

DRAFT

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
October 24, 2012**

The Planning and Zoning Committee of the DeKalb County Board met on October 24, 2012 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Ken Andersen, John Hulseberg, Ruth Anne Tobias, John Emerson, Jeff Whelan, and Pat Vary. Also in attendance were Marlene Allen, Greg Millburg, Dean Johnson, Scott Pumroy, Dale Clark, Chris Cosentino, Roger Craigmile, County Finance Director Gary Hansen, and Planning, Zoning and Building Department staff members Paul Miller, Rebecca Von Drasek and Marcellus Anderson.

Ken Andersen, Planning and Zoning Committee Chairman, called the meeting to order and noted that Committee member Dan Cribben was absent.

APPROVAL OF AGENDA

Mr. Emerson moved to approve the agenda, seconded by Ms. Tobias, and the motion carried unanimously.

APPROVAL OF MINUTES

Ms. Vary moved to approve the minutes of the September 26, 2012 meeting of the Planning and Zoning Committee, seconded by Mr. Hulseberg, and the motion carried unanimously.

DISCUSSION ITEM – Discussion of possible Hearing Officer candidates

Dan Cribben arrived at 7:05 p.m.

Mr. Andersen stated that in September the Committee had discussed three possible candidates for the Alternate Hearing Officer position. Mr. Miller then explained that Mike Coghlan, one of the three candidates, had sent correspondence indicating that due to his current cases he would need to withdraw his name from consideration.

Mr. Andersen asked the two candidates who were present to make a short statement about themselves and their interest in being Hearing Officer for the County.

Dale Clark introduced himself and informed the Committee that he has been practicing law for 19 years. Included in his comments was his awareness that the role of Hearing Officer was essentially a public service, and that he was happy to provide that service to the citizens of DeKalb County.

Chris Cosentino introduced himself and indicated he had been practicing law for the past 12 years. Among his comments he noted that the Hearing Officer should be

perceived by all as fair and impartial and that he felt he could provide this to property owners in DeKalb County.

Mr. Miller emphasized to the Committee that although the Hearing Officer is not required to be an attorney, however, zoning actions are often quasi-judicial and the insight of an attorney is helpful in this litigious environment.

Mr. Andersen asked the Committee for comments or questions for the candidates.

Mr. Hulseberg stated that he had been on the CASA Board with Dale Clark, and that he would be comfortable with him as the alternate Hearing Officer.

Mr. Cribben noted that he had previously worked for Mr. Clark.

Mr. Whelan asked the candidates if their schedules would conflict with the requirements of the County. Both candidates indicated they understood the time commitment.

The candidates left to allow the Committee to deliberate.

The Committee briefly discussed recommending both candidates as Alternate Hearing Officers. Mr. Miller indicated that Dave Dockus was still available as a second alternate, so a fourth Hearing Officer would rarely, if ever, be called.

Mr. Hulseberg suggested that some day Mr. Klein would retire as Hearing Officer, and one of the two candidates may be suitable as a Hearing Officer in the future.

Ms. Vary stated that both candidates were good and qualified.

Mr. Hulseberg made a motion to recommend Dale Clark as the alternate Hearing Officer, seconded by Mr. Cribben, and the motion carried unanimously.

Mr. Miller agreed to contact the candidates and inform them of the Committee's decision.

DISCUSSION ITEM – DeKalb County Soil and Water Conservation District Budget Appeal

Mr. Andersen recognized Dean Johnson from the DeKalb County Soil and Water Conservation District (SWCD).

Mr. Johnson explained that he had filed a request to increase the County's contribution to the SWCD from \$20,000 to \$30,000. Mr. Johnson explained that the State funds to the SWCD have been reduced and that the SWCD Board has already reduced staff by half. Mr. Johnson detailed some of the District's services, noting the review of development applications, monitoring erosion control, and the oversight of agricultural dredging projects. He highlighted the cost-sharing projects and the work of the SWCD

with property owners. Mr. Johnson noted the additional \$10,000 requested would make a big impact for the SWCD and allow it to retain his full-time services.

Mr. Andersen asked about the EPA inspections completed by the SWCD. Mr. Johnson explained he inspects projects with NPDES permits and confirms compliance with EPA requirements.

Mr. Hulseberg asked Mr. Miller how the County would be effected if the SWCD was not able to continue operations. Mr. Miller explained that the number of Site Development Permits would nearly double, and require additional staff time and resources to process, review, and administer.

Mr. Hulseberg informed the Committee that he was in favor of the request. He cited the erosion prevention and waterway programs as important for the County.

Mr. Whelan requested more information about the SWCD work with water ways in the County. Mr. Johnson noted that filter strips and conservation tillage methods prevent erosion and pollutants from entering waterways. He also highlighted streambank erosion projects for which that the District has provided oversight.

Ms. Vary stated that she was amazed at the expertise of the SWCD after attending a few of the District's workshops. In addition, she emphasized the importance of the evaluation given for proposed developments in the County. She added she disliked the trend of State and Federal agencies pushing costs onto local governments. She concluded by voicing support for the requested increase in the County's contribution to the District.

Ms. Tobias noted that the SWCD had been assisting her in addressing a flooding issue near her home.

Mr. Cribben asked about other sources of revenue for the District. Mr. Johnson noted that the current fee for an agricultural review permit was \$150, and that even if the fee were doubled and ten permits were issued that would only be an additional \$1,500 per year. Mr. Cribben stated that he would be more inclined to approve the appeal if the District were revenue neutral, with fees high enough to cover the District services. Mr. Johnson also indicated that the SWCD sells items (i.e. fish, trees, composters, and rain barrels), and they collect fees for other services (i.e. soil water inventory reports and IL EPA inspections).

Mr. Emerson stated he was aware of the SWCD programs and that he felt they do good work.

Mr. Whelan asked what the District would do in three years if the State funding has not returned. Mr. Johnson said the additional \$10,000 would allow the District to break even in 2013.

Mr. Hulseberg confirmed that there was three million dollars in the Opportunity Fund which could be used to meet the District's request. Mr. Hansen confirmed the balance.

Mr. Andersen asked if the SWCD performed the weekly inspections of the NPDES permit. Mr. Johnson explained that the contractors are responsible for conducting their own inspections, but that he inspects what they have done.

Mr. Pumroy introduced himself as the Treasurer of the SWCD and noted that the contribution from the County is very important to the District. He explained that the increase to \$30,000 will keep the doors open for the District.

Mr. Andersen noted that he would be abstaining from the vote because he has performed inspections for the District.

Ms. Vary moved to recommend approval of the appeal to fund the District a total of \$30,000 from the Opportunity Fund, seconded by Ms. Tobias, and the motion carried with all "Yes" except Mr. Andersen abstaining.

DISCUSSION ITEM - Newport Appeal of the Budget for the Planning, Zoning and Building Department

Mr. Andersen read the appeal requesting a cut of one full-time position from the Department to fund a correction officer position in the Sheriff's office.

Mr. Hulseberg informed the Committee that the Law and Justice Committee had voted to fund the requested position and specifically called for that funding without a cut from the Planning, Zoning, and Building Department.

Ms. Vary emphasized that the Department is very small and performs a variety of tasks for the citizens of DeKalb County. She noted frustration that this appeal was made for a third year in a row. She asserted that the repetitive nature of the appeal could be viewed as a vendetta against the Department. She observed that the County Board has repeatedly denied this request and that the Department has already made cuts to staff.

Mr. Miller stated that he had met with Mr. Newport regarding the appeal. He said that the conversation was amiable, that Mr. Newport had listened carefully and asked questions. He commended Mr. Newport for his careful consideration of the issue. Mr. Miller pointed out the analysis the Department had done in response to the appeal was a useful exercise, and noted the finding that services will be adversely affected if staff is reduced.

Mr. Whelan stated that he did not feel that the staff was wasting the County's time and that he would not be in favor of the appeal.

Ms. Tobias felt that staff was qualified and working in the interest of the County. She noted that the Department provides vital services, and that it was already lean. She stated she was not in favor of the appeal.

Mr. Cribben stated he was in support of the appeal citing a concern for the rising cost of County services. He also noted that he looked forward to the discussion regarding the Department's fees.

Mr. Emerson stated that he too was concerned about the rising cost of County operations, but that he was not in favor of the appeal due to the number of upcoming projects in 2013.

Mr. Hulseberg noted that the appeal did not include a rationale. He indicated that for such a drastic proposal he had hoped Mr. Newport would appear before the Committee to provide additional explanation. Mr. Hulseberg observed that he would support a study of the entire County workforce to find areas where cuts are appropriate. He criticized the appeals approach because there was not factual information to justify the action.

Mr. Andersen explained to the Committee that he dislikes the appeal process for revising the budget. He also stated that he felt that the review process should start a month or so earlier. He liked the idea of examining operations and also supported a hard look at the current fees. He opined that an increasing budget with dropping revenues is not sustainable. He thanked staff for the report submitted in response to the appeal, and stated that he had not been aware of the amount of time staff spends on grading permits and violations.

Ms. Vary agreed that it was important to balance revenues to operations. She asserted that the goals of the County should be accomplished by the budget. She supported economic development initiatives to increase the tax base.

Mr. Miller informed the Committee that he did not object to the appeal because it was a useful exercise to review staff's tasks. Mr. Miller stated he had no objection to a Countywide review and prioritization of services and to determine if and where cuts are appropriate.

Mr. Andersen recognized Ms. Allen.

Ms. Allen informed the Committee that she did not agree with the appeal. She explained that from her recollection of years on the County Board, the Department had not always run so smoothly as it does now. She supported a time study to determine where efficiencies and cuts could be made. Ms. Allen observed that constituents do not want to wait for answers on land issues.

Mr. Andersen suggested that the County investigate intergovernmental agreements to perform inspections when an agency finds itself short on inspectors.

Mr. Hulseberg recommend the County Board deny the appeal, seconded by Ms. Vary, and the motion passed with six "Yes" and one "No" from Mr. Cribben.

DISCUSSION ITEM - Fees

Mr. Miller referenced his memo of October 9, 2012 to the Planning and Zoning Committee regarding the Department's fees. He suggested in an ideal world every project would pay the full share of staff costs associated with the project. However, he explained that this is never the reality and that a zero-based approach is not realistic. He explained that some agricultural properties qualify for exemption from building inspections and also are exempt from any fees, yet they still require staff time and County resources.

Ms. Vary asked if houses could be constructed without inspections. Mr. Miller responded that farm dwellings were exempt from inspections by County staff.

Mr. Cribben opined that the professionalism of the building industry meant that structures are built competently.

Mr. Andersen recognized Greg Millburg, who suggested that farmers want their structures built right. Mr. Millburg also suggested that farmers are less likely to sell their farm dwellings.

Mr. Vary observed that the Building fees in Mr. Miller's October 9, 2012 memo have DeKalb County in the middle of Counties east and west of DeKalb.

Mr. Whelan confirmed that farm dwellings are required to have the State Plumbing Inspector inspect the plumbing. Mr. Miller agreed.

Mr. Andersen suggested that the Committee table the review of the Building Permit fees until staff could confer with the State's Attorney Office and meet with the Farm Bureau to further discuss changes to the process of issuing Building Permits to agricultural properties.

Mr. Vary noted a large variation in the fee amounts for Zoning Applications. She approved of the tiered system. Mr. Miller agreed to draft a new tiered system which would incorporate the actual costs to process a Zoning Application for the Committee's review.

Mr. Miller observed that as a policy staff does not make a suggestion of how much a fine should be when the Hearing Officer is acting on a Code Violation Hearing. He suggested the Committee consider a policy change directing staff to include a suggestion on fines based on how much time staff has had to devote to working with the property owner to try to abate the violation.

Mr. Miller also observed the cost to accommodate Site Development Permits exceeds the \$400 fee currently charged.

The Committee agreed to table the discussion on fees until the January meeting of the Committee.

MONTHLY REPORT

The Committee briefly discussed the Monthly Report.

Staff highlighted the upcoming Hazard Mitigation meeting as well as the link to the survey of DeKalb County residents regarding their thoughts on Hazard Mitigation. (<http://www.surveymonkey.com/s/9QBQXGF>).

PUBLIC COMMENTS

There were no comments offered.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet November 28, 2012 at 7:00 p.m. in the Conference Room East. The Committee cancelled the regularly scheduled December meeting.

Ms. Vary moved to adjourn, seconded by Mr. Whelan, and the motion carried unanimously.

Respectfully submitted,

Ken Andersen
Planning and Zoning Committee Chairman

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