearing Officer. **This property is zoned commercial and used in a commercial capacity. The watchman's quarter conform to the applicable regulations of the commercial 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. **The special use is consistent with the LRMP and municipal plans and policies as the property is zoned commercial and it's always good to have a watchman's onsite.***

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.04.A.3 of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on September 3, 2014; and

WHEREAS, the findings of fact were approved as follows:

*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. **There is not much location that can be built on this property as the large open space is where the septic system is and the rest of the property used to the railway ROW.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **Due to the ComEd ROW on the north, the vacated railway ROW to the east, Route 30 to the south this variance would not be applicable to any other property around.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **This motel has been here quite some time before 1973 and the current owner purchased it in the year 2000.***

*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. **The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The variance would help keep the building further from any properties and closer to the ComEd ROW which will never be built on.***

*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. **The watchman's quarters will not impair an adequate supply of light and air to adjacent properties. It will not add any congestion***

on Route 30. The watchman's quarters will actually benefit the property values in the neighborhood as it will have 24 hour security on site.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use Hearing Officer & Zoning Board of Appeals and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use & variance 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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a B-3 Highway Business special use to build a dwelling unit for a watchman and families including a caretaker.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Zoning Board of Appeals hereby grants approval of the variance to build a dwelling unit for a watchman and families including a caretaker to be located five (5) feet from the side/rear yard setback line to the north abutting the ComEd right-of-way.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16th day of September, 2014.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
John Shaw

Petition 14-12: Map amendment and special use for 16805 Quarry Road

Member Gryder made a motion to approve Petition 14-12: Approval of a map amendment and special use for 16805 Quarry Road to rezone 10 acres from M-2 to M-3 with a Special Use to operate an asphalt and concrete mixing plant with associated recycling facilities. Member Cesich seconded the motion.

Members discussed the size of the berm and Ken Carlson the attorney for Central Limestone spoke to the berm issue and the creation of a new entrance to the North on Quarry Road.

Chairman Shaw asked for a roll call vote on the motion. Members voting aye include Cesich, Cullick, Gryder, Koukol, Prochaska, Shaw and Wehrli. Members voting nay include Flowers and Gilmour. Motion carried 7-2.

State of Illinois
County of Kendall

Zoning Petition
#14-12

ORDINANCE NUMBER 2014 - 26
GRANTING A MAP AMENDMENT & SPECIAL USE FOR
16805 QUARRY ROAD

Rezone 10 acres from M-2 to M-3 Special Use to operate an asphalt and concrete mixing plant with associated recycling facilities

WHEREAS, Central Limestone Company, Inc. has filed a petition for a Map Amendment from M-2 to M-3 and a Special Use for an asphalt and concrete mixing plant with associated recycling facilities within the M-3- Aggregate Materials Extraction, Processing and Site Reclamation District. The property is located on the southwest corner of Joliet Road and Quarry Road (PIN # 08-28-300-002), in Lisbon Township, and;

WHEREAS, said property was zoned M-3 Heavy Industrial District as Ordinance 1963-01 and is currently zoned M-2-Heavy Industrial District since the 1974 Countywide zoning change; and

WHEREAS, the petitioner desires to rezone a 10 acre property from M-2 Heavy Industrial District to M-3 Aggregate Materials Extraction, Processing and Site Reclamation District in order to operate an asphalt and concrete mixing plant with associated recycling facilities in accordance with Section 10.03.B.1 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COUNTY OF KENDALL, AND STATE OF ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE NORTH 89°58'43" WEST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 FOR A DISTANCE OF 83.33 FEET; THENCE SOUTH 00°51'30" WEST 43.85 FEET TO THE CENTER LINE OF JOLIET ROAD BEING THE POINT OF BEGINNING; THENCE SOUTH 00°51'30" WEST 1082.23 FEET; THENCE NORTH 89°08'30" WEST 467.00 FEET; THENCE NORTH 34°17'07" WEST 257.04 FEET; THENCE NORTH 00°51'30" EAST 276.35 FEET; THENCE SOUTH 89°08'30" EAST 195.97 FEET; THENCE NORTH 00°51'30" EAST 590.84 FEET TO THE CENTER LINE OF JOLIET ROAD; THENCE SOUTH 89°48'17" EAST ALONG SAID CENTER LINE FOR A DISTANCE OF 419.02 FEET TO THE POINT OF BEGINNING, LOCATED IN KENDALL COUNTY, ILLINOIS.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.07.F of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on September 3, 2014; and

WHEREAS, the findings of fact were approved as follows:

*Existing uses of property within the general area of the property in question. **This property and the property to the west is already being mined and the property to the north is zoned to mine. This zoning will make it conforming.***

*The Zoning classification of property within the general area of the property in question. **The property to the north is shown on the LRMP as potential mining and the property to the west is already zoned for mining so the M-3 zoning is consistent with the area.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The property is currently zoned M-2 which was the zoning for mining back in the 70's. The land suitability is good for mining just the M-2 district is no longer the district for mining, the M-3 Zoning District is intended for mining.***

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. **The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. This mine has been in existence since the late 1800's and the trends of development in the area are potential mining districts or are already mines.***

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This land fits more with the purpose and objectives in the M-3 District which is to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Aggregate materials extraction, processing and site reclamation shall be determined and permitted in compliance with standards as set forth herein. The M-2 intent no longer fits the future use of this property which ultimately is to be mined.***

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on September 3, 2014; and

WHEREAS, the findings of fact were approved as follows:

*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. **An asphalt and concrete plant should not be any more dangerous than weekly mine blastings.***

*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. **An asphalt and concrete plant noises will be consistent with the noises of a mine. The petitioner has proposed to install a berm to the south of this plant to help with noise and dust mitigation.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **An entrance already exists to this piece of property and there will be no utilities on this property except a generator.***

*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 Hearing Officer. **Asphalt and concrete plants are consistent with being in the mining 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. **The special use is consistent with the LRMP and municipal plans and policies as the ultimate goal is to eventually be a mine but in the meantime used for an asphalt and concrete plant. This use will be used mainly for major road construction.***

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Zoning Board of Appeals and Special Use Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use 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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a map amendment from M-2 to M-3 and also grants a special use zoning permit to operate an asphalt and concrete mixing plant with associated recycling facilities in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. The applicant post signage which advises drivers that travel on Joliet Road west of the intersection of Joliet Road and Quarry Road is prohibited.
2. The hours of operation are from 6am to 6pm on weekdays and sometimes outside of those hours only for governmental projects in which proof of bid approval may be requested.
3. No semi truck parking over night is permitted on the property.
4. An 8' earthen berm be erected on the southern portion of the rezoned property to help in noise and dust mitigation as shown on the site plan.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16th day of September, 2014.

Attest:
Kendall County Clerk

Kendall County Board Chairman

Debbie Gillette

John Shaw

Petition 14-22: Amendment to Zoning Ordinance – Clean-up & restoration services

Member Gryder made a motion to approve Petition14-22: Amendment to the Kendall County Zoning Ordinance to allow clean-up & restoration services as a special use in the A-1 Agricultural District and permitted in the B-3, M-1 & M-2 Districts. Member Cullick seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye except Koukol who abstained. Motion carried.

State of Illinois
County of Kendall

Zoning Petition
#14-22

ORDINANCE # 2014-27
AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE
TO ALLOW CLEAN-UP AND RESTORATION SERVICES

WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a public hearing held before the Kendall County Zoning Board of Appeals on September 3, 2014;

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 7.01.D- "Agricultural-Special Uses," Section 9.04.B- "B-3 Business District- Permitted Uses" & 10.01.B- "M-1 & M-2 Manufacturing District- Permitted Uses" of the Kendall County Zoning Ordinance as provided:

Special Use in the A-1 (Agricultural District) and Permitted in the B-3 (Highway Business District), M-1 (Limited Manufacturing) & M-2 Districts (Heavy Industrial District).

Clean-up and restoration services with the following conditions:

- a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
- b) All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
- c) All operations are to take place inside an enclosed structure.
- d) A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance
- e) A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
- f) No materials that are brought in can be burned on this site.
- g) All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
- h) Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16th day of September, 2014.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
John Shaw

Petition 14-17: Amendment to Zoning Ordinance – Medical cannabis cultivation centers

Member Cullick made a motion to approve Petition14-17: Amendment to the Kendall County Zoning Ordinance to allow medical cannabis cultivation centers – temporary as a special use in the M-1 & M-2 Manufacturing Districts. Member Gilmour seconded the motion. Chairman Shaw asked for a roll call vote on the motion. Members voting aye include Cesich, Cullick, Gilmour, Gryder, Koukol and Shaw. Members voting nay include Flowers, Prochaska and Wehrli. Motion carried 6-3.

State of Illinois
County of Kendall

Zoning Petition
#1417

ORDINANCE # 2014-28
AMENDMENT TO SECTIONS 3.02 AND 10.01.C OF THE KENDALL COUNTY ZONING ORDINANCE TO
TEMPORARILY ALLOW MEDICAL CANNABIS CULTIVATION CENTERS- TEMPORARY

WHEREAS, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. Jan. 1, 2014), 410 ILCS 130/1 et seq. ("Act"), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and is repealed on January 1, 2018; and

WHEREAS, section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis cultivation centers; and,

WHEREAS, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, wishes to amend Sections 3.02 and 10.01.C of the Kendall County Zoning Ordinance ("Zoning Ordinance") to regulate medical cannabis cultivation centers in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; ; and

WHEREAS, the Kendall County Board automatically repeals this amendment to Zoning Ordinance concurrent with the repeal of the Act, on January 1, 2018; and

WHEREAS, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on July 28, 2014; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 3.02- "Definitions" & 10.01.C "M-1 & M-2 Manufacturing District- Special Uses" of the Kendall County Zoning Ordinance as provided:

I. **RECITALS.** The recitals set forth above are incorporated as is fully set forth herein.

II. THE FOLLOWING TERMS ARE ADDED TO SECTION 3.02 "DEFINITIONS" OF ZONING ORDINANCE:

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

ENCLOSED, LOCKED FACILITY. A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a Cultivation Center's agents or a Dispensing Organization's agent working for the registered Cultivation Center or the registered Dispensing Organization to cultivate, store, and distribute cannabis for registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

MEDICAL CANNABIS INFUSED PRODUCT. Food, oils, ointments, or other products containing usable cannabis that are not smoked. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

III. THE FOLLOWING LANGUAGE IS ADDED TO SECTION 10.01.C "MANUFACTURING DISTRICT- SPECIAL USE (M-1 & M-2)" OF ZONING ORDINANCE:

10.01.C Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on January 1, 2018)

- a. **Definitions:** All terms not defined in section 3.02 of this Zoning Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.), as amended
- b. **Preliminary Requirements.** All Medical Cannabis Cultivation Center special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.
 1. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.
 2. *Registration.* Applicants must be registered with the Illinois Department of Agriculture
 3. *Location.* A Cultivation Center must be located more than 2,500 feet from the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day

care home, group day care home, part day child care facility, or an area zoned for residential use, as required pursuant to 410 ILCS 130/105.

4. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
 5. *Code Compliance.* Cultivation Centers must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.
 6. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/105, as amended.
- c. **Required Permit Information.** Upon applying for a Cultivation Center special use permit, the applicant must provide the following information:
1. A Security Plan that has been reviewed and approved by the Illinois State Police and is compliant with 410 ILCS 130/105, as amended, in addition to the rules set forth by the Illinois Department of Agriculture at 8 Ill. Admin. Code 1000 et seq.
 2. Evidence demonstrating the location of the enclosed, secure area or loading/unloading dock is or will be out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle.
 3. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and
 4. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/105, as amended, and
 5. Proof that applicant is registered with the Illinois Department of Agriculture.
- d. **Operational and Facility Requirements:**
1. *Enclosed, Locked Facility.* All cultivation of cannabis for distribution to a registered Dispensing Organization shall take place in an Enclosed, Locked Facility.
 2. *Storage.* No outdoor storage of any kind will be permitted at Cultivation Centers.
 3. *Edibles.* Any area within the Cultivation Center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, 410 ILCS 620 et. seq., the Illinois Sanitary Food Preparation Act, 410 ILCS 650 et. seq., the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 650 et. seq., and section 80 of the Act, 410 ILCS 130/80.
 4. *Waste.* Cannabis waste shall be stored, secured, locked and managed in accordance with State regulations for the disposal of medical cannabis with the requirements set forth in 410 ILCS 130/180 and 8 Ill. Admin. Code. 1000.460, as amended respectively.
 5. *Signs.* All signage shall comply with Section 12 of the Kendall County Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a Cultivation Center.
 6. *Other Products.* It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products at a Cultivation Center.
 7. *Fence.* All Cultivation Centers must be surrounded by a fence a minimum of eight (8) feet tall with barbed wire on top.
 8. *Registration:* The owner or operator of a Cultivation Center must submit annual documentation of registration with the Illinois Department of Agriculture within thirty days of becoming registered or renewing its registration.
- e. **Legal Protections.**
1. *Limitation of Liability.* Kendall County Shall not be liable to the permitted Cultivation Center, the Cultivation Center's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Cultivation Center's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.
 2. *Indemnification.* The permitted Cultivation Center, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of their own choosing, based upon illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney.
 3. *Violations of the Law.* The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.
- f. **Revocation:** Any special use permit granted under this Zoning Ordinance may be revoked for failure to

comply with the terms of this Zoning Ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Zoning Ordinance.

IV. **REPEAL.** This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on January 1, 2018.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 16th day of September, 2014 and is automatically repealed on January 1, 2018.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
John Shaw

Public Safety

Memorandum of Understanding – Mutual Ground

Member Prochaska made a motion for the approval of a Memorandum of Understanding between the Kendall County Sheriff, Kendall County and Mutual Ground, Inc. to provide service to victims of sexual assault who are in the custody of the Kendall County Jail at a cost of zero dollars. Member Gryder seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of IGAM14-37 is available in the Office of the County Clerk.

Modification of Intergovernmental Agreement - Housing of Prisoners

Member Prochaska made a motion for the modification of the Intergovernmental Agreement between the County of DuPage and the County of Kendall for the additional housing of prisoners. Member Cullick seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of IGAM14-38 is available in the Office of the County Clerk.

Administration/HR

Cable Franchise Agreement with Comcast of Illinois

Member Gilmour made a motion for approval of a Cable Franchise Agreement with Comcast of Illinois. Member Gryder seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of IGAM14-39 is available in the Office of the County Clerk.

GIS Data Layers

Member Gilmour made a motion to authorize GIS Data Layers for download on the County Website. Member Cullick seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Highway

Preliminary Engineering Services Agreement – Hampton, Lenzini & Renwick

Member Koukol made a motion for the preliminary Engineering Services Agreement between Kendall County and Hampton, Lenzini & Renwick to perform all preliminary engineering for a bridge replacement on Chicago Road in Lisbon Township under the Township Bridge Program and utilizing County Bridge Funds at a not-to-exceed price of \$41,500. Member Cesich seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of IGAM14-40 is available in the Office of the County Clerk.

Facilities

Member Koukol stated that they did not meet.

Finance

CLAIMS

Member Gilmour moved to approve the claims submitted in the amount of \$1,460,132.07. Member Cesich seconded the motion.

COMBINED CLAIMS: FCLT MGMT \$97,446.82, B&Z \$565.01, CO CLK & RCDR \$1,111.81, ELECTION \$1,503.50, ED SRV REG \$5,826.42, SHRFF \$34,161.37, CRRCTNS \$11,094.29, EMA \$223.87, CRCT CT CLK \$1,640.31, JURY COMM \$259.55, CRCT CT JDG \$5,233.99, CRNR \$1,397.56, CMB CRT SRV \$391.24, PUB DFNDR \$508.38, ST ATTY \$2,864.07, TRSR \$843.21, EMLY HLTH INS \$15,404.40, OFF OF ADM SRV \$1,855.78, GNRL INS & BNDG \$149.00, CO BRD \$450.58, TECH SRV \$21,959.16, CAP EXPND \$38,697.00, ECON DEV EXPNDTR \$13.49, CAP IMPRV FND \$12,970.09, CO HWY \$42,128.10, CO BRDG \$355,582.50, TRNSPRT SALES TX \$539,101.28, HLTH & HMN SRV \$16,662.91, FRST PRSRV \$8,323.37, ANML CNTRL EXPNS \$1,513.55, CO RCDR DOC STRG \$5,500.00, DRG ABS EXP \$6,000.00, HIDTA \$5,550.31, CO CMSRY FND \$637.75, CRT SEC FND \$1,249.95, LAW LBRY \$13,267.46, CRCT CT DOC STRG \$1,809.00, JUVENILE JSTC CNCL \$250.00, PRBTN SRV EXP FND \$14,510.48, KAT \$152,776.98, JAIL EXP BND DBT EXP \$515.00, FLDS OF FRM CLNY \$28,452.00, SHRFF FTA FND \$2,326.58, VAC \$2,875.45, SHRFF VHCL FND \$1,734.00, FP BND PRCD 2007 \$2,392.00, CTHS DBT SRVC \$402.50

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

Flu Shots

Member Gilmour made a motion to approve the payment of non-Health Department Employee Flu Shots through the Kendall County Health Department at a cost of \$15 each. Member Cullick seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Health and Environment

No report.

Committee of the Whole

Chairman Shaw reviewed the minutes in the packet from the September 11, 2014 meeting.

STANDING COMMITTEE MINUTES APPROVAL

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

SPECIAL COMMITTEE REPORTS

Public Building Commission

Member Wehrli stated that they met on September 10th and voted to retain Mack and Associates for the auditor, the reason is that they will cease to function very soon and it was a significant savings.

VAC

Member Wehrli stated that they met on September 3rd and there was a proposal for officers.

Historic Preservation

Chairman Wehrli stated that they will meet on September 17, 2014. Minutes are in the packet from the August 20, 2014 meeting.

Board of Health

Member Wehrli stated that they will meet on September 16, 2014. There will be a presentation of the solid waste plan.

Rivervalley Workforce Investment Board

Member Koukol stated that they did not meet.

Per Diem Ad Hoc

Member Cesich stated that they will meet on October 1, 2014 at 7:00pm.

Regional Office of Education

Report is in the packet.

Chairman's Report

Member Gilmour moved to approve the appointments. Member Koukol seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye except Prochaska who abstained. **Motion carried.**

Appointments

Matt Prochaska – Kendall County Finance Committee – replacing Lynn Cullick

Announcements

Roger Bledsoe – Regional Planning Commission – Na Au Say Representative – expires January 2015

QUESTIONS FROM THE PRESS

Steve Lord from the Beacon News asked for information for what is required with the Prison Rape Elimination Act and what was required to initiate the agreements.

ADJOURNMENT

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

Approved and submitted this 19th day of September, 2014.

Respectfully submitted by,
Debbie Gillette,
Kendall County Clerk