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DeKalb County Government
Sycamore, Illinois

COUNTY BOARD PROCEEDINGS
November 21, 2018

The DeKalb County Board met in regular session at the DeKalb County Farm Bureau located at 1350 W. Prairie Dr., Sycamore, IL on Wednesday, November 21, 2018. Chairman Pietrowski called the meeting to order at 7:00 p.m. and the Clerk called the roll. Those Members present were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mr. Cribben, Mrs. Emmer Mr. Faivre, Vice Chairman Frieders, Mr. Hughes, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. Those absent were Ms. Willis and Mrs. Haji-Sheikh. A quorum was established with twenty-two Members present and two absent.

In addition to the Board Members, there were about 150 individuals present at the meeting.

Chairman Pietrowski asked Mr. Whelan to lead in the reciting of the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion

Mrs. Emmer moved to approve the minutes of the October 17, 2018 County Board Meeting. Mr. Roman seconded the motion.

Voice Vote

Chairman Pietrowski asked for a voice vote on the approval of the minutes. All Members voted yea. Motion carried unanimously.

Before approving the Agenda, Chairman Pietrowski requested a motion to Suspend the Rules, specifically, County Board Rule Sec. 2-37. - Comments from public. *A time shall be provided on the agenda of each regular meeting of the county board for members of the public to be heard. Such time shall not exceed 30 minutes. Each person desiring to be heard shall be allotted three minutes in which to address the board and each speaker shall identify himself by name and address. No member of the public may address the board on any issue that has been the subject of a properly noticed and legally held public hearing, conducted by a hearing officer. Time limits may be waived by a vote of the majority of the members present. Members of the public wishing to speak on an item that is on that evening's agenda may do so either at the beginning of the meeting or at the time the county board considers that particular item. Comments on items not on the agenda shall be made under "Persons to be heard from the floor."* The Chairman announced the suspension of this rule would allow any member of the public to speak on a matter even though it was subject to a Public Hearing. The three minute time limit would remain in effect, there would be no sharing of time, and such time shall not exceed 30 minutes on any overall topic.

Motion

Mr. Bagby moved to suspend County Board Rule Sec. 2-37 as specified above. Ms. Askins seconded the motion.

Roll Call Vote

Chairman Pietrowski called for a roll call vote on the motion to suspend the rules due to it needing a two-thirds majority vote to pass. Those Members voting yea were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mr. Cribben, Mrs. Emmer, Mr. Faivre, Vice Chairman Frieders, Mr. Hughes, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. The motion carried unanimously with all Members present voting yea.

APPROVAL OF AGENDA

Motion

It was moved by Mr. Porterfield and seconded by Mr. Roman to approve the agenda as presented.

Motion to Amend

Mr. Faivre moved to amend the agenda by removing **Ordinance O2018-44**: Cable Television Franchise Agreement By and Between DeKalb County, Illinois and CMN-RUS, Inc. under the Planning & Zoning Committee because it needs to go through a Public Hearing. Ms. Little seconded the motion.

Voice Vote on Amendment

Chairman Pietrowski called for a voice vote on the motion to amend. The motion carried unanimously.

Voice Vote on Amended Agenda

The Chairman called for a voice vote on the motion to approve the agenda as now amended. The motion carried unanimously.

COMMUNICATIONS AND REFERRALS

Chairman Pietrowski, on behalf of the County Board and DeKalb County Government, thanked the DeKalb County Farm Bureau and Bureau Manager Greg Millburg for allowing them to host their County Board Meeting at the larger facility to accommodate the large number of public guests.

Additionally, the Chairman wished outgoing County Board Member, Bob Brown, a very happy 70th birthday.

Employee Service Awards for September

Chairman Pietrowski recognized the following County Employees who received Service Awards in the month of November 2018: Five Years: Alicia Caplan – State’s Attorney’s Office, Zachary Oltmanns – Sheriff’s Department; Twenty Years: Deborah Cook – Court Services; Thirty Years: Mary Wiltse-Simpson – Rehab & Nursing Center, who was in attendance to accept her Service Award from the Chairman; and Thirty-Five Years: Gary Hanson – Administration.

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PERSONS TO BE HEARD FROM THE FLOOR

Lisa Bergeron of South Grove Township addressed the County Board on the proposed amendments to Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County and strongly requested the Board adopt the original Draft Ordinance that came out of the Planning & Zoning Committee (PZC) prior to the Hearing Officer's recommendations. She additionally provided hardcopies of evidence and statements to be kept with the Clerk's Records.

Ann Carlson of South Grove Township addressed the County Board on the proposed set back amendments to Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County and strongly requested the Board adopt the original Draft Ordinance that came out of the PZC Committee prior to the Hearing Officer's recommendations.

Bert Johnson of South Grove Township addressed the County Board on the proposed amendments to Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County and strongly requested the Board adopt the original Draft Ordinance that came out of the PZC Committee prior to the Hearing Officer's recommendations.

John Lyon of Mayfield Township addressed the County Board on the proposed shadow flicker amendments to Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County and strongly requested the Board adopt the original Draft Ordinance that came out of the PZC Committee prior to the Hearing Officer's recommendations.

Don Shepard addressed the County Board on the proposed sound limit amendments to Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County and strongly requested the Board adopt the original Draft Ordinance that came out of the PZC Committee prior to the Hearing Officer's recommendations.

Rhonda Hinke of Mayfield Township addressed the County Board on the proposed sound limit amendments to Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County and strongly requested the Board adopt the original Draft Ordinance that came out of the PZC Committee prior to the Hearing Officer's recommendations.

Julie Talley of Sycamore Township addressed the County Board on the proposed sound limit amendments to Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County and strongly requested the Board adopt the original Draft Ordinance that came out of the PZC Committee prior to the Hearing Officer's recommendations.

Brad Belanger of South Grove Township addressed the County Board on behalf of Concerned Citizens of DeKalb County regarding the proposed amendments and any changes to Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County and strongly requested the Board adopt the original Draft Ordinance that came out of the PZC Committee prior to the Hearing Officer's recommendations.

Phil Leutkehans, ESQ., Attorney on behalf of Concerned Citizens of DeKalb County addressed the County Board regarding Ordinance O2018-50: Adopting a Wind Energy Conversion System

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Ordinance for DeKalb County and strongly requested the Board adopt the original Draft Ordinance that came out of the PZC Committee prior to the Hearing Officer's recommendations.

Kathy Stelford of Sycamore Township addressed the County Board regarding Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County as well as how the Ordinance affects Oaken Acres and the safety of all animals. She strongly requested the Board adopt the original Draft Ordinance that came out of the PZC Committee prior to the Hearing Officer's recommendations.

Mel Haas of Milan Township addressed the County Board regarding Ordinance O2018-50: Adopting a Wind Energy Conversion System. He explained the difficulty he is having selling his home that is next to the Wind Towers in the southern part of DeKalb County.

Jason Kittinger of DeKalb addressed the County Board regarding Ordinance O2018-50: Adopting a Wind Energy Conversion System. He noted that he was in support of decreasing the setback requirements within the Ordinance and supported the type of clean energy that wind turbines produced.

Bessie Chronopoulos of DeKalb addressed the County Board on her support for Resolution R2018-67: Denial of an Intergovernmental Agreement with the City of DeKalb regarding their Tax Increment Financing Districts. She additionally applauded the County for requesting the City of DeKalb to conduct a forensic audit of all TIF dollars.

Katie Smith of South Grove Township addressed the County Board on the proposed amendments to Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County and strongly requested the Board adopt the original Draft Ordinance that came out of the PZC Committee prior to the Hearing Officer's recommendations.

PROCLAMATIONS

Proclamation P2018-03: Appreciation of Ronald G. Klein as DeKalb County Hearing Officer

Vice Chairman Frieders read aloud a Proclamation stating that on, June 21, 1989, the DeKalb County Board appointed Ronald G. Klein to serve as Hearing Officer for the County for an indefinite term. Mr. Klein subsequently conducted public hearings on 513 zoning applications over a period of nearly 30 years, including requested Variations, Special Uses, Planned Developments, Zoning Map Amendments, and Appeals, and the County Board has benefited from his professionalism, thoroughness, insight, careful deliberation, and thoughtful recommendations. As a consequence of Ronald G. Klein's efforts, the citizens of the County who have sought zoning actions have received procedurally correct, timely, and just verdicts and recommendations, and the County Board has been able to render well-informed decisions on changes to land uses throughout unincorporated DeKalb County.

Following Ronald G. Klein's resignation as Hearing Officer, the County Board wished to acknowledge Mr. Klein's important contributions and sterling service during the period he served. The DeKalb County Board acknowledged and expressed its deep gratitude for the time,

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efforts, and contributions provided to the Board and the citizens of DeKalb County by Ronald G. Klein during his service as Hearing Officer between June 1989 and November 2018.

Community Development Director Derek Hiland additionally said shared his remarks for Mr. Klein and he and Chairman Pietrowski presented Ronald G. Klein with a Proclamation Plaque and a gift for his service to the County.

APPOINTMENTS

Chairman Pietrowski recommended approval of the following appointments:

- a. **Boone, DeKalb and Ogle County Extension Board:** Roy Plote appointed for a two-year term beginning December 1, 2018 and expiring November 30, 2020.
- b. **DeKalb County Rehab & Nursing Center Operating Board / Supportive Living Facility Board:** Ferald Bryan and Jeff Whelan both reappointed for two-year terms beginning January 1, 2019 and expiring December 31, 2020.
- c. **DeKalb County Sheriff's Merit Commission:** Todd Walker reappointed for a six-year term beginning December 1, 2018 and expiring November 30, 2024
- d. **Emergency Telephone Systems Board:** Roy Plote reappointed for a two-year term beginning December 1, 2018 and expiring November 30, 2020.
- e. **Kane, Kendall, DeKalb Counties Workforce Development Board:** Matthew Johnson appointed to fill the unexpired term of Blake Henderson beginning October 1, 2018 and expiring September 30, 2020.

Motion

It was moved by Mr. Luebke and seconded by Mr. Osland to approve all of the recommended appointments as presented.

Voice Vote

The motion was carried unanimously.

REPORTS FROM STANDING COMMITTEES

PLANNING & ZONING COMMITTEE

Motion

Mr. Faivre moved that the DeKalb County Board approves the following Ordinances O2018-45 through O2018-49 for the approval of Special Use Permits for the construction and operation of Solar Gardens in Franklin, Kingston, Somonauk, and Malta Townships, more specifically as follows:

Ordinance O2018-45: Approval of a Special Use Permit for a Solar Garden for Property Located on Pearl Street in Franklin Township. Approval of a Special Use Permit requested by Sun Vest Solar, Inc. for the construction and operation of a 2-megawatt solar garden (referred to as SV CSG Kirkland 2, LLC) on Pearl Street, approximately 2,000 feet south of Wolf Road in Franklin Township (P.I.N.: 01-24-100-001) FR-18-33.

Ordinance O2018-46: Approval of a Special Use Permit for a Solar Farm for Property Located on Pleasant Hill Road in Kingston Township. Approval of a Special Use Permit requested by Sun Vest Solar, Inc. for the construction and operation of a 2-megawatt, solar garden (referred to as SV CSG Kingston 3) located on the southeast corner of State Route 72 and Pleasant Hill Road in Kingston Township (P.I.N.: 02-23-400-006) KI-18-34.

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Ordinance O2018-47: Approval of a Special Use Permit for a Solar Garden for Property Located on Governor Beveridge Highway in Somonauk Township. Approval of a Special Use Permit requested by Cenergy Power for the construction and operation of a 2-megawatt solar garden (referred to as PSCS 1) located on the southwest corner of the intersection of Pine Road and Governor Beveridge Road in Somonauk Township (P.I.N.: 18-20-200-002) SO-18-38.

Ordinance O2018-48: Approval of a Special Use Permit for a Solar Garden for Property Located on Governor Beveridge Highway in Somonauk Township. Approval of a Special Use Permit requested by Cenergy Power for the construction and operation of a 2-megawatt solar garden (referred to as PSCS 2) located on the southwest corner of the intersection of Pine Road and Governor Beveridge Road in Somonauk Township (P.I.N.: 18-20-200-002) SO-18-39.

Ordinance O2018-49: Approval of a Special Use Permit for a Solar Garden for Property Located on Twombly Road in Malta Township. Approval of a Special Use Permit requested by Cypress Creek Renewables Development for the construction and operation of a 2-megawatt solar garden (referred to as Wolfcastle Solar, LLC) located at the intersection of Lucas and Twombly Roads in Malta Township. (P.I.N. 07-12-400-003) MA-18-43.

Voice Vote

Mr. Porterfield seconded. Chairman Pietrowski called for a voice vote on the motion to approve Ordinances O2018-45 through O2018-49. The motion carried with one abstention from Mr. Plote.

Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County
Motion

Mr. Faivre moved that the DeKalb County Board hereby approves the Wind Energy Conversion System Ordinance, as specified in Exhibit A, for DeKalb County and further approves to amend the DeKalb County Zoning Ordinance, Section 4.02.C.1, to include Wind Energy Conversion Systems into the list of Special Uses allowed in the A-1 District, effective December 1, 2018. Mr. Roman seconded the motion.

Motion to Amend #1

Mr. Reid moved to restrict the height of any wind turbines allowable in DeKalb County to 400 feet. Mr. Porterfield seconded the motion.

Roll Call Vote on Amendment #1

Hearing no discussion, Chairman Pietrowski called for a roll call vote on the amendment. Those voting yea were Mr. Whelan, Mr. Bagby, Mrs. Emmer, Mr. Hughes, Mr. Osland, Mr. Porterfield, Mr. Reid. Those voting nay were Ms. Askins, Mr. Brown, Mr. Bunge, Mr. Cribben, Mr. Faivre, Vice Chairman Frieders, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Plote, Ms. Polanco, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. The motion failed with seven Members voting yea and fifteen voting nay.

Motion to Amend #2

Mr. Cribben moved to add in alphabetical order a definition of "Waiver" to read: *Waiver: A recordable document that is signed by the developer and the participating land owner that waives the requirements of this ordinance regarding setbacks. The waiver shall be notarized, recorded, run with parcel(s) of record and terminate at the termination of the wind energy project as part of the decommissioning plan. For purposes of a Municipal Waiver a signed and recoded resolution will suffice to meet the waiver requirements.* Mr. Faivre seconded the motion.

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After much deliberation among the Board Members, Mr. Cribben offered to eliminate the first sentence of the definition to now read: **Waiver:** ~~A recordable document that is signed by the developer and the participating land owner that waives the requirements of this ordinance regarding setbacks.~~ *The waiver shall be notarized, recorded, run with parcel(s) of record and terminate at the termination of the wind energy project as part of the decommissioning plan. For purposes of a Municipal Waiver a signed and recoded resolution will suffice to meet the waiver requirements.* Mr. Faivre agreed with the change as well.

Roll Call Vote on Amendment #2

Chairman Pietrowski called for a roll call vote on the amendment to add the definition of Waiver. Those voting yea were Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mr. Cribben, Mrs. Emmer, Mr. Faivre, Vice Chairman Frieders, Mr. Hughes, Ms. Leifheit, Mr. Osland, Mr. Plote, Ms. Polanco, and Mr. Reid. Those voting nay were Mr. Whelan, Mr. Jones, Ms. Little, Mr. Luebke, Mr. Porterfield, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. The motion carried with fourteen Members voting yea and eight voting nay.

Motion to Amend #3

Mr. Cribben moved to amend Section 7.h.1 to read: *All WECS towers shall be setback a distance of not less than 3.1 times the height of the WECS tower from the base of the foundation of any residence. This requirement may not be waived. All WECS towers shall be setback a distance of 1.1 times the height of the WECS tower from all property lines. This setback may be waived.* Vice Chairman Frieders seconded the motion.

Roll Call Vote on Amendment #3

After an explanation from Mr. Cribben, deliberations from the Board Members, Chairman Pietrowski called for a roll call vote on the amendment. Those Members voting yea were Mr. Cribben and Ms. Leifheit. Those Members voting nay were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mrs. Emmer, Mr. Faivre, Vice Chairman Frieders, Mr. Hughes, Mr. Jones, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. The motion failed with two Members voting yea and twenty voting nay.

Mr. Cribben was originally going to move to amend Section 7.h.2. to read: All WECS towers shall be setback a distance of 1.1 times the height of the WECS tower from all roadways, third-party transmission lines, and communication towers. This setback may not be waived. He withdrew his motion though.

Motion to Amend #4

Mr. Cribben moved to Eliminate Section 7.h.4. Vice Chairman Frieders seconded the motion.

Roll Call Vote on Amendment #4

After an explanation from Mr. Cribben and discussion from the Board, Chairman Pietrowski called for a roll call vote on the amendment. Those Members voting yea were Mr. Cribben. Those Members voting nay were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mrs. Emmer, Mr. Faivre, Vice Chairman Frieders, Mr. Hughes, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. One Member voted yea and twenty-one Members voted nay. The motion failed.

Mr. Cribben was originally going to move to amend Section 7.i to read: Height Restriction: All WECS towers under 500 feet shall be setback 3.1 times the height from all residences as described in Section 7.h.1. All WECS towers between 501 feet and 600 feet shall be setback a distance of 3.3 times the height from residences, and all WECS towers between 601 feet and 700 feet shall be setback a distance of 3.5 times the height from residences. He withdrew his motion.

Motion to Amend #5

Mr. Cribben moved to amend Section 7.1.1.b.i to read: *Any road damage repairs caused by the transport of the WECS equipment, the installation of the same, must be completed to the satisfaction and approval of the Township Road Commissioner and DeKalb County Engineer. Further, a surety bond, or other comparable security, such as escrow fund or letter of credit, be established in an amount to be fixed by the Township Road Commissioner or DeKalb County Engineer to insure the township or county that future repairs are completed to the satisfaction of the local government.* Mr. Stoddard seconded the motion.

Roll Call Vote on Amendment #5

After explanations and discussions, Chairman Pietrowski called for a roll call vote on the amendment. Those voting yea were Mr. Cribben, Mr. Faivre, Vice Chairman Frieders, Ms. Leifheit, and Mr. Stoddard. Those voting nay were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mrs. Emmer, Mr. Hughes, Mr. Jones, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, and Chairman Pietrowski. Five Members voting yea and seventeen voted nay. The motion failed.

Mr. Cribben was originally going to move to Eliminate Section 7.1.1.b.ii. but he withdrew his motion.

Motion to Amend #6

Mr. Cribben moved to amend to amend Section 8.b.3 to read: *If, after construction of the WECS, the County receives a written complaint related to the above mentioned interference, the Applicant shall provide the County with evidence the complaint has been resolved.* Vice Chairman Frieders seconded the motion.

Roll Call Vote on Amendment #6

After discussion, Chairman Pietrowski called for a roll call vote on the amendment as presented. Those voting yea were Mr. Cribben. Those opposed were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mrs. Emmer, Mr. Faivre, Vice Chairman Frieders, Mr. Hughes, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. One Members voted yea and twenty-one voted nay. The motion failed.

Mr. Cribben was originally going to move to amend Section 8.c to read: Flicker: WECS owner and/or operator shall make reasonable provision in the operation of the WECS to insure that flicker/shadow effects shall not be unreasonably observable beyond the property line of any participation property. If after construction of the WECS, the county receives a written complaint related to flicker/shadow effects, the Applicant shall provide the county with evidence that complain has been resolved. He withdrew his motion though.

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Motion to Amend #7

Ms. Little moved to amend Section 8.c to read: *Flicker: Zero flicker/shadow flicker shall occur beyond the property line of any participating property.* Mrs. Emmer seconded the motion.

Roll Call Vote on Amendment #7

After discussion and clarification that this wording was in the Draft Ordinance that originally came out of the PCZ Committee, Chairman Pietrowski called for a roll call vote. Those Members voting yea were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mrs. Emmer, Mr. Faivre, Vice Chairman Frieders, Mr. Hughes, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. The motion carried with twenty-one Members voting yea and one opposed.

Motion to Amend #8

Mr. Cribben moved to amend Section 9 Sound Limits to read: *Noise levels from each WECS tower shall be in compliance with all applicable Illinois Pollution Control Board Regulations. The Applicant, thru the use of a qualified professional, as part of the Special Use Permit, shall appropriately demonstrate compliance with IPCB regulations, including a current ambient noise survey. If, after construction of the WECS, the County receives a written complain on noise, the Applicant shall provide the County with evidence that the complaint has been resolved.* Vice Chairman Frieders seconded the motion.

Roll Call Vote on Amendment #7

After brief discussion, the Chairman called for a roll call vote on the motion to amend. Those voting yea were Mr. Cribben, Vice Chairman Frieders, Ms. Leifheit, and Mr. Stoddard. Those voting nay were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mrs. Emmer, Mr. Faivre, Mr. Hughes, Mr. Jones, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, and Chairman Pietrowski. Four Members voting yea and eighteen voting nay. The motion failed.

Motion to Amend #9

Ms. Little moved to amend Section 9 Sound Limits to read:

a. Audible Sound Limits

- 1) *No WECS shall be located so as to cause an exceedance of the pre-construction/operation background sound levels by more than 5 dBA. The background sound levels shall be the L_{90A} sound descriptor measured during a pre-construction noise study during the quietest time of the evening or night. All data recording shall be a series of contiguous ten (10) minute measurements. Measurements shall cover a minimum of 30 minutes. The ten (10) minute period with the lowest L_{90A} levels shall be used for this test. L_{90A} results are valid only when L_{10A} results are no more than 15 dBA above L_{90A} for the same time period. Noise sensitive sites are to be selected based on predicted worst-case sound emissions (in L_{EQA} and L_{EQC}) which are to be provided by developer.*
- 2) *Test sites are to be located along the property line(s) of the receiving non-participating property(s).*
- 3) *A 5dB penalty is applied for tones or when the sound emissions fluctuate in amplitude or frequency over time in reasonable synchronicity with the blade revolution.*

b. Low Frequency Sound Limit

- 1) *The sound levels from the wind turbine at the receiving property shall not exceed the lower of either:*
 - a) *L_{EQA}- L_{90A} greater than 20 dB outside or inside any occupied structure, or*
 - b) *A maximum not-to-exceed sound level of 50 dBC.*

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- 2) *These limits shall be assessed using the same nighttime and wind/weather conditions required in Section 9.a.1.*
- 3) *Turbine operating sound immissions (dBA and dBC) shall represent worst case sound immissions for the stable nighttime conditions with low winds at ground level and winds sufficient for full operating capacity at the hub.*

c. **Requirements:**

- 1) *All instruments must meet ANSI or IEC Type 1 Precision sound level meter performance specifications.*
- 2) *Procedures must meet ANSI S12.9, Part 3, ANSI S12.100 and other applicable ANSI standards.*
- 3) *Measurements must be made when ground level winds are 2m/s (4.5 mph) or less. Leaf rustle, insect, bird, and other sounds not properly considered as part of the steady background sound shall be excluded. Wind shear in the evening and night often result in low ground level wind speed and nominal operating speeds at wind turbine hub heights.*
- 4) *IEC 61400 procedures are not suitable for enforcement of these requirements. ANSI standards shall be followed for testing and modeling procedures.*

Mr. Luebke seconded the motion

Roll Call Vote on Amendment #9

After discussion and clarification that this wording was in the Draft Ordinance that originally came out of the PCZ Committee, Chairman Pietrowski called for a roll call vote. Those voting yea were Mr. Whelan, Mr. Bagby, Mr. Brown, Mr. Bunge, Mrs. Emmer, Mr. Faivre, Mr. Hughes, Mr. Jones, Ms. Little, Mr. Luebke, Mr. Osland, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, and Chairman Pietrowski. Those voting nay were Ms. Askins, Mr. Cribben, Vice Chairman Frieders, Ms. Leifheit, Mr. Plote, and Mr. Stoddard. Sixteen Members voted yea and six voted nay. The motion carried.

Motion to Amend #10

Mr. Cribben moved to Eliminate Section 10 Enforcement. Vice Chairman Frieders seconded the motion.

Roll Call Vote on Amendment #10

After discussion among the Board Members, the Chairman called for a roll call vote. Those voting yea were Mr. Cribben and Ms. Leifheit. Those Members voting nay were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mrs. Emmer, Mr. Faivre, Vice Chairman Frieders, Mr. Hughes, Mr. Jones, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. Two Members voted yea and twenty voted nay. The motion failed.

Mr. Larry Smith of South Grove Township addressed the County Board regarding the reasoning behind the next two amendments that he worked with Mr. Cribben on.

Motion to Amend #11

Mr. Cribben moved to add Section 15, Property Value Guarantee, provided as an exhibit to the Board Members. Vice Chairman Frieders seconded the motion.

Roll Call Vote on Amendment #11

The Chairman called for a roll call vote on the motion. Those voting yea were Mr. Whelan and Mr. Cribben. Those voting nay were Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mrs. Emmer, Mr. Faivre, Vice Chairman Frieders, Mr. Hughes, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. Two Members voted yea and twenty nay. Motion failed.

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Motion to Amend #12

Mr. Cribben moved to add Section 16, Health Guarantee Agreement, provided as an exhibit to the Board Members. Vice Chairman Frieders seconded the motion.

Roll Call Vote on Amendment #12

The Chairman called for a roll call vote on the motion. Those voting yea were Mr. Cribben. Those opposed were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mrs. Emmer, Mr. Faivre, Vice Chairman Frieders, Mr. Hughes, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. The motion failed with one Members voting yea and twenty-one voting nay.

Community Development Director Derek Hiland shared that the Hearing Officer recommended that the Planning and Zoning Committee of the County Board reconsider its decision to not have a property value guarantee as part of the proposed Wind Energy Conversion Systems Ordinance. If the County Board decides to add a property value guarantee to the proposed ordinance, staff would recommend using the following language for insertion into the ordinance:

15. Property Value Guarantee: *The applicant, owner, and/or operator of the WECS shall abide by a Property Value Guarantee Agreement. Qualifying landowners shall be given ninety (90) days to sign-up to participate in such an agreement following notification by certified mail from the applicant, owner, and/or operator of the WECS that their property is or will be within a mile of a wind tower. The applicant, owner, and/or operator of the WECS shall provide to the Community Development Department an affidavit of notification to all qualifying landowners.*

The recommendation died for a lack of a motion.

Roll Call Vote to Approve Ordinance O2018-50 as Amended

The Clerk reiterated that the Board approved Mr. Cribben's Amendment to add a definition of "Waiver", Ms. Little's amendment to Section 8.c regarding flicker, and Ms. Little's amendment to Section 9 regarding sound limits. After further discussion, Chairman Pietrowski called for a roll call vote to approve the original motion to approve Ordinance O2018-50: Adopting a Wind Energy Conversion System Ordinance for DeKalb County as Amended. Those Members voting yea were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mrs. Emmer, Mr. Faivre, Vice Chairman Frieders, Mr. Hughes, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. Those Members voting nay were Mr. Cribben, Mr. Porterfield, and Mr. Reid. Nineteen Members voted yea and three voted nay. The motion carried.

COUNTY HIGHWAY COMMITTEE

Resolution R2018-62: Anticipation of Township Bridge Funds for McNeal Road Bridge in Franklin Road District

Motion

Mr. Plote moved the DeKalb County Board hereby approves the payment from County Funds, Township Funds, or other available funds, in the sum of \$639,858.00 thereby creating an indebtedness in the Township Bridge Fund for Franklin Road District for the purpose of constructing McNeal Road Bridge in Franklin Road District. Ms. Polanco seconded the motion.

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Roll Call Vote

Chairman Pietrowski called for a roll call vote on the motion as presented. Those voting yea were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mr. Cribben, Mrs. Emmer, Mr. Faivre, Mr. Frieders, Mr. Hughes, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. The motion carried unanimously with all Members present voting yea.

ECONOMIC DEVELOPMENT COMMITTEE

Resolution R2018-63: Approval of a Memorandum of Understanding between DeKalb County Government and the DeKalb County History Museum

Motion

Mr. Bagby moved that the DeKalb County Board does hereby approve the Memorandum of Understanding (Exhibit A) with the DeKalb County History Center, effective as of January 1, 2019, to provide for the long-term sustainability of the Joiner History Room by incorporating the County's Joiner History Room into the new facility being constructed by the DeKalb County History Center. Mr. Luebke seconded the motion.

Voice Vote

The Chair called for a voice vote on the motion. All Members present voted yea. Motion carried unanimously.

FINANCE COMMITTEE

Claims

Motion

Mr. Stoddard moved to approve the payment of claims for this month, and the off cycle claims paid during the previous month, including all claims for travel, meals, and lodging, in the amount of \$6,362,675.72. Mr. Whelan seconded the motion.

Roll Call Vote

Chairman Pietrowski asked for a roll call vote on the approval of the November Claims. Those Members voted yea were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mr. Cribben, Mrs. Emmer, Mr. Faivre, Mr. Frieders, Mr. Hughes, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. The motion carried unanimously.

Reports of County Officials

Motion

Mr. Stoddard moved to accept and place on file the following Reports of County Officials:

1. Cash & Investments in County Banks – October 2018
2. Public Defender's Report – October 2018
3. Adult & Juvenile Monthly Reports – October 2018
4. Pretrial Report – October 2018
5. Sheriff's Jail Report – October 2018
6. Building Permits & Construction Reports – October 2018

Mr. Bagby seconded the motion.

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Voice Vote

The Chairman requested a voice vote to accept the Reports of County Officials as presented. Motion carried unanimously.

EXECUTIVE COMMITTEE

Resolution R2018-64: State's Attorney Appellate Prosecutor Program

Motion

Vice Chairman Frieders moved the DeKalb County Board hereby agrees to participate in the service program of the Office of the State's Attorney Prosecutor for FY 2019, commencing December 1, 2018, and ending November 30, 2019 in the amount of \$24,000, as budgeted. Ms. Little seconded the motion as presented.

Roll Call Vote

Chairman Pietrowski called for a roll call vote on the motion as presented. Those Members voting yea were Mr. Whelan, Ms. Askins, Mr. Bagby, Mr. Brown, Mr. Bunge, Mr. Cribben, Mrs. Emmer, Mr. Faivre, Mr. Frieders, Mr. Hughes, Mr. Jones, Ms. Leifheit, Ms. Little, Mr. Luebke, Mr. Osland, Mr. Plote, Ms. Polanco, Mr. Porterfield, Mr. Reid, Mr. Roman, Mr. Stoddard, and Chairman Pietrowski. The motion carried unanimously.

Resolution R2018-65: Approval of the Amended DeKalb Sycamore Area Transportation Study Intergovernmental Agreement

Motion

Vice Chairman Frieders moved that the DeKalb County Board hereby approves amendments to the DSATS IGA, where "City of DeKalb" will be changed to "County of DeKalb" in Article III A and "City Manager of the City of DeKalb" will be changed to "County Administrator of the County of DeKalb" in Article VIII A of the Cooperative Agreement, thereby allowing DeKalb County to become the lead (fiscal) agent for DSATS as of January 1, 2019. Mr. Plote seconded the motion.

Voice Vote

The motion carried unanimously by voice vote.

Resolution R2018-66: Endorsement of Sheriff's Memorandum of Understanding

Motion

Vice Chairman Frieders moved the DeKalb County Board does hereby accept and endorse the Memorandum of Understanding (Exhibit A) dated September 18, 2018 between the DeKalb County Sheriff and the DeKalb City Police Chief in fulfillment of the City of DeKalb's request to have such an agreement between the two law enforcement entities and the County now encourages the City of DeKalb to similarly accept and endorse said Memorandum of Understanding as full and complete satisfaction of the contingency placed on the City's Resolution #2018-129. Mr. Osland seconded the motion as presented.

Voice Vote

Chairman Pietrowski called for a voice vote on the motion. All Members voted yea. Motion carried unanimously.

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Resolution R2018-67: Denial of an Intergovernmental Agreement with the City of DeKalb Regarding their Tax Increment Financing Districts

Motion

Vice Chairman Frieders moved that the DeKalb County Board hereby denies the Intergovernmental Agreement presented by the City of DeKalb regarding their Tax Increment Financing Districts due to it being contrary to good public policy in that the basic premise of said Agreement is to pay public funds in exchange for ignoring a full accounting of the public's money and to not hold individuals accountable for mismanagement of those funds, and further encourages other taxing bodies encompassed by the City of DeKalb TIF Districts to (1) take similar action to the County and not approve the proposed Agreement, (2) join the DeKalb County State's Attorney and the DeKalb County Board in publically calling for a full and independent forensic audit of all TIF dollars, returning any misused funds, and (3) ask the City of DeKalb to suspend any action on the furtherance of establishing, or operating, the proposed TIF #3 District until a full accounting of TIF dollars is completed. Mr. Luebke seconded the motion as presented.

Voice Vote

Chairman Pietrowski called for a voice vote on the motion as presented. All Members present voted yea. The motion carried unanimously.

AD HOC RULES COMMITTEE

Ordinance O2018-51: Amendments to the DeKalb County Code, Chapter 1 (General Provisions) & Chapter 2 (Administration)

Motion

Vice Chairman Frieders moved the DeKalb County Board concurs with the recommendations set forth by the Ad Hoc Rules Committee and hereby approves the amendments to the DeKalb County Code, as attached to this Ordinance, all effective January 1, 2019. Mr. Faivre seconded the motion.

Voice Vote

The motion carried unanimously by voice vote.

OLD BUSINESS / NEW BUSINESS

None.

ELECTION OF COUNTY BOARD CHAIRMAN PRO-TEM

Motion

Mr. Whelan moved to elect Mr. Steve Reid to serve as County Board Chairman Pro-Tem at the December 3, 2018 Organizational Meeting. Mr. Porterfield seconded the motion.

Voice Vote

Chairman Pietrowski requested a voice vote. The motion carried unanimously.

ADJOURNMENT

Motion

Ms. Askins moved to adjourn the meeting at 9:38 p.m. and Ms. Little seconded the motion.

Voice Vote

The motion to adjourn the meeting carried unanimously.


Douglas N. Johnson
DeKalb County Clerk


Mark Pietrowski, Jr.
DeKalb County Board Chairman

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