

Members Present

Mr. Olthoff, Mr. Bertrand, Mr. Whitten, Mr. Hess, Mr. Scholl, Mr. Stauffenberg, Mr. Marcotte, Mr. Martin, Mr. James, Ms. Hertzberger, and Mr. Washington

Members Absent

Mr. Tripp

In Attendance

Mr. Kruse, Ms. Barber, Ms. Bernard, Mr. Nicholas, Mike Van Mill, Eric Sadler, Delbert Skimmerhorn, Mike Lammey, John Bevis, Leigh Marcotte, Donna Shehane, Dave Cagle, Don Pallissard, Ken Nelson, Bonnie Schaafsma, and Keith Runyon

1. Call to Order and Roll Call

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

2. Public Comment

Mr. Keith Runyon spoke regarding SENREQ open house and asked when there will be a public hearing on the Solid Waste Ordinance Amendments.

3. Approval of Minutes- November 9, 2005

A motion to approve the minutes from November 9, 2005 was made by Mr. Hess and seconded by Mr. James. Motion carried.

4. Subdivision

None

5. Zoning

• **ZBA Case 05-14**

Mr. Van Mill stated that on a number of occasions the Planning Department has made presentations to this committee on the Comprehensive Amendments to the Zoning Ordinance. In November, a Public Hearing was held with the Zoning Board of Appeals at which time they made some recommendations. However, through the review of the transcript it is his opinion that they did not adequately address the Findings of Fact. He is requesting that this committee make a motion to refer the case back to the Zoning Board of Appeals for their next meeting on December 5th.

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A motion to refer the case back to the ZBA for further review on December 5th was made by Mr. Stauffenberg and seconded by Mr. James. Motion carried.

6. Solid Waste

- **Solid Waste Ordinance- Amendments**

Mr. Van Mill stated that this item came in front of this committee last month, it was on the County Board Agenda for November but was referred back to the committee for additional research.

Ms. Shehane stated that the SAO was looking into a few more issues and classifications. There were a few small changes. On the annual reporting, the ordinance had stated that the data had to be reported in tonnage. She does understand that some facilities do not have a scale, so if there is no scale, the data will be allowed to be reported in cubic yards. There were also a few grammatical errors that have been corrected.

A motion to approve the Amendments to the Solid Waste Ordinance was made by Mr. Stauffenberg and seconded by Mr. Whitten. Motion carried.

7. Transportation

- **Illinois Tomorrow Grant Application**

- Joint Application with Will County

Mr. Van Mill stated that for the last five years the Illinois Department of Transportation has offered a grant program for Planning Projects. In the past the County has been extremely successful in being awarded grants.

Mr. Lammey stated Kankakee County will be the lead agency on this project. This project is for an east west road across the Northern edge of the County that would have the chance to connect I-55 with I-65.

Mr. Lammey stated that the application will need to be submitted by December 16th.

Mr. Lammey stated that Mr. Piekarczyk has already had conversations with Lake County Indiana, and they are interested in the project.

Mr. Lammey stated that the Will County Highway Department and Planning Department are interested in the project also.

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Mr. Lammey stated that the application is for \$200,000.00, \$20,000.00 would be the local share. Kankakee County would have to guarantee that money.

Mr. James asked where this road would be. Mr. Lammey stated that the road would dip south of Lowell, Ind. to connect with I-65 between two existing interchanges and run along Peotone-Beecher Road.

A motion to have legal review on this application and send to County Board in December was made by Mr. Whitten and seconded by Ms. Hertzberger. Motion carried.

- Bike Path Application
Mr. Lammey stated that the City of Kankakee will be the lead agency on this project. The City of Kankakee has asked the County to apply for some money for planning for the bike path from the State Park all the way down to Splash Valley. He hopes to have the application complete by next Monday. This would need to be approved by Kankakee City Counsel.
- Greater Kankakee Airport Authority Application
Mr. Lammey stated that Mr. Van Mill came up with an idea for Economic Development around the Greater Kankakee Airport. The Planning Department has talked to the Airport Authority Staff and the City of Kankakee Staff. The application will be written early next week also and be submitted to the City of Kankakee. The County would be one of three parties on this application.
- **SHOWBUS- Purchase of Service Agreement**
Mr. Lammey stated that the County has an annual agreement with SHOWBUS to run transportation services. The Planning Department has referred this agreement to the State's Attorney Office. As soon as the ruling is back from the State's Attorney Office it will be presented to the committee.

8. Planning

- **Kankakee Valley Park District- River Front Trail Local Match**
Mr. Van Mill stated that the Kankakee Valley Park District has asked the County to help financially in the next phase of planning in the River Front Trail that goes from the Aquatic Center and ends around Schuyler Avenue.

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Mr. Van Mill stated that this committee has seen a number of presentations with regards to the route of the bike path. It includes participation from the Water Company, Shapiro, the Forest Preserve District, KCC, and the Kankakee Valley Park District including Kankakee County. This year the County also participated financially (\$4,000.00) in phase I of the preliminary plan for the River Front Trail.

Mr. Van Mill stated that the committee may also recall that Senators Obama and Durbin have pledged funding for the Trail in the amount of \$400,000.00. The Park District is requesting the County to help finance phase II engineering of the project in the amount of \$1,000.00.

A motion to support this project and send to Finance was made by Ms. Hertzberger and seconded by Mr. Scholl. Motion carried by a roll call vote of 12 ayes and 0 nays.

- **Impact & Facilities Fee Intergovernmental Agreement with Bradley-Bourbonnais Community High School District #307**

Mr. Van Mill stated that the BBCHS Agreement is in the committee member's packets.

Mr. Van Mill also stated that Grant Park and Bourbonnais Elementary School District Intergovernmental Agreements have been reviewed by legal counsel and are ready for County Board action. It is similar to the same agreement that the County has entered into with Manteno School District.

A motion to approve BBCHS, Bourbonnais Elementary School District, and Grant Park Impact Fees was made by Mr. Martin and seconded by Mr. Stauffenberg. Motion carried.

- **Impact & Facilities Fees Intergovernmental Agreement with Grant Park Community Unit School District #6**

- **Manteno PUD-Diversatech Campus**

Mr. Olthoff stated that due to a lawsuit in conjunction with this matter this item will be discussed in Executive Session.

Mr. Nicholas stated that he would like to see a 90 day moratorium placed on future developments at the PUD until further discussions can be held to restructure the PUD.

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Planning, Zoning and Agriculture
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A motion to have a 90 day moratorium on future development on any PUD was made by Ms. Hertzberger and seconded by Mr. Scholl.

Mr. Nelson asked if the moratorium would be on future development and not on the current Diversatech project.

Ms. Hertzberger stated yes.

Mr. Nelson would not oppose a limited moratorium across the board that is fair to all parties within a named district.

Mr. Olthoff asked if the reason to put a moratorium in place has to be because there is a problem with the public health and safety.

Mr. Stauffenberg asked if the moratorium would stop anyone who would be building a house on that property.

Mr. Olthoff stated that the motion is for all further development.

Mr. Nicholas stated that the moratorium that he is suggesting is for 90 days. The Village of Manteno itself has imposed a moratorium on any developments. The schools need to be discussed as to the impact any further developments may have. He is suggesting 90 days to look at the PUD so that if more residential development is placed at Diverstech someone cannot put up a salvage yard or something that does not tie into residential development. He is not trying to single out anyone but the PUD itself singles out itself in that area.

Mr. Olthoff asked if this can be accomplished without a moratorium.

Mr. Nicholas stated that if someone comes to the Planning Department and says that they want to put a junk yard in Diverstech, how does the County stop that? Does it allow the junk yard?

Mr. Olthoff stated that it would be 90 days, probably, before it could get approval.

Mr. Nicholas stated no, not necessarily.

Mr. Stauffenberg stated that the Village's moratorium is for any new subdivision, not on new homes.

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Mr. Scholl stated that he would agree with Mr. Nicholas. A 90 day moratorium would be a reasonable way to give the County a period of time to confront and deal with the issue.

Mr. James stated that he has difficulty believing that the County can pinpoint a moratorium without a specific reason of safety or health.

Mr. Nelson stated that it is suggested that the moratorium be across the board by district and limited in duration.

Mr. Washington stated that his major concern about the moratorium is, the County is pinpointing an area and if it cannot make a broad delay or a broad moratorium based on some sort of facts, he does not see how it can be as discriminatory against a specific area like the PUD.

Mr. Nelson suggested deferring on that moratorium until the committee studies the Civil Division's Findings and Opinion and then see where the committee wants to go from there as to future developments in the PUD's.

Ms. Hertzberger withdrew her motion.

Mr. Scholl did not want to remove his second.

A motion for a 90 day delay on granting any building permits specifically at the Diverstech PUD was made by Mr. Scholl. Motion dies for a lack of a second.

A motion to place the moratorium on the December 14th PZA meeting agenda was made by Ms. Hertzberger and seconded by Mr. James. Motion carried.

9. Executive Session – 5 ILCS 140/7 – Potential Litigation

A motion to go into Executive Session was made by Mr. James and seconded by Mr. Washington. Motion carried by a roll call vote of 12 ayes and 0 nays.

A motion to come out of Executive Session was made by Mr. Whitten and seconded by Mr. Stauffenberg. Motion carried.

A motion to delay the issuing of the building permit at the PUD until such time that the litigation is settled by the court or legal jurisdiction was made by Mr. Martin and seconded by Mr. Whitten. Motion failed by a roll call vote of 2 ayes (Mr. Martin and Mr. Whitten) and 9 nays.

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10. Old/New Business

A motion to remove Bourbonnais Elementary School District from the pervious motion regarding Impact Fees due to the item not being placed on the agenda was made by Mr. Washington and seconded by Mr. Whitten. Motion carried.

A motion to have an 8:30 Special PZA meeting to include Bourbonnais Elementary School District Impact Fees and the Storm Water Technical Advisory Committee on December 13th was made by Ms. Hertzberger and seconded by Mr. James. Motion carried.

11. Adjournment

A motion to adjourn was made by Mr. Martin and seconded by Mr. Marcotte at 10: 54 a.m. Motion carried.

William Olthoff, Chairman

Stephanie Gresham
Executive Coordinator

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