

Note: These minutes are not official until approved by the Planning and Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.

DeKalb County Government
Sycamore, Illinois

**Planning and Zoning Committee Minutes
(March 26, 2014)**

The Planning and Zoning Committee of the DeKalb County Board met on March 26, 2014 at 7:00 p.m. in the Gathertorium located in the DeKalb County Legislative Center. In attendance were Committee Members Charles Foster, Dan Cribben, Anita Jo Turner, Frank O’Barski, John Emerson, Julia Fauci, and Paul Stoddard . Also in attendance were County Board Chariman Jeff Metzger, County Board members Anthony Cvek and Tracy Jones, and staff members Paul Miller and Rebecca Von Drasek. Audience members included Frank Santoro, the owner of Evergreen Village, Colleen Cebula, his attorney, Kathy Santoro, the Park manager, Erica Adkins, Peggy Becker, Raonel Gomez, Joan A. Aburto, and approximately 40 other residents of the mobile home park.

Ms. Turner, Planning and Zoning Committee Chairman, called the meeting to order and noted that all members were present.

APPROVAL OF AGENDA

Ms. Turner suggested amending the order to move the Evergreen Village discussion before the Video Gaming.

Mr. Foster amended the Agenda to include Public Comment.

Mr. O’Barski moved to approve the agenda as amended, seconded by Ms. Fauci, and the motion carried unanimously.

APPROVAL OF MINUTES

Mr. Emerson moved to approve the minutes of the February 26, 2014 meeting of the Planning and Zoning Committee, seconded by Mr. O’Barski, and the motion carried unanimously.

EVERGREEN VILLAGE MITIGATION PROJECT

Paul Miller, Planning Director, gave the Committee the history of the mitigation project, dating back to 2007 (see below). He pointed out that more than half of the three-year period to complete the project has now elapsed, and that time is running out to do the substantial amount of work that remains. Mr. Miller stated that the Illinois Emergency Management Agency (IEMA) has said the offer to buy the property must be based on appraisals, and that the County offered \$1.47 million as a result. Mr. Santoro rejected that offer in November of 2013, and provided a counter-appraisal in February of 2014. That appraisal was rejected by IEMA, and

further the State said there is no more money to apply to property acquisition. Mr. Miller reiterated that the rules from IEMA preclude negotiation on the offer, that it must be based on appraisals, that the \$1.47 million is from the only approved appraisals, and that there is no more money to add to the offer. To date, Mr. Santoro has not indicated he is willing to sell the property for the offered price. Because the project requires the voluntary participation of the property owner, Mr. Miller said the County must now consider cancelling the project rather than allowing it to drag on further while Evergreen Village residents are left waiting on the outcome.

Frank Santoro and his attorney were invited to address the Committee. Among their comments about the project were claims that appraisals were not provided to them in a timely fashion, that the appraisals were not accurate, that the County was offering less for the properties than had been budgeted, that the rules and regulations governing the process were not explained, that there was insufficient communication from the County, and that information was withheld. Mr. Santoro complained that he was not told that his counter-appraisal would be rejected, or else he would not have paid for it. He said he is only looking for the fair market value of his property.

Several members of the audience spoke as well, asking what is the status of the project, whether the County can buy trailers even if the park owner does not sell the property, and encouraging the County not to cancel the project. Mr. Miller answered that IEMA will not allow the County to buy the trailers unless it buys the park first, else new residents could simply be moved into the park. Mr. Miller also explained that if Mr. Santoro cannot accept the offer of \$1.47 million for the park, the project is over and the park will continue to operate as it has.

Committee members all expressed regret for the status of the project being what it is, but voiced support for the efforts of the County and County staff to date. Committee members also spoke of their great desire to help the residents to get out of the floodplain, and of the fact that the County must follow IEMA's rules. Members also expressed hope that an agreement could be reached before the County Board meeting on April 16, 2014.

Mr. Foster moved to recommend the resolution to cancel the County's participation in the Evergreen Village mitigation project to the full County Board for adoption, seconded by Mr. O'Barski and the motion carried unanimously.

A Brief Timeline of the Evergreen Village Mitigation Project

- o 2007: Mr. Santoro asks if the County would consider buying him out. The County agreed to try to do so. Given the costs of buying the park and helping relocate the residents, the most obvious solution was a program from the Federal Emergency Management Agency, FEMA, where the Federal government helps buy flood-prone properties. The funds are 75% from the Federal government, 25% from the local government
- o 2008: The County hires a consultant and to create an All-Hazards Mitigation Plan, which is required before the County can apply for a grant through FEMA. The Plan was approved by

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FEMA and adopted by the County in 2008. In the meantime, the mobile home park flooded again in 2008.

o In 2009, the County paid the same consultant to put together an application for a FEMA grant to buy the Evergreen Village mobile home park and relocate its residents out of the floodplain. That complicated application took over a year. The County works with the Department of Commerce and Economic Opportunity, DCEO to provide the \$1.4 million local match. The first version of the application was completed in June of 2010.

o 2010: The County is informed that DCEO had a large pot of money earmarked for mitigation projects, and might be interested in paying 100% of the Evergreen Village project. The County works on a new application for a grant through DCEO. This work took the rest of 2010 and well into 2011. Despite indications that approval by DCEO was a close as two weeks away, in October of 2011, the County is informed that DCEO had changed its mind and would not be doing the Evergreen Village project. The County returns to making an application for a grant through FEMA.

o 2011: IEMA indicates that, through a deal with DCEO, IEMA would provide the 25% match. The County updates its grant application. IEMA completes its review of the County's grant application in December of 2011.

o 2012: In June, FEMA announces that it has awarded the grant in the amount of \$4.2 million. The County works with IEMA through the remainder of the year to secure the local 25% match from the State. That agreement is finalized in December, 2012.

o 2013: The County hires an expert in the Uniform Relocation Assistance Act, the legislation that controls the use of public money to purchase private property. The consultant points out that the grant budget for relocation assistance was underfunded, by as much as \$1.5 million.

--The County spent the next five months trying to secure the additional funding. Eventually, with Representative Bob Pritchard's help, the County receives a promise of an additional \$1.5 million should it be needed for relocation, in a deal between IEMA and DCEO.

--The County spends several months sending out RFPs and selecting contractors for running the park during the relocation phase, doing asbestos testing and demolition. The County also hires an appraiser for the other three parcels that are part of the project, the farm field and former railroad rights-of-way.

--At the end of October 2013, the County makes an offer to purchase the properties for a total of \$1.47 million, which is the values established by appraisals. On November 11, 2013, Mr. Santoro rejects the offer, opting to provide his own appraisal.

o 2014: The County receives Mr. Santoro's appraisal on February 13, 2014, which sets the value of the properties at \$2.6 million, or \$1.1 million more than the County's appraisal. The County immediately forwards it to the State, and asks if the State has another \$1.1 million to devote to this project. IEMA says "no" and adds that there is no more money to devote to the project.

--March 5, Staff meets with Mr. Santoro and his attorney to explain that the State has no more money and cannot pay \$2.6 million for the properties. The County

asks Mr. Santoro if he can accept the original offer of \$1.47 million, and asks for an answer by March 18.

--March 19, No answer from Mr. Santoro is received, and no indication is given that Mr. Santoro would accept the offer. Because the State has told the County what it can offer, \$1.47 million, and that there is no more money to offer, the County is now considering whether there is any point in continuing this project. Also on March 19, the State rejects Mr. Santoro's appraisal, and reiterates that the offer for the property must be based on the County's appraisals, or \$1.47 million, again saying that there is no more money to devote to property costs.

VIDEO GAMING

Mr. Miller referenced the March 12, 2014 staff memo that answered the Committee's questions from the February 26, 2014 Committee meeting. Following are the questions and answers:

1. Does banning video gambling in unincorporated DeKalb County require a referendum? The State's Attorney's Office has replied that such a ban does not require a referendum, and can be accomplished by a simple County Board ordinance. Banning gambling throughout the whole County, however, would require a referendum;
2. If video gambling were banned in unincorporated DeKalb County, would existing venues with video gambling would have to cease allowing such gambling? The State's Attorney's Office has stated that such venues would have to stop allowing video gambling if such were banned; they would not be grandfathered; and
3. Could video gambling revenues be dedicated to addiction programs run by the County Health Department? Pete Stefan, Finance Director, has said this can be done, and that doing so would not be difficult.

The Committee thanked Mr. Miller for the follow-up.

YEAR END REPORT

Mr. Miller brought the 2013 Year-End Report to the attention of the Committee Members. There were no questions regarding the Report.

PUBLIC COMMENT

No additional comments were offered.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet Wednesday, April 23, 2014 at 7:00 p.m. in the Conference Room East.

Mr. O'Barski moved to adjourn, seconded by Mr. Emerson, and the motion carried unanimously.

Respectfully submitted,

Anita Jo Turner
Planning and Zoning Committee Chairman

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