

**Members Present**

Mr. Olthoff, Mr. Vickery, Ms. McBride, Mr. Washington, Mr. James, Ms. Polk, Mr. Nixon, Dr. Pagast, Mr. Flett, Mr. Tripp, Mr. Tholen, and Mr. Hess

**Members Absent**

Mr. Stauffenberg and Ms. Bernard

**In Attendance**

- **Board Members**

Mr. Bossert and Mr. Arseneau

- **Department Heads**
- **Media**

**1. Call to Order**

The meeting was called to order by the Chairman, Mr. Olthoff, at 9:00 a.m. Quorum present.

**2. Public Comment**

**3. Approval of Minutes – July 27, 2011**

**A motion to approve the minutes was made by Mr. Washington s and seconded by Mr. Hess. Motion carried.**

**4. Zoning**

- **ZBA Case #11-01; a request for a Variance to Section 121-281 (c) (Accessory Structures), on a parcel generally situated in Section 30 of Ganer Township. The petitioner is Municipal Trust & Savings Bank Trust No. 2257, Paul T. Routson, property owner & applicant. (Referred Back by County Board)**

Mr. Olthoff stated that this was referred back by the county board. Mr. Deck is here to address it.

Mr. Deck stated that this was referred back by the county board. Mr. Routson is asking for a variance in the normal requirement that his accessory structure not be placed in the front yard of his property on Exline Road. They have been working with the design for the last several months trying to figure out how to accommodate this situation better to make the variance request reduced. He has come up with a plan where he is going to bump everything back a little bit. Running into the septic tank is the problem but he can move it an additional ten feet back under the current proposal that he has. He sent a letter which the committee members all have a copy of indicating that he believes that he can do that. As originally requested, the building was going to extend 38' into the front yard. They are now able to reduce that down to approximately 28' which gets it bumping against the septic tank and septic field of the property. They believe that that is the best that they can do to try and rearrange that building. The attached garage bumps out already so this is very consistent with that and it is also screened by bushes, trees, and vegetation. It has no near neighbors and no one has objected in any way. They believe that this is an appropriate situation for a variance and they ask that the committee approve it.

**Mr. Tripp made a motion to approve it and Ms. McBride seconded it.**

**Discussion**

Mr. Tripp stated that it is still meeting the requirements for front yard setback back from the road which is the main thing that he would look at.

Mr. Bossert asked if there is a sketch of the dimension of the building and how it would sit relative to the house under the new proposal.

Mr. Skimerhorn stated that they do not have one.

Mr. Olthoff stated that originally it was going to be 38' but now it is 28'.

Mr. Olthoff asked if the building was turned could it go back further.

Mr. Deck stated that it could but the owner went and talked to somebody from the company that the building comes from and they can't do it in that site. It has something to do with how the driveways line up now.

Mr. Olthoff stated that the driveway would have to turn. He is not wanting to add any more concrete.

Mr. Deck stated that he would have a huge concrete pour in his front yard.

Mr. Hess stated that originally when he went out there he thought he could support this but after seeing the plans where the septic tank is at, that building can be turned but he would have to put in concrete. He doesn't think that he can support this at all unless he changed the building and if he changed it he thinks it should go back to the ZBA.

Mr. James stated that he doesn't think that there is enough significant change here for us to change the ruling. We have a rule on this and we have 4 nays and 2 ayes coming out of the committee. He has trouble saying that this is anything that we should be supporting. He cannot support this change. There are 10 acres and there is room in the back to move it. If he has to, he could move the septic system.

Mr. Nixon stated that he thinks that the best situation is to get the building redrawn on the property line and push it back.

Mr. Vickery stated that by moving one of the septic fields back that would gain about another 10' so he thinks it needs to be redrawn.

**Motion failed to pass with a roll call vote of 9 nays and 4 ayes.**

- **ZBA Case #11-06; request for a Special Use Permit to Sections 121-209.b.1, 121-208.b.9 (Off-Site Advertising Signs), and a Variance to Section 121-398.4 (Distance Between Signs and Right of Way Setbacks), on parcels generally situated in Section 28 of Manteno Township. The petitioners are David LeSage, property owner & Ron Miller, applicant.**

Mr. Skimerhorn stated that Mr. Miller would like to have these off-site advertising signs because of the distance that his business is from Route 50. He has a difficult time with trucks finding their way to his business. He is asking for a special use permit because off-site advertising is a special use in the industrial district. He is also asking for three variances. One variance is the distance between the off-site advertising signs. The ordinance says 2500' and these are spaced about 300' apart. He is also asking for variances for the setback of the right-of-way. On the sign on the north it is about 2' off of the right-of-way of Rt. 50 which would be a variance of 38' and the sign on the south side is 4' off of the right-of-way which would be a variance of 36'. The ordinance requires 40' for a setback off of the right-of-way. The sign on the north side has been there for about 30 years. He has added to it which is what prompted the need for the special use

permit. There are homes and trees just east of the sign on the south side. It would be difficult for him to meet the 40' setback and would also require him to put up a taller and larger sign. The ZBA approved both the special use and the variances 5 to 0. There were no objectors present. They did put a condition on the signs limiting their size to what they are now. The north sign is an 8' by 12', two-sided, 96 sq. ft. sign and the one on the south side is a 3' by 6', 18 sq. ft., one-sided sign.

**Mr. Washington made a motion to approve and Mr. Tholen seconded it. Motion carried with a voice vote.**

Mr. James asked if this complies with the Highway regulations for safety.

Mr. Skimerhorn stated that they are outside of the right-of-way and they meet the height requirements. People can see underneath them.

## **5. Old Business**

## **6. New Business**

Dr. Pagast stated that he recently attended a meeting where an official encouraged him by stating that Kankakee County gets business done on time efficiently. He was recently appointed to a working committee on the solid waste treatment planning but he hasn't been called about a second meeting.

Mr. Van Mill stated that there has not been a second meeting yet. He is working with their consultant to get him here so he can talk with the board. He is negotiating a price on getting him to come here from Springfield. This has to be worked out before they can establish a date for the second meeting. Once they get that meeting, then they can formalize the process for approval at that time.

Mr. Bossert stated that the name "Kankakee" has turned up quite a bit lately in the press and in the Chicago media. He is not a lawyer and he has not reviewed any of the lawsuits to whether or not they have any merit as to whether Chicago, Cook County, and the RTA can sue the City of Kankakee over diversion of sales tax. It may be a smoke screen or intimidation ploy to make small, local governments spend an inordinate amount of time defending themselves. He thinks that the county is in a position that we need to help the city as much as we can in this. Whether it is just helping getting the message out as to what is the truth of these agreements. He hopes the board is behind them in that endeavor. Sometimes by working together we can accomplish more than by just sitting back and waiting for something to happen.

Mr. Olthoff asked if there was an oil company who had an office west of the city where this issue came up.

Mr. Bossert stated that a small town like Reddick in Putnam County went through this and prevailed. The suit involved the Department of Revenue. Now the news is that there are two airlines that are running their fuel purchases through Sycamore, Illinois. Maybe the lesson to all this is that if there were a lower sales tax people would not be seeking out ways to avoid. There is nothing wrong with avoidance. This is not evasion; it is avoidance. We are free to structure our affairs to minimize our obligations. It is all legal.

Dr. Pagast stated that he feels that we definitely should support that things stay as it is. If we don't raise any taxes then there will be fewer services. Maybe companies that move to Indiana will find the service is not as good – fewer taxes mean less service.

Mr. Tripp asked what we need to do to be proactive on this issue.

Mr. Bossert stated that they are trying to formulate a strategy. They have been assisting the city in the legislative effort up until now. The latest news was that it appeared that there was some agreement between the democratic leadership of the House and the coalition of municipalities and retailers who are working together to try to keep the Department of Revenue at bay. It seemed like that was moving forward. Suddenly the RTA and the City have jumped to put a stop to the whole deal. The State of Illinois gets 5% and the City gets 1% and the County gets .25%. The issue with the RTA is that whatever counties are in the RTA get theirs and if those sales are funneled through another county they don't get anything. Hence the problem with the RTA, they are looking for any dollars that they can;

Mr. Arseneau stated that all the county board members can go to our legislators and talk to them and let them know that we are supporting the City of Kankakee.

Mr. Van Mill stated that who knows what these companies throughout the state that have these agreements will do if they get uncomfortable and edgy. They may go elsewhere; the state has a lot at stake here as they could be out a lot of money. They should come out and be a leader in this in some form.

Mr. Washington stated that this is a clear example of the state attempting to ring more monies out of the downstate communities versus keeping their commitment that they have neglected for years. We are not the ones at fault for not paying our bills. They are. Anything that they try to do at this point and time is an attempt to avoid meeting their commitments like they are suppose to.

Mr. Van Mill stated that a city alderman said that we are in a very dysfunctional state and what it has boiled down to is making cities fight against each other.

Mr. Van Mill stated that he would like to thank the board members that attended the meeting at the Kankakee Country Club. They brought in all the mayors, county board, and the school superintendents across the county to discuss economic development policies and it was very productive. One of the biggest lessons learned is that we need to be communicating with each other more.

## **7. Adjournment**

**A motion to adjourn the meeting at 9:27 a.m. was made by Mr. James and seconded by Ms. McBride. Motion carried.**

Bill Olthoff, Chairman  
Joanne Langlois, Executive Coordinator