

**DEKALB COUNTY GOVERNMENT
COUNTY BOARD MEETING**

October 15, 2014

7:30 p.m.

AGENDA

1. Roll Call
2. Pledge to the Flag
3. Approval of Minutes
4. Approval of Agenda
5. Communications and Referrals
 - a. Employee Service Awards
6. Persons to be Heard from the Floor
7. Proclamations: None
8. Appointments for this Month:
 - a. **Housing Authority of DeKalb County:** Donna Moulton reappointed for a term beginning November 1, 2014 and expiring October 31, 2019.
9. Reports from Standing Committees & Ad Hoc Committees

PLANNING & ZONING COMMITTEE

- a. **Ordinance O2014-09:** Denying a Variation for a Nonconforming Lot in Genoa Township. *The DeKalb County Board hereby denies the request for Variation to waive the restriction of Section 8.05.B.1 of the DeKalb County Zoning Ordinance for a vacant lot approximately 20,800 square feet in area, located on the west side of Willow Lane in the Willow Estates Subdivision in unincorporated Genoa Township.* **Committee Action: Mr. Emerson moved to recommend denial of the Variation, seconded by Mr. Cribben, and the motion carried unanimously.**
- b. **Ordinance O2014-10:** Granting a Special Use Permit for an Event Venue on Property Located at 10816 Watson Road in Victor Township. *The DeKalb County Board does hereby approve the request for a Special Use Permit to allow a service use in the form of an events venue to be conducted within and immediately adjacent to existing agricultural structures on property located at 10816 Watson Road in unincorporated Victor Township.* **Committee Action: Mr. O'Barski moved to recommend approval of the Special Use Permit with conditions, seconded by Mr. Cribben, and the motion carried unanimously.**
- c. Evergreen Village Status Update

COUNTY HIGHWAY COMMITTEE

- a. **Resolution R2014-67:** East County Line Road Resurface Project. *The DeKalb County Board does approve the utilization of MFT Funds in the amount of \$486,800.00 for widening the pavement and providing left turn lanes on IL Route 64 and improving the south leg radii;* **Committee Action: Motion made by Mr. Jones and seconded by Vice Chair Pietrowski to forward this resolution to the full County Board recommending approval. Motion passed unanimously.**

ECONOMIC DEVELOPMENT COMMITTEE

- a. **Resolution R2014-70:** Right Pointe Corporation Tax Abatement Request. *The DeKalb County Board does concur in the tax abatement incentive program for Right Pointe within the City of DeKalb and DeKalb County, Illinois. Having met the standard expansion guidelines for employment, new construction, and dollars invested, property taxes will be abated by 90% for the 2014 tax year, 80% for 2015, and 50% for 2016, 2017, and 2018.* **Committee Action: It was moved by Mr. Pietrowski, seconded by Mr. Oncken and moved unanimously to forward the resolution to the full board for approval.**

HEALTH & HUMAN SERVICES COMMITTEE

- a. **Ordinance O2014-11:** Revisions to the DeKalb County Food and Food Establishments Code. *The DeKalb County Board hereby adopts revisions to the DeKalb County Food and Food Service Establishments Code, Chapter 38, Health and Sanitation, as attached, with effective date of January 1, 2015.* **Committee Action: Mr. Metzger moved to forward the revised food ordinance to the full County Board for approval. Mr. Whelan seconded the motion and it was carried unanimously by voice vote.**

LAW & JUSTICE COMMITTEE

No Business

FINANCE COMMITTEE

- a. **Resolution R2014-68:** Amending the Purchasing and Award of Contracts Policy. *The DeKalb County Board hereby amends its Purchasing and Award of Contracts Policy by adding subparagraph G. under Section III of the Policy as which prohibits the County from awarding contracts to disbarred or suspended contractors when Federal or State funds are utilized.* **Committee Action: The motion was made by Mr. Cvek, seconded by Mrs. Haji-Sheikh and it was voted unanimously to forward the resolution to the Full County Board for approval.**
- b. **Resolution R2014-69:** Establishing Prescribed Thresholds in Accordance with the Patient Protection and Affordable Care Act. *The DeKalb County Board does hereby adopt the Patient Protection and Affordable Care Act Threshold Periods Policy effective immediately.* **Committee Action: It was moved by Mr. Stoddard, seconded by Mr. Foster and was moved unanimously by voice vote for forward the resolution to the Full County Board for approval.**
- c. **Claims for October 2014:** Move to approve the claims for last month, and the off cycle claims paid during the previous month, in the amount of \$6,714,645.56.

- d. **Reports of County Officials:** Move to accept and place on file the following Reports of County Officials:

1. Cash & Investments in County Banks – September 2014
2. Public Defender’s Report – September 2014
3. Adult & Juvenile Monthly Reports – September 2014
4. Sheriff’s Jail Report – September 2014
5. Planning & Zoning Building Permits & Construction Reports - September 2014

EXECUTIVE COMMITTEE

- a. **Resolution R2014-66:** Adopting the East Branch of the South Branch Kishwaukee River Watershed-Based Plan as an Amendment to the Stormwater Management Plan for DeKalb County, IL. *The DeKalb County Board does hereby adopt the East Branch of the South Branch Kishwaukee River Watershed-Based Plan, attached hereto as Exhibit “A”, as an Amendment to the DeKalb County Stormwater Management Plan, and hereby endorses the policies and recommendations contained therein. Further, the County Board encourages the adoption of the Watershed-Based Plan by those governmental and regulatory entities within the boundaries of the Watershed.* **Watershed Steering Committee Action: The plan was moved for adoption by Ms. Vary, seconded by Ms. Prain and unanimously approved.**

10. Old Business
11. New Business

- a. **Appointments Scheduled to be made in the Month of November 2014**

1. Emergency Telephone Systems Board (E911) – 1 position
2. DeKalb County Sheriff’s Merit Commission – 1 position
3. DeKalb County Nursing Home Foundation Board – 3 positions
4. DeKalb County Convention & Visitor’s Bureau – 1 position
5. Community Mental Health Board – 5 positions

12. Adjournment

**DEKALB COUNTY
FOREST PRESERVE DISTRICT
October 15, 2014**

AGENDA

1. Roll Call
2. Approval of Minutes
3. Approval of Agenda
4. Persons to be Heard from the Floor
5. Standing Committee Report
 - a. **Claims for October 2014:** Move to approve the claims for last month, and the off cycle claims paid during the previous month, in the amount of \$64,666.01.
6. Old Business
7. New Business
8. Adjournment

Note: These minutes are not official until approved by the DeKalb County Board 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

COUNTY BOARD PROCEEDINGS
September 17, 2014

The County Board met in regular session at the Legislative Center Wednesday, September 17, 2014. The Chairman called the meeting to order and the Clerk called the roll. Those Members present were Mr. Whelan, Mr. Brown, Mr. Cribben, Mr. Cvek, Mrs. DeFauw, Mr. Deverell, Mr. Emerson, Ms. Fauci, Mr. Foster, Mr. Frieders, Mr. Gudmunson, Mrs. Haji-Sheikh, Mr. Johnson, Mr. Jones, Ms. Leifheit, Mr. O'Barski, Mr. Oncken, Mr. Pietrowski, Ms. Polanco, Mr. Reid, Mr. Stoddard, Mrs. Tobias, Mrs. Tobias, and Chairman Metzger. All twenty-four Members were present.

Chairman Metzger asked Mr. Whelan to lead to the pledge of allegiance.

APPROVAL OF MINUTES

Motion

Mrs. Haji-Sheikh moved to approve the Minutes of August 20, 2014. Mr. O'Barski seconded the motion.

Voice Vote

Chairman Metzger asked for a voice vote on the approval of the Minutes. All Members present voted yea. Motion carried unanimously.

APPROVAL OF AGENDA

Motion

Mrs. Turner moved to approve the agenda and Mr. Johnson seconded the motion.

Voice Vote

The motion was carried unanimously by voice vote.

COMMUNICATIONS AND REFERRALS

Employee Service Awards

DeKalb County State's Attorney Richard Schmack presented Court Services Director Margi Gilmour with a twenty-five year employee service award plaque and shared a few words on her behalf and the board congratulated her on her years of service to the County.

Chairman Metzger read the remaining Employee Service Awards for the month of September 2014 were: Five Years – Jennifer Borresen: Rehab & Nursing Center; Ten Years – Cynthia Wickness: Circuit Clerk, Gabriela Ortiz: Health Department, Sally DeFauw: County Board, Julie Beach: State's Attorney; Fifteen Years – Mary Seyller: Assessor's Office, Lindi Knetch: Sheriff's Office; Twenty Years: Christel Springmire: Health Department; Twenty-Five Years – George Plagakis: Rehab & Nursing Center.

Ney Grange President Barry Schrader presented Sheriff Roger Scott with a Community Citizen Award for Lifetime Achievements. This was the first award of its kind that Ney Grange has presented to a citizen and Sheriff Scott was honored with the award due to not only being a Public Servant and Public Official but because of his strong family values.

PERSONS TO BE HEARD FROM THE FLOOR

There were no individuals present to address the County Board on any items that had not been subject to a properly noticed and legally held public hearing conducted by the Hearing Officer.

PROCLAMATIONS

Proclamation P2014-05: Proclaiming September “Hunger Action Month”

Mr. Stoddard read aloud Proclamation R2014-05 and presented the Proclamation to Hanah Papp from Northern Illinois Food Bank.

Proclamation P2014-06: Proclaiming October “The Big Read Month”

Mrs. DeFauw read Proclamation P2014-06 and encouraged citizens and the board to read “A Wizard of Earthsea” by Ursula K. LeGuin. She also distributed copies of the book to everyone present along with Big Read Event Calendars from the DeKalb Public Library.

APPOINTMENTS

Chairman Metzger recommended the following appointments: **Law & Justice Chairman:** John Frieders appointed as Chairman of the Law & Justice Committee until November 30, 2014. **Rules Committee:** John Frieders appointed immediately to fill the unexpired term of Julia Fullerton until November 30, 2014. **Union Drainage District #4 (72MC104):** Dean Lundeen reappointed for a term beginning September 1, 2014 and expiring August 31, 2017. **East Pierce Cemetery Association:** John Kirchman and Richard Miller reappointed for terms beginning September 1, 2014 and expiring August 31, 2020. Robert Miller appointed for a term beginning September 1, 2014 and expiring August 31, 2020. **Public Building Commission:** Larry Lundgren reappointed for a term beginning October 1, 2014 and expiring September 30, 2019. **Workforce Investment Act Board:** Tom Choice, Mary Wright, and Paul Borek all reappointed for two year terms beginning October 1, 2014 and expiring September 30, 2016.

Motion

It was moved by Mr. Gudmunson and seconded by Mrs. Haji-Sheikh to approve the appointments as presented.

Voice Vote

It was moved unanimously by voice vote to approval all of the appointments as presented.

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REPORTS FROM STANDING COMMITTEES

PLANNING & ZONING COMMITTEE

Ordinance O2014-08: Amending a Mixed Use Development for B&O Used Auto Parts

Motion

Mrs. Turner moved The DeKalb County Board does hereby approve an Amendment to the MXD, Mixed Use Development, for B&O Auto Parts located at 800 Brickville Road in Sycamore Township as legally described in Exhibit "A". Mr. Cvek seconded the motion.

Voice Vote

Chairman Metzger called for a voice vote on the Ordinance. All members voted yea. The motion carried unanimously.

Resolution R2014-65: Adopting Zero Waste as a Guiding Principle within the DeKalb County Solid Waste Management Plan

Motion

Mrs. Turner moved The DeKalb County Board hereby adopts Zero Waste as a guiding principle within the DeKalb County Solid Waste Management Plan, as recommended by the Zero Waste Task Force, and hereby directs that the initial tasks related to the Zero Waste principle shall focus on: the expansion of Rural Recycling, development of an ordinance to address Commercial/Multi-Unit Recycling, development of a pilot program to harvest organic waste, establishment of a community advisory committee continue to provide input into the planning, track progress, evaluate success and continue to advance efforts to achieve Zero Waste, and these tasks shall be implemented by the Solid Waste Program of DeKalb County. Mr. Johnson seconded the motion.

The Board briefly discussed their positions of having Zero Waste as a guiding principle. Mr. Foster expressed his concerns with the unidentified costs going forward with the program and Mr. Cvek echoed his concerns, they both expressed they would be voting against the motion. Mr. O'Barski, Ms. Fauci, Mr. Pietrowski, Mr. Johnson, Mr. Jones, Mrs. Haji-Sheikh, and Mr. Emerson all commented on the presented resolution and expressed why they would be voting in favor of the motion.

Roll Call Vote

Chairman Metzger called for a roll call vote. Those voting yea were Mr. Whelan, Mr. Brown, Mrs. DeFauw, Mr. Deverell, Mr. Emerson, Ms. Fauci, Mr. Frieders, Mrs. Haji-Sheikh, Mr. Johnson, Mr. Jones, Ms. Leifheit, Mr. O'Barski, Mr. Oncken, Mr. Pietrowski, Ms. Polanco, Mr. Reid, Mr. Stoddard, Mrs. Tobias, Mrs. Turner, and Chairman Metzger. Those voting nay were Mr. Cribben, Mr. Cvek, Mr. Foster, and Mr. Gudmunson. The motion carried with twenty to four.

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Evergreen Village Update

Paul Miller, Director of the Planning & Zoning Department gave an update on the status of the Evergreen Village Mitigation Project to the County Board and audience. Mr. Miller shared that the County took ownership of the property at the end of May and they have received very good feedback from the residents on the Housing Authority who have been managing the park since the County became the owner/operators. The County has now purchased all but 3 of the 121 trailers, Mr. Miller added that he is confident that the last 3 remaining trailers will be purchased soon. He also shared information regarding the relocation of the residents and the demolition process which has begun. Mr. Miller expressed that their goal is to have everyone in a new safe place out of the floodplain by the end of this year. There will be continued efforts to meet with the individuals in the park to find out their statuses but everything with the project is moving forward and going well, Mr. Miller lastly shared.

COUNTY HIGHWAY COMMITTEE

Resolution R2014-48: Award of Sandwich Road District Patching Project

Motion

Mr. Gudmunson moved The DeKalb County Board does approve an award in the low bid submitted meeting specifications by Curran Contracting Company of Crystal Lake, Illinois for 3,304 square feet of Class D Patch, Type II, 3 inches; 308 square feet of Class D Patch, Type III, 3 inches; and 7,844 square feet of Class D Patch, Type IV, 3 inches on various roads in Sandwich Road District and will be utilizing MFT funds for this project in the amount of \$57,061.00. Mr. Johnson seconded the motion.

Roll Call Vote

Chairman Metzger called for a roll call vote. Those voting yea were Mr. Whelan, Mr. Brown, Mr. Cribben, Mr. Cvek, Mrs. DeFauw, Mr. Deverell, Mr. Emerson, Ms. Fauci, Mr. Foster, Mr. Frieders, Mr. Gudmunson, Mrs. Haji-Sheikh, Mr. Johnson, Mr. Jones, Ms. Leifheit, Mr. O'Barski, Mr. Oncken, Mr. Pietrowski, Ms. Polanco, Mr. Reid, Mr. Stoddard, Mrs. Tobias, Mrs. Turner, and Chairman Metzger. All twenty-four members voted yea. Motion carried unanimously.

Resolution R2014-52: Amendment #1 to Local Agency Agreement for Federal Participation for the Keslinger Road Bridge Project

Motion

Mr. Gudmunson moved The DeKalb County Board deems it appropriate to amend the original agreement with the State of Illinois for the repair/replacement of structure #019-5010 over the South Branch of the Kishwaukee River as it crosses Keslinger Road, in Afton Township, with said improvements to be designated as Section 10-01109-01-BR and estimated to cost \$1,000,000.00 with the local share to be estimated at \$812,000.00. Mr. Pietrowski seconded the motion.

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Roll Call Vote

Chairman Metzger called for a roll call vote. Those voting yea were Mr. Whelan, Mr. Brown, Mr. Cribben, Mr. Cvek, Mrs. DeFauw, Mr. Deverell, Mr. Emerson, Ms. Fauci, Mr. Foster, Mr. Frieders, Mr. Gudmunson, Mrs. Haji-Sheikh, Mr. Johnson, Mr. Jones, Ms. Leifheit, Mr. O'Barski, Mr. Oncken, Mr. Pietrowski, Ms. Polanco, Mr. Reid, Mr. Stoddard, Mrs. Tobias, Mrs. Turner, and Chairman Metzger. All twenty-four members voted yea. Motion carried unanimously.

Resolution R2014-53: Engineering Agreement for Paw Paw Road District Bridges on South Paw Paw Road Section Number 13-11109-01-BR

Motion

Mr. Gudmunson moved The DeKalb County Board deems it appropriate to enter into an Engineering Agreement with Strand Associates, Inc. of Joliet, Illinois for the provision of preliminary engineering services incident to the repair or replacement of two bridges that carried South Paw Paw Road over the East and West Branches of Paw Paw Creek in the amount not to exceed \$177,620.30 for the two bridges designated as Section 13-11109-01-BR. Mrs. Haji-Sheikh seconded the motion.

Roll Call Vote

Chairman Metzger asked for a roll call vote on the motion. Those voting yea were Mr. Whelan, Mr. Brown, Mr. Cribben, Mr. Cvek, Mrs. DeFauw, Mr. Deverell, Mr. Emerson, Ms. Fauci, Mr. Foster, Mr. Frieders, Mr. Gudmunson, Mrs. Haji-Sheikh, Mr. Johnson, Mr. Jones, Ms. Leifheit, Mr. O'Barski, Mr. Oncken, Mr. Pietrowski, Ms. Polanco, Mr. Reid, Mr. Stoddard, Mrs. Tobias, Mrs. Turner, and Chairman Metzger. All twenty-four members voted yea. Motion carried unanimously.

LAW & JUSTICE COMMITTEE

Resolution R2014-54: Court Automation Fee

Motion

Mr. Frieders moved The DeKalb County Board does authorize the Circuit Clerk of DeKalb County, to charge and collect a Court Automation Fee of \$25.00 (increased from \$15.00) payable at the time of filing the first pleading, paper or other appearance filed by each party in all civil cases or by the defendant in any felony, traffic, misdemeanor, municipal ordinance or conservation case upon a judgment of guilty or grant of supervision when a court appearance is made. It further authorizes the Circuit Clerk of DeKalb County to continue to charge and collect a Court Automation Fee of \$5.00 on any traffic, municipal ordinance or conservation case satisfied without a court appearance pursuant to Supreme Court Rule 529, effective October 1, 2014. Mr. Johnson seconded the motion.

Roll Call Vote

Chairman Metzger asked for a roll call vote on the motion. Those voting yea were Mr. Whelan, Mr. Brown, Mr. Cribben, Mr. Cvek, Mrs. DeFauw, Mr. Deverell, Mr. Emerson, Ms. Fauci, Mr. Foster, Mr. Frieders, Mr. Gudmunson, Mrs. Haji-Sheikh, Mr. Johnson, Mr. Jones, Ms. Leifheit, Mr. O'Barski, Mr. Oncken, Mr. Pietrowski, Ms. Polanco, Mr. Reid, Mr. Stoddard, Mrs. Tobias, Mrs. Turner, and Chairman Metzger. All twenty-four members voted yea. Motion carried unanimously.

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Resolution R2014-55: Document Storage Fee

Motion

Mr. Frieders moved The DeKalb County Board does authorize the Circuit Clerk of DeKalb County, to charge and collect \$25.00 (increased from \$15.00) payable at the time of filing and first pleading, paper or other appearance filed by each party in all civil cases or by the defendant in any felony, traffic, misdemeanor, municipal ordinance or conservation case upon a judgment of guilty or grant of supervision when a court appearance is made. It further authorizes the Circuit Clerk to continue to collect a Document Storage Fee of \$5.00 on any traffic, municipal ordinance, or conservation case satisfied without a court appearance, effective October 1, 2014. Mr. Oncken seconded the motion.

Roll Call Vote

Chairman Metzger called for a roll call vote on the motion. Those voting yea were Mr. Whelan, Mr. Brown, Mr. Cribben, Mr. Cvek, Mrs. DeFauw, Mr. Deverell, Mr. Emerson, Ms. Fauci, Mr. Foster, Mr. Frieders, Mr. Gudmunson, Mrs. Haji-Sheikh, Mr. Johnson, Mr. Jones, Ms. Leifheit, Mr. O'Barski, Mr. Oncken, Mr. Pietrowski, Ms. Polanco, Mr. Reid, Mr. Stoddard, Mrs. Tobias, Mrs. Turner, and Chairman Metzger. All twenty-four members voted yea. Motion carried unanimously.

FINANCE COMMITTEE

Approval of Delinquent Property Tax Sale

Motion

Mr. Reid moved To authorize the Chairman of the DeKalb County Board to execute a deed of conveyance of the County's interest or authorize the cancellation of the appropriate Certificate of Purchase, as the case may be for the following 8 Resolutions to be disbursed according to law:

1. **Resolution R2014-56:** 06-20-400-027 \$10,320.00
2. **Resolution R2014-57:** 08-23-278-046 \$650.00
3. **Resolution R2014-58:** 09-17-328-001 \$1,895.67
4. **Resolution R2014-59:** 09-17-329-009 \$1,495.67
5. **Resolution R2014-60:** 09-28-351-013 \$2,014.50
6. **Resolution R2014-61:** 09-33-100-007 \$1,395.67
7. **Resolution R2014-62:** 11-03-126-010 \$660.00
8. **Resolution R2014-63:** 18-33-351-030 \$5,432.10

Mr. Oncken seconded the motion.

Motion

Mr. Oncken moved to consolidate Resolution R2014-56 through R2014-63 into one roll call vote. Mr. Reid seconded the motion and it moved unanimously by a voice vote.

Roll Call Vote

Chairman Metzger asked for a roll call vote to approve Resolutions R2014-56 through R2014-63. Those voting yea were Mr. Whelan, Mr. Brown, Mr. Cribben, Mr. Cvek, Mrs. DeFauw, Mr. Deverell, Mr. Emerson, Ms. Fauci, Mr. Foster, Mr. Frieders, Mr. Gudmunson, Mrs. Haji-Sheikh, Mr. Johnson, Mr. Jones, Ms. Leifheit, Mr. O'Barski, Mr. Oncken, Mr. Pietrowski, Ms. Polanco, Mr. Reid, Mr. Stoddard, Mrs. Tobias, Mrs. Turner, and Chairman Metzger. All twenty-four members voted yea to approve all eight resolutions. Motion carried unanimously.

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Resolution R2014-64: Place FY 2015 County Budget on File for Public View and Comment

Motion

Mr. Reid moved The DeKalb County Board does hereby place on file in the DeKalb County Clerk's Office, on the County's Internet site, and at two other geographically diverse public offices (the Sandwich City Hall and the Office of the Genoa City Clerk), for public inspection the attached seventeen page Budget Narrative Summary Packet (plus Attachments A-D, as well as copies of all information utilized by the Committees in preparation of the 2015 Fiscal Year Budget. Mrs. Tobias seconded the motion.

Voice Vote

All County Board Members voted yea. The motion carried unanimously.

Claims for September 2014

Motion

Mr. Reid moved to approve the claims for last month, and the off cycle claims paid during the previous month, in the amount of \$8,110,870.50. Mr. O'Barski seconded the motion.

Roll Call Vote

The Chairman asked for a roll call vote on the approval of the claims. Those voting yea were Mr. Whelan, Mr. Brown, Mr. Cribben, Mr. Cvek, Mrs. DeFauw, Mr. Deverell, Mr. Emerson, Ms. Fauci, Mr. Foster, Mr. Frieders, Mr. Gudmunson, Mrs. Haji-Sheikh, Mr. Johnson, Mr. Jones, Ms. Leifheit, Mr. O'Barski, Mr. Oncken, Mr. Pietrowski, Ms. Polanco, Mr. Reid, Mr. Stoddard, Mrs. Tobias, Mrs. Turner, and Chairman Metzger. All twenty-four members voted yea. Motion carried unanimously.

Reports of County Officials

Motion

Mr. Reid moved to accept and place on file the following Reports of County Officials: Cash & Investments in County Banks – August 2014; Public Defender's Report – August 2014; Adult & Juvenile Monthly Reports – August 2014; Sheriff's Jail Report – August 2014; and Planning & Zoning Building Permits & Construction Reports - August 2014. Mr. Stoddard seconded the motion.

Voice Vote

The Chairman requested a voice vote to accept the Reports of County Officials. All members presented voted yea. Motion carried unanimously.

EXECUTIVE COMMITTEE

No Business

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OLD BUSINESS / NEW BUSINESS

There were no items to discuss under old business or new business.

APPOINTMENTS SCHEDULED TO BE MADE IN THE MONTH OF OCTOBER 2014

1. Housing Authority of DeKalb County – 1 position

ADJOURNMENT

Motion

Mrs. Turner moved to adjourn the meeting and Mr. Oncken seconded the motion.

Voice Vote

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

DeKalb County Board Chairman

DeKalb County Clerk

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EMPLOYEE SERVICE AWARDS

October

2014

SUN

MON

TUE

WED

THU

FRI

SAT

35 YEARS OF SERVICE

None

30 YEARS OF SERVICE

Craig Fox

10/29/1984

Highway Department

25 YEARS OF SERVICE

None

20 YEARS OF SERVICE

Wanda Richardson

10/24/1994

Rehab & Nursing

15 YEARS OF SERVICE

Sheree Euhus

10/06/1999

County Clerk/Recorder

Shirley Hernandez

10/19/1999

Rehab & Nursing

10 YEARS OF SERVICE

Bonnie Meier

10/19/2004

Circuit Clerk

5 YEARS OF SERVICE

Robert Jozsa

10/20/2009

Rehab & Nursing

For questions or corrections, please contact Lisa in the Administration Office at (895) 895-1639

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2014-09

**AN ORDINANCE DENYING A VARIATION
FOR A NONCONFORMING LOT
IN GENOA TOWNSHIP**

WHEREAS, Kevin Marsh, the property owner, has filed an application for a Variation in accordance with the requirements of Section 10.01.B. of the DeKalb County Zoning Ordinance to waive the restriction of Section 8.05.B.1 of the Zoning Ordinance, which prohibits construction of a residence on a lot of less than 22,000 square feet in area, for a vacant lot approximately 20,800 square feet in area, located on the west side of Willow Lane in the Willow Estates Subdivision in unincorporated Genoa Township, said property being zoned RC-2, Residential Conservation District and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on August 21, 2014, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Variation, and three members of the public testified in opposition to the petition and none in favor thereof; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Variation be denied, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated August 22, 2014, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the exhibits and testimony presented at the aforesated public hearing and has considered the findings of fact and recommendations of the Hearing Officer, and has forwarded to the DeKalb County Board this Ordinance to deny the requested Variation; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendations of the Hearing Officer and the Planning and Zoning Committee, and has determined that granting the Variation to waive the minimum 22,000 square-foot lot requirement for new residences would be inconsistent with the purpose and intent of Article 8 of the DeKalb County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The Findings of Fact and Recommendation of the DeKalb County Hearing Officer, Exhibit “B” attached hereto, is hereby accepted, and the findings of fact set forth therein are

hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the request for Variation by Kevin Marsh to waive the restriction of Section 8.05.B.1 of the DeKalb County Zoning Ordinance, which prohibits construction of a residence on a lot of less than 22,000 square feet in area, for a vacant lot approximately 20,800 square feet in area, located on the west side of Willow Lane in the Willow Estates Subdivision in unincorporated Genoa Township, said property being zoned RC-2, Residential Conservation District and legally described as shown in Exhibit "A" attached hereto, is hereby denied.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF OCTOBER, 2014, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Exhibit "A"

Legal Description of Subject Property

Lot 19 in First Addition to Willow Estates, a subdivision of a part of the Northeast quarter of Section 18, Township 42 North, Range 5 East of the Third Principal Meridian, according to the plat thereof recorded September 20, 1963, as Document No. 318116, in Plat Book "M", page 63, in DeKalb County, Illinois.

P.I.N. 03-18-252-019

LAW OFFICES
KLEIN, STODDARD, BUCK & LEWIS, LLC
2045 ABERDEEN COURT, SUITE A
SYCAMORE, ILLINOIS 60178

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August 22, 2014

DeKalb County Planning & Zoning Department
110 East Sycamore St., 4th Floor
Sycamore, IL 60178-1497

RE: Marsh Nonconforming Lot Variation Application
Petition GE-14-5

Dear Sirs:

This is to advise you that the undersigned conducted a public hearing relative to the application from Kevin Marsh, property owner, who wants to be able to build a house on the vacant lot located immediately south of 12613 Willow Lane in unincorporated Genoa Township. The lot is only 20,500 square feet in area as opposed to being at least 22,000 square feet as required by the DeKalb County Zoning Ordinance. In order to allow a house to be built on the lot, a variation would have to be granted from the regulation.

Public hearing was held on Thursday, August 21, 2014. The petitioner was not present, however, he was represented by Attorney Robert Becker from Genoa, Illinois.

The undersigned viewed the lot on August 16, 2014.

The only correspondence received was an e-mail from Greg Maurice from the DeKalb County Health Department who stated "it may be feasible for this lot to fit a small septic system but that will need to be confirmed by soil borings done onsite prior to application/installation. The required setbacks to neighboring wells/septic systems will be a challenge on this lot." Also received into the record was the staff report prepared by Mr. Paul R. Miller, the DeKalb Planning Director.

Mr. Robert Becker, speaking in behalf of the petitioner, stated that the lot in question was lot 19 in the first addition to Willow Estates. The plat was done in July of 1963 and he stated that of the 52 lots in the subdivision, almost all of them had been built on. He stated also that most of the lots were smaller than the lot in question. He stated that covenants had been recorded with the plat which are still in effect. He stated, among other things, that the covenants provide that no lot

shall be used except for residential purposes. No buildings shall be erected, altered, placed or permitted to remain on any lot other than the one single family dwelling and a private garage for not more than two cars. Single family dwellings shall contain not less than 1,100 square feet.

Mr. Becker stated that the petitioner purchased the lot in 2004 for \$40,000.00. He had checked the subdivision plat and noted that the lot was larger than most of the lots and so concluded that it was a buildable lot. Mr. Becker pointed out that the petitioner had paid taxes on the lot as a buildable lot for all of the years that he has owned it and presented tax information showing that it had an assessed valuation of \$44,709.00. Mr. Becker pointed out that the lot is within a mile and a half of the City of Genoa. He feels that there is a hardship for the petitioner because of the covenants which make it impossible to use the lot for anything other than a residence or an accessory structure. It obviously could never be farmland. Mr. Becker asked what was magic about the 22,000 square feet. He pointed out that many of the lots that had houses on them in this subdivision were smaller than 22,000. He did not think that a difference of 1,500 feet should be significant and that this lot should be grandfathered. He stated that in view of the fact that the other lots had houses on them, that granting this variation had no effect on the general vicinity. He further pointed out that the petitioner had a buyer, but the buyer backed off when he discovered that the lot was not buildable.

Mr. Michael Lewis of 33582 North State Road, Genoa, Illinois stated that he owned a home located on a lot which backs up to this lot. He had serious concerns about the request. He stated that because of the shape of the lot it would be very difficult to build a house on it that would look presentable. Furthermore, he stated that the lot drains towards his house and the whole back end of the lot is like a swamp. He stated that there is water standing in the back of the lot. Furthermore, his well is near the bottom of his own lot and he is afraid that if the prospective purchaser of the subject lot were to install a septic it would have to be toward the back of the lot and he questioned whether it would contaminate his well. Mr. Lewis said he has been a resident there for 14 years and when he built his house, he was told by the builder that the lot in question was a nonbuildable lot. He stated that previously the prior owner of this lot had owned the adjoining lot with a house on it and he had used this lot basically as a yard for the house that he owned. He stated that the petitioner, Mr. Marsh, had bought both parcels and owned both of them, but had sold off the house and not this lot.

Mr. Richard Kearney of 33546 North State Road, Genoa, Illinois then testified. He stated that he owns 2.75 acres located adjacent to this lot. He stated that the testimony of Mr. Lewis was correct in that there would be drainage problems. Furthermore, the shape of this lot is such that it becomes narrower to the rear which would make it difficult to build on the lot. He stated that when there is substantial amounts of rain, the drainage from the lot impacts his property.

Mrs. Stephanie Lewis (the wife of Michael Lewis) said that when they built their house the builder told her that this lot was not buildable and that the prior owner, Mr. Carroll, had also stated that it was not buildable.

Mr. Paul Miller, the Planning Director, stated that this is a non-conforming lot and under the regulations, the recommendation of the undersigned would have to go to the County Board for final

approval because it is a variation from a lot size. He pointed out that there are other lots that are smaller but that is not grounds for a variation. In 1991, the County made a decision to adopt the rule regarding the 22,000 square feet because of wells and septic and the conclusion was that at least a half acre was required in order to accommodate a well and septic safely.

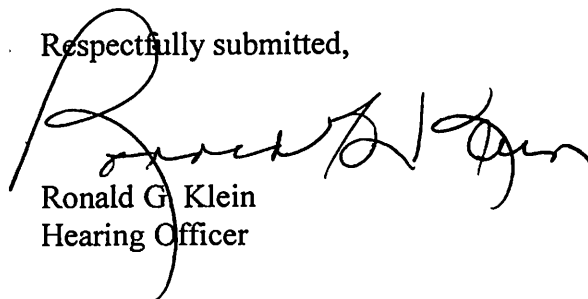
He also pointed out that the tax assessors are not required to check the zoning and has nothing to do with the granting or not granting of the variation. He also stated that private covenants are not part of the County Zoning Requirements.

Mr. Becker stated that the covenants make this a unique situation and that obviously if the variation is granted, the well and septic requirements would have to be met by the owner.

Recommendation

Mr. Becker stated that the petitioner believed that it was a buildable lot when he acquired it. However, the undersigned finds that the petitioner created his own hardship by selling off the lot and not keeping it together with the adjoining lot where the house is located as the prior owner had done. He stated that he did not know that this lot was not buildable however, the neighbors apparently all knew it and if he did not know it, he should have been able to discover that fact. Finally, the undersigned finds that the requirement proving a hardship has not been met. The testimony from the neighbors was to the effect that there are drainage problems on the lot and due to his configuration it does appear it would be difficult to place a well and septic on the property without adversely affecting the adjacent property. The undersigned does find that the variation, if granted, will not alter the essential character of the locality since most of the adjoining lots have houses on them and in many cases the lots are smaller than this one. It does appear that the purpose of the variation is based exclusively upon a desire to make more money out of the property. The petitioner desires to sell the property and has no plans to build a house on it himself. It does appear that the variation could be detrimental to the public welfare and injurious to other property for the reasons set forth above. Consequently, the undersigned hereby recommends that the variation be denied.

Respectfully submitted,



Ronald G. Klein
Hearing Officer

RGK/vjm



DeKalb County
Planning/Zoning/Building Department

110 East Sycamore Street
Sycamore, IL 60178
(815) 895-7188
Fax: (815) 895-1669

STAFF REPORT

TO: Planning and Zoning Committee

FROM: Paul R. Miller, AICP
PRM
Planning Director

DATE: September 9, 2014

SUBJECT: Marsh Nonconforming Lot Variation
Petition GE-14-05

Kevin Marsh, the property owner, has filed an application for a Variation in accordance with the requirements of Section 10.01.B. of the DeKalb County Zoning Ordinance. The request is to waive the restriction of Section 8.05.B.1 of the Zoning Ordinance, which prohibits construction of a residence on a lot of less than 22,000 square feet in area. The subject property is a vacant lot approximately 20,800 square feet in area, located on the west side of Willow Lane in the Willow Estates Subdivision in unincorporated Genoa Township. The subject property is zoned RC-1, Residential Conservation District.

Section 8.11 of the Zoning Ordinance allows that Variations from the regulations governing nonconforming lots, uses and buildings may be granted by the DeKalb County Board following a public hearing. This creates the possibility that a Variation from the minimum 22,000 square-foot requirement may be granted, but requires a finding that the criteria for granting Variations have been met. A public hearing on the requested Variation from the Nonconforming Lot regulations was held by DeKalb County Hearing Officer Ron Klein on August 21, 2014. The attorney for the petitioner explained that the owner acquired the lot in 2004 along with the adjoining property to the north which contains a house. The lot with the house was sold separately, and the petitioner understood that the vacant, subject property was buildable for a new house. He also pointed out that all but five lots in the subdivision are smaller than the subject property. The petitioner's attorney asserted that a financial hardship would be created if the lot cannot be sold as a site where a house can be built. Staff pointed out that the minimum requirement of 22,000 square feet has been in the Zoning Ordinance since 1991, long before the petitioner purchased the lot. The minimum standard is intended to assure that there is adequate room for a well and septic field on the property, and further noted that the County regulations specify that the presence of a nonconformity elsewhere (other, smaller lots that are developed) is not grounds for granting a Variation. Three members of the public spoke in opposition to the request, and none spoke in favor.

The Hearing Officer has submitted his Findings and Recommendation, in which he recommends denial based on the expressed hardship having been created by the property owner when the adjoining parcel containing a house was sold separately from the subject property. The Planning and Zoning Committee is requested to forward an ordinance for approval to the full County Board, and may recommend approval, conditional approval or denial of the proposal. If the Committee recommends approval, evaluation of the criteria for granting a Variation will have to be drafted, as the Committee will not be able to rely on the evaluation by the Hearing Officer.

cc: Robert Becker, attorney for petitioner

PRM:prm

P:\Zoning\Variations\P&Z\Memos\Marsh.GE-14-05.wpd

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2014-10

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR AN EVENT VENUE
ON PROPERTY LOCATED AT 10816 WATSON ROAD
IN VICTOR TOWNSHIP**

WHEREAS, Jaime Mora, the property owner, has filed an application for a Special Use Permit in accordance with the requirements of Section 9.02.B of the DeKalb County Zoning Ordinance in to allow a service use in the form of an events venue to be conducted within and immediately adjacent to existing agricultural structures on property located at 10816 Watson Road in unincorporated Victor Township, said property being zoned A-1, Agricultural District and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on September 11, 2014, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and two members of the public testified in favor of the request and none in opposition thereto; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Special Use Permit be granted, subject to conditions, as set forth in the Findings of Fact and recommendation of the DeKalb County Hearing Officer, dated September 11, 2014, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the requested Special Use Permit be approved with conditions; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendation of the Hearing Officer and the recommendation of the Planning and Zoning Committee, and has determined that granting the Special Use Permit to allow the events venue on the subject property would be consistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the DeKalb County Hearing Officer, Exhibit “B” attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact

and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of Jaime Mora for a Special Use Permit to allow a service use in the form of an events venue to be conducted within and immediately adjacent to existing agricultural structures on property located at 10816 Watson Road in unincorporated Victor Township, said property being legally described in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This approval of a Special Use Permit is subject to the following conditions:

1. This Special Use Permit shall be limited to hosting of wedding ceremonies, receptions and other public and private gatherings, from May 1 to October 31;
2. Should outdoor structures, such as tents, need to be erected temporarily to accommodate receptions and other such events, these structures shall be subject to the same minimum setback requirements as would be applicable to permanent structures on the premises;
3. Parking shall be provided on the subject property in compliance with the applicable provisions of the DeKalb County Zoning Ordinance. The property owner shall prepare and submit a final parking plan for review and approval by Planning, Zoning and Building Department staff, and shall include permanent parking for staff, caterers, visitors, and the handicapped;
4. Service and sale of alcohol on the subject property shall be limited to what may be provided by duly licensed caterers or vendors contracted for each event. No liquor license shall be granted as part of the events venue use;
5. Septic treatment and food/beverage service on the property shall comply with the requirements of the DeKalb County Health Department;
6. The events venue use shall operate in compliance with the details set forth in the application for a Special Use Permit; and
7. Existing structures to be used as part of the events venue shall be improved as necessary to meet applicable regulations of the Building Codes adopted by DeKalb County.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

SECTION FIVE: Failure of the owners or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 11.07. of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF OCTOBER, 2014, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

That part of the Northeast Fractional Quarter of Section 2, Township 37 North, Range 4 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of said Northeast 1/4; thence Easterly, along the North line thereof, 1,546.00 feet for a point of beginning; thence continuing Easterly, along said North line, 339.0 feet; thence Southerly, at right angle to said North line, 656.00 feet; thence Westerly, at right angle to the last described course, 339.0 feet; thence Northerly, at right angle to the last described course, 656.0 feet to the point of beginning, all in Victor Township, DeKalb County, Illinois.

P.I.N 17-02-200-004

Petition: VI-14-06
Date: September 11, 2014

FINDINGS OF FACT

This matter comes before the DeKalb County Zoning Hearing Officer on September 11, 2014 for consideration of petition requesting a Special Use Permit for property located at 10816 Watson Road, Victor Township, DeKalb County, Illinois.

The application of the Petitioner was duly filed in accord with the DeKalb County Code. The Petition and its attachments are incorporated into the record of proceedings herein by reference.

Publication of Notice

The notice of public hearing has been duly published in accord with the DeKalb County Code. A certificate of publication has been received into the record and reflects publication in the Daily Chronicle on August 23-24, 2014. Correspondence has been sent to all adjacent property owners.

Location of Subject Property

The subject property is located in the Northeast Fractional Quarter of Section 2, Township 37, Range 4 East of the Third Principal Meridian in Victor Township, DeKalb County, Illinois and is known as 10816 Watson Road, and is approximately 3/4 of a mile east of Route 23.

Site Characteristics

A. Location - Access

The subject parcel totals 5 acres and is used as the location for a set of farm buildings including a residence. All surrounding land is zoned A-1, Agriculture. The Unified Future Land Use Plan of the DeKalb County Unified Comprehensive Plan recommends agricultural uses on the subject property.

B. Proposed Use.

The property owner desires to have an event venue on the property, where weddings and similar events would be held.

C. Water Supply/Sewage Disposal.

The property is served by a well and a septic system. Port-a-potties are used for the guests at the special events.

D. The undersigned viewed the property on September 3, 2014 and determined that the property was very well kept and neat in appearance.

E. Correspondence.

Correspondence was received from the DeKalb County Soil and Water Conservation District who stated that they had no objection to the proposal; the DeKalb County Highway Department stating that the Highway Department does not oppose the request; Molly Hayes, a neighbor of the subject farm, who stated that she strongly supported the proposal; Brittini Sticka, who stated that her wedding had been held on the property and she strongly supported the granting of the variation.

Persons appearing on behalf of the Petitioner.

The Petitioner was represented by Attorney Kevin Buick, who appeared with Mr. and Mrs. Jaime Mora, the petitioner. Mr. Buick stated that all of the events on the property are held primarily outdoors, as it is the petitioner's desire to honor the agricultural heritage of the community. He stated that the property is unsuited for commercial agriculture and that its location is such that the events do not dominate the neighborhood. He stated that this use of the property provides a positive and meaningful alternative to letting the buildings deteriorate and that the petitioner would operate the venue with respect for agriculture.

Mr. Jaime Mora testified that this is primarily a seasonal outdoor use and that they would operate the venue from May until October. He stated that the idea originated with him because he got married on a farm and feels that this type of venue is an ideal for older and younger people to both enjoy the event. He stated that it is important for families to be together when celebrating important moments and that heritage is important. They have hosted events there since mid-May of 2013. It started with a relative asking if they could have their wedding on the farm, and then grew after that by word of mouth. Typically, the events are weddings and they have a maximum of 200 people.

He stated that he has established a system to handle the events and has various people, most family members, handling the traffic, parking, and seating. They do not have a liquor license, but liquor is served by certified bartenders. They desire to preserve the agricultural structures, and he wants to specifically preserve the buildings on this property. He feels that they are of no use if they are not maintained. He stated that he has received positive feedback from the neighbors and has not received any objections. They use local caterers that do all of the food service. He has worked with

the local police to be sure that security is maintained. They are using no productive farmland for their enterprise.

Mr. Tom Hickman, a licensed architect from Long Grove, Illinois then testified. He stated that he inspected the property and was pleasantly surprised to find that it was pretty much substantially code compliant. He stated that port-a-potties are used for the guests with potable water and they have handicapped accessibility. He was asked to inspect the farm buildings and specifically the three (3) that are used for these events. He stated that all the buildings are open air and are not fully enclosed. This is an outdoor venue. The main building, which they refer to as the hog barn, is open on one side completely. There is also a small building located between the silos and a covered patio open on three(3) sides. The large building has a very smooth paved surface with lights, good ventilation and good electrical work. There is also emergency lighting and exit lighting. The open side is separated with a split rail fence and there is metal siding on the structure. There are also ceiling fans.

He stated that there are eighty-seven (87) parking spaces which are not paved and four (4) handicapped spaces which will be paved. They are asking for a waiver so that the parking spaces do not have to be paved. He felt that to cover the parking lot with hard surface would disrupt the draining and would not be a good idea.

Mr. Mora stated, at this point, that they operate from mid-May to the first of October, a total of about fifty-five (55) days a year because the activities are limited to weekends.

Mr. Hickman stated that there are some grey areas in the building code. For example, there should be three (3) toilets per code, but it does not make sense to require three (3) toilets in this situation. He also stated that there might be an issue as to whether sprinkling is required, but given the type of buildings, he didn't think that it should be.

Mr. James Lundeen of Somonauk, Illinois stated that he farms adjoining land and has seen no littering along the road and strongly supports the proposal. He does not like seeing farm buildings that are not being maintained and he likes the fact that these are being maintained. He stated that there has not been livestock at this location since the mid 1960s.

Mr. Matt Busse of Waterman, Illinois stated that he resides a short distance from the property and that traffic was not a problem and that there is no issue with noise. He stated that the property is kept well maintained and he supports the granting of the variation.

Mr. Paul Miller, the Planning Director, asked if the other buildings are used for the events since the petitioner stated that only three (3) buildings were used. Mr. Mora stated that do store some tables in the metal pole building, but otherwise, the other structures are not used. Mr. Miller stated that they would need a finalized parking plan, would have to adhere to the sign ordinance, would have to make sure the setback requirements were met, would have to work with the Public Health Department to conform to the requirements, the area for handicapped parking would have to

be hard surface and they would have to come to some agreement with the Code Inspector as to the structures being used.

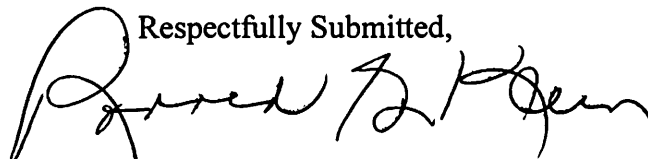
A number of pictures were admitted into the record showing the buildings and some of the activities that take place on the property.

Recommendation

The undersigned finds that the proposed Special Use will not be unreasonably detrimental to the value of other property in the neighborhood, but in fact, may enhance values because the buildings are being well kept. The undersigned further finds that this special use will not dominate the immediate neighborhood. The evidence is that there has not been a traffic or noise problem as a result of this activity. There appears to be adequate off street parking. No one appeared to object to the variation request.

Accordingly the undersigned hereby recommends that the Special Use Permit be granted, however, this is subject to approval by the Zoning Department of parking plan and that further conditioned on the petitioner adhering to the sign ordinance, the setback requirements, and providing hard surface for handicapped parking. The petitioner will also need to adhere to any setback requirements and will need to come to agreement with the Code Inspector as to the structures on the property. Apparently, the petitioner is requesting a variation on the hard surface for the parking and so will need to come to some agreement with the Planning and Zoning Department.

Respectfully Submitted,



Ronald G. Klein
Hearing Officer

RGK/vjm



DeKalb County
Planning/Zoning/Building Department

110 East Sycamore Street
Sycamore, IL 60178
(815) 895-7188
Fax: (815) 895-1669

STAFF REPORT

TO: Planning and Zoning Committee

FROM: *PRM*
Paul R. Miller, AICP
Planning Director

DATE: September 16, 2014

SUBJECT: Mora Special Use Permit
Petition VI-14-06

Jaime Mora, the property owner, has filed a petition for approval of a Special Use Permit to allow an event venue to continue to operate on the property at 10816 Watson Road in unincorporated Victor Township. The five-acre subject property is located approximately 3,000 feet west of the intersection of Watson and McAllister Road. The parcel is zoned A-1, Agricultural District.

The required public hearing was held on September 11, 2014 by DeKalb County Hearing Officer Ron Klein. The petitioner provided testimony and exhibits in support of the requested Special Use, explaining that he started allowing persons to hold weddings on the site, not realizing such a business would require a Special Use Permit. The petitioner explained how parking is treated, and which farm structures have been converted for use as pavilions and venues for dinners. The proposal is to allow not only weddings, but family reunions and business retreats. The business would operate from May until October of each year. Staff advised the petitioner on the need to comply with the requirements of the Health Department on sanitary facilities for employees, the need of having to retrofit the buildings to meet County Building Codes, and the need for a permanent parking place for regular employees who provide services during the events. Two members of the public spoke in favor of the request and no one spoke in opposition.

The Hearing Officer has submitted his findings, and recommends approval of the Special Use Permit with conditions (see attached Findings of Fact). The Planning and Zoning Committee is requested to make a recommendation to the full County Board on the requested Special Use in the form of an ordinance. The Committee may recommend approval, approval with conditions, or denial of the request.

cc: Kevin Buick, attorney for petitioner

PRM:prm

P:\Zoning\Special Uses\P&Z\Memos\2014\Mora.VI-14-06.wpd



**Illinois Department
of Transportation**

**Resolution for Improvement by County
Under the Illinois Highway Code**

BE IT RESOLVED, by the County Board of DeKalb County, Illinois, that the following described County Highway(s) be improved under the Illinois Highway Code:

County Highway(s) CH-1, beginning at a point near IL Route 64

and extending along said route(s) in a(n) southern direction to a point near UP/C&NW RR with gap at the Union Ditch Bridge

, a distance of approximately 4.25 miles; and,

BE IT FURTHER RESOLVED, that the type of improvement shall be widening the pavement and providing left turn lanes on IL Route 64 and improving the south leg radii; Placing 2 1/2" of hot-mix asphalt binder course, N50 and 1 1/4" lift of hot-mix asphalt surface course Mix C, aggregate shoulders and other incidental work

and shall be designated as Section 10-00024-01-RS and,

BE IT FURTHER RESOLVED, that the improvement shall be constructed by contract; and

(Insert either "contract" or "the County through its officers, agents and employees")

BE IT FURTHER RESOLVED, that there is hereby appropriated the sum of Four Hundred Eighty-Six Thousand Eight Hundred dollars, (\$486,800.00) from the County's allotment of Motor Fuel Tax Funds for the construction of this improvement and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

I, Douglas J. Johnson County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of DeKalb County, at its Regular

meeting held at Sycamore, Illinois

on October 15, 2014
Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Sycamore, Illinois in said County. this 15th day of October A.D. 2014

(SEAL) _____ County Clerk

Approved

Regional Engineer Department of Transportation

Date

DEKALB COUNTY GOVERNMENT

RESOLUTION #R2014-70

WHEREAS, DeKalb County Government has determined that it is in the best interests of the citizens of the DeKalb County to assist with the stimulation of commercial and industrial development within DeKalb County, and

WHEREAS, previously, DeKalb County Government did consider and act favorable upon proposals from municipalities to participate with other taxing bodies in their property tax abatement program intended to stimulate industrial development when certain criteria is met for employee expansion and facility construction, and

WHEREAS, Right Pointe Corporation, now occupies the 30,000 square foot logistic building located at 2754 Wagner Court, DeKalb, IL and has created 12 jobs, and

WHEREAS, Right Pointe, who is responsible for the payment of real estate taxes for the land and building, has requested to be considered part of the City of DeKalb's property tax abatement program for the tax year beginning 2014, and

WHEREAS, DeKalb County Government will give favorable consideration to this project, provided:

- a. That other taxing bodies including but not limited to DeKalb School District #428, City of DeKalb, DeKalb Township, DeKalb Park District, DeKalb Public Library, and DeKalb Sanitary District participate in the abatement program for this project.
- b. That Right Pointe does continually occupy the building as outlined herein during the five-year abatement period or complies with the repayment provisions outlined in 35 ILCS 200/18-183.
- c. That the abatements are limited to this specific project for a term not to exceed five years following completion and occupancy of the structure and are limited to 90% of the taxes in the first full tax year from the date of occupancy of the building; 80% of the taxes in the second full tax year thereafter; 50% of the taxes in the third full year thereafter; 50% of the taxes in the fourth full tax year thereafter; and 50% of the taxes in the fifth full tax year thereafter.
- d. That Right Pointe shall reimburse the taxing bodies for the abated taxes if it fails to occupy the Right Pointe square foot building located at 2754 Wagner Court (08-34-401-014) and to maintain employment of at least 12 persons for five (5) years from the date of occupancy of the building.

WHEREAS, on October 7, 2014, the County's Economic Development Committee reviewed information on the expansion of the Right Pointe corporation located within the City of DeKalb, which is, in the opinion of the Committee, appropriate for the County Board to consider for participation in the five-year decreasing term tax abatement program, and

NOW, THEREFORE, BE IT RESOLVED that the DeKalb County Government does concur in the tax abatement incentive program for Right Pointe within the City of DeKalb and DeKalb County. The partial, temporary abatement of taxes as outlined above shall be calculated by the County Clerk in each of the first five (5) full tax assessment years following occupancy, after the County Clerk has determined the value of the property and certified that the provisions of this resolution have been complied with fully.

PASSED AT SYCAMORE, ILLINOIS, THIS 15TH DAY OF OCTOBER, 2014 A.D.

ATTEST:

SIGNED:

Douglas J. Johnson
DeKalb County Clerk

Jeffery L. Metzger
County Board Chairman

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

Ordinance
O2014-11

WHEREAS, the Illinois Food Service Sanitation Code (Title 77: Public Health, Chapter 1: Department of Public Health, Subchapter m: Food, Drugs and Cosmetics, Part 750 Food Service Sanitation Code) was amended at 38 Ill. Reg. 11775, effective May 21, 2014; and

WHEREAS, the DeKalb County Board of Health conducted a comprehensive review of the DeKalb County Food and Food Service Establishments Code (Chapter 38, Health and Sanitation, 1979) and voted on September 23, 2014, to recommend that the County Board adopt the proposed updates as presented, effective January 1, 2015, and

WHEREAS, the revisions reflect the current knowledge base regarding food safety and risk, as well as changes to the Illinois Food Service Sanitation Code; and

WHEREAS, the revisions reflect that Food Establishments are classified based on the potential risk of foodborne illness to comply with the Illinois Food Service Sanitation Code; and

WHEREAS, the revisions were reviewed and approved by the Illinois Department of Public Health Division of Food, Drugs and Dairies, the DeKalb County State's Attorney's Office, and the County's Health & Human Services Committee.

NOW, THEREFORE, BE IT RESOLVED that the DeKalb County Board hereby adopts revisions to the DeKalb County Food and Food Service Establishments Code, Chapter 38, Health and Sanitation, as attached, with effective date of January 1, 2015.

ADOPTED BY THE COUNTY BOARD THIS 15TH DAY OF OCTOBER, 2014, AD.

Chairman, DeKalb County Board

ATTEST:

County Clerk

**DeKalb County, Illinois, Code of Ordinances >> - >> Chapter 38 - HEALTH AND SANITATION >>
ARTICLE I. - IN GENERAL >>**

ARTICLE I. - IN GENERAL

Sec. 38-1. - Health department established.

Secs. 38-2—38-50. - Reserved.

Sec. 38-1. - Health department established.

There is hereby established a full-time county health department.

(Code 1979, § 10-1)

State law reference— *Power of county board to establish full-time county health department, 55 ILCS 5/5-25001; health powers of county, 55 ILCS 5/5-1052.*

Secs. 38-2—38-48-50. - Reserved.

**DeKalb County, Illinois, Code of Ordinances >> - >> Chapter 38 - HEALTH AND SANITATION >>
ARTICLE II. - FOOD AND FOOD ESTABLISHMENTS >>**

ARTICLE II. - FOOD AND FOOD ESTABLISHMENTS ^[18]

DIVISION 1. - GENERALLY

DIVISION 2. - PERMITS

DIVISION 3. - PLAN REVIEW, INSPECTION, AND FOOD EXAMINATION

DIVISION 4. - DISEASE TRANSMISSION

DIVISION 5. - STANDARDS

FOOTNOTE(S):

⁽¹⁸⁾ **State Law reference**— *Food and drugs, 410 ILCS 605/1 et seq.; health powers of county, 55 ILCS 5/5-1052. [\(Back\)](#)*

**DeKalb County, Illinois, Code of Ordinances >> - >> Chapter 38 - HEALTH AND SANITATION >>
ARTICLE II. - FOOD AND FOOD ESTABLISHMENTS >> DIVISION 1. - GENERALLY >>**

DIVISION 1. - GENERALLY

Sec. 38-49. - Scope.

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Secs. 38-58—38-65. - Reserved.

Sec. 38-49. Scope.

This article regulates food establishments, temporary food establishments, the operation of such establishments and equipment, and requiring permitting of food establishments and temporary food establishments within the limits of DeKalb County. (Ord. 14-???, ?-??-2014)

Sec. 38-50. Adoption By Reference:

In addition to those provisions set forth herein, this article hereby adopts by reference the provisions set forth in the State of Illinois, Department of Public Health, Division of Food, Drugs and Dairies, Food Service Sanitation Code (77 IL Adm Code 750) and any subsequent amendments or revisions thereto. (Ord. 14-???, ?-??-2014)

Sec. 38-51. - Definitions.

Adulterated means the condition of a food if:

(1)

~~It bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.~~

(2)

~~It bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerance if one has been established.~~

(3)

~~It consists in whole or in part of any filthy, putrid or decomposed substance or if it is otherwise unfit for human consumption.~~

(4)

~~It has been processed, prepared, packed or held under insanitary conditions, whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.~~

(5)

~~It is in whole or in part the product of a diseased animal or an animal which has died other than by slaughter.~~

(6)

~~Its container is composed in whole or any part of any poisonous or deleterious substance which may render the contents injurious to health.~~

~~*Approved* means acceptable to the health officer based on his determination as to conformance with appropriate standards and good public health practice.~~

~~*Employee* means any person working in a food establishment who transports food or food containers, who engages in food preparation or service or who comes in contact with any food utensil or equipment.~~

~~*Equipment* means stoves, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables and similar items other than utensils used in the operation of a food establishment.~~

~~*Food* means any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.~~

~~*Food establishment* means any food service establishment or retail food establishment. Food establishments shall be categorized as class A, class B, class C, class D and class E food establishments as follows:~~

(1)

~~A class A food establishment shall include, but not be limited to retail food establishments with one or more of the following: meat cutting, food preparation and/or delicatessen.~~

(2)

~~A class B food establishment shall include, but not be limited to:~~

~~a.~~

~~Any fixed or mobile restaurant, coffee shop, luncheonette, grill, sandwich shop, industrial feeding establishments, catering establishments.~~

~~b.~~

~~Taverns, bars, nightclubs, lounges with food preparation.~~

~~c.~~

~~Private, public or nonprofit organizations or institutions such as school districts, hospitals, day cares, fraternity houses, sorority houses, residential facilities, food sites, and fraternal organizations with food preparation.~~

~~d.~~

~~Retail food establishments without meat cutting, food preparation or delicatessen.~~

e.
Food distributors, processors or bottlers.

(3)

A class C food establishment shall include but not be limited to:

a.

Seasonal concession stands.

b.

Taverns, bars, lounges and nightclubs serving only nonpotentially hazardous prepackaged foods.

c.

Retail liquor stores with prepackaged foods and/or potentially hazardous food.

d.

Retail establishments such as: drugstores, service stations, whose principal order of business is not food service but sell potentially hazardous food.

(4)

A class D food establishment shall include but not be limited to vegetable stands operating at a fixed location for more than 14 consecutive days.

(5)

A class E food establishment shall include but not be limited to any private, public or nonprofit food service establishment or retail food establishment providing potentially hazardous food for human consumption at a fixed location of not more than 14 consecutive days.

Food preparation means the handling, processing and/or serving of potentially hazardous foods.

Food service establishment means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food.

Health officer means the administrator of the county health department and his duly authorized representatives.

Misbranded means the presence of any written, printed or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable state or local labeling requirements.

Perishable food means any food of such type or condition as may spoil.

~~*Potentially hazardous food* means any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.~~

~~*Prepackaged* means bottled, canned, cartoned or securely wrapped.~~

~~*Retail food establishment* means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption.~~

~~*Seasonal concession* means any food establishment in operation six months or less annually.~~

~~*Temporary food establishment* means any food establishment which operates at a fixed location for a temporary period of time, of not more than 14 consecutive days.~~

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adulterated: The condition of food if it:

- 1) Bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health,
- 2) Bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerance if one has been established,
- 3) Consists in whole or in part of filthy, putrid, or decomposed substance or if it is otherwise unfit for human consumption,
- 4) Has been processed, prepared, packed or held under unsanitary conditions whereby it may have become contaminated or whereby it may have been rendered injurious to health,
- 5) Is in whole or in part the product of a diseased animal or animal which has died other than by approved slaughter method,
- 6) If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

Authorized Representative: A designated employee of the DeKalb County Health Department.

Bed And Breakfast Establishment : An operator occupied residence providing accommodations for a charge to the public with no more than five (5) guestrooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

Board of Health: The governing body for the DeKalb County Health Department.

Building: Any structure which is designed, used or intended for the support, enclosure, shelter, or protection of persons, animals, or other property and which is, permanently affixed to the land.

Commissary: A catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

County: The County of DeKalb, state of Illinois.

County Board: The County Board of DeKalb County, Illinois.

Equipment: Stoves, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables and similar items used in the operation of a food service establishment. All equipment shall be required to bear the seal of approval of the National Sanitation Foundation (NSF) or equivalent sanitation standard, and be approved by the county health department.

Embargo: To detain the sales or place a hold on the service of any food.

Environmental Health Practitioner: An employee of the Health Department engaged in the carrying out of any activity pursuant to this article including but not limited to inspections and investigations.

Establishment Categories:

a. "Category I facility" means a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

- Potentially hazardous foods are cooled, as part of the food handling operation at the facility;
- Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
- Potentially hazardous cooked and cooled foods must be reheated;
- Potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;

- Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;
- Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
- Immunocompromised individuals such as the elderly, young children under age four (4) and pregnant women are served, where these individuals compose the majority of the consuming population.

b. "Category II facility" means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:

- Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same day services;
- Foods are prepared from raw ingredients using only minimal assembly; and
- Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food processing plants, high risk food service establishments or retail food stores.

c. "Category III facility" means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include those where the following operations occur:

- Only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;
- Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or
- Only beverages (alcoholic and non-alcoholic) are served at the facility.

Extermination: The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, trapping or by any other recognized and legal method of pest elimination approved by the health officer or authorized representative.

Food: Any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

Food Preparation: Means the handling, processing and/or serving of potentially hazardous foods.

Food Service Establishment: Means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service and retail food stores where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to only coffee, tea or juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, establishments which handle only prepackaged spirits, roadside markets that offer only fresh fruits and fresh vegetables or the location of food vending machines

Food Service Worker: Any person, who handles, prepares, serves, sells or gives away food for consumption by persons other than his or her immediate family, or who handles utensils and equipment appurtenant thereto. The term does not include persons in establishments regulated under this code who handle food or drink exclusively in closed crates, cartons, packages, bottles or similar containers in which no portion of the food or drink is exposed to contamination through such handling.

Food Service Manager: Any person who supervises/trains a food service worker(s) to follow all food safety regulations. The manager shall have a current State of Illinois Food Service Sanitation Certificate, and have the original certificate onsite for review by the health officer or authorized representative.

Garbage: Organic waste resulting from the preparation, processing, handling and storage of food and all decayed or spoiled food from any source whatsoever.

Health Department: The DeKalb County Health Department.

Health Officer: The administrator of the Health Department or their authorized health department representative.

Highly Susceptible Population: Persons who are more likely than other people in the general population to experience food-borne disease because they:

Are immunocompromised, preschool age children or older adults; and obtain food at a facility that provides services such as custodial care, health care, or assisted living (such as a child or adult day care center, kidney dialysis center, hospital or nursing home), or nutritional or socialization services (such as senior center).

Human Wastes: Food and byproducts of metabolism which are passed out of the human body.

Infestation: The presence within a building or food establishment of any insects, rodents, vermin or other pests.

Label: A display of written, printed or graphic matter upon the immediate container of an article.

Misbranded: The presence of any written, printed or graphic matter upon or accompanying food or containers of food which is false or misleading.

Mobile Food Unit: A vehicle mounted mobile food service establishment designed and operated as readily movable and which does not have permanent potable water, wastewater or electric connections, e.g. mobile truck moving from location to location. All mobile food units shall be required to return daily to a commissary for supplies, cleaning and for all servicing operations.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Permit: A written authorization issued by the Health Department or its authorized representative.

Person in Charge: The individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge. In addition to the foregoing, the owner shall always be considered a person in charge.

Potentially Hazardous Food: Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of Clostridium botulinum; or, in raw shell eggs, the growth of Salmonella enteritidis. Potentially hazardous foods includes an animal food (a food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut melons; and garlic – in – oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms. The term does not include foods that:

Have a pH level of 4.6 or below, or

Have a water activity (a_w) value of 0.85, or

Are a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution.

Pre-hearing Conference: An informal conference between the authorized representative of the Health Department and the party affected by a notice pursuant of this chapter, conducted by the health officer or authorized representative.

Pre-Packaged: Bottled, canned, cartoned, or securely wrapped. The term “pre -packaged” does not include a wrapper, carry-out box, or other non-durable container used to containerize food for the purpose of facilitating food protection during service and receipt of the food by the consumer.

Property Owner: The person in whose name legal title to the real estate is recorded including beneficiaries and/or trustees of a land trust.

Pushcart: A cart that is limited to precooked hot dogs, unshucked corn, whole fresh fruit, canned beverages, condiments, and prepackaged nonpotentially hazardous food and which does not have permanent potable water, wastewater, or electric connections. All pushcarts shall be required to return daily to a commissary for supplies, cleaning and for all servicing operations.

Ready – to – eat food: Food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. Ready – to – eat food includes:

Unpackaged potentially hazardous food that is cooked to the temperature and time required for specific food under Section 750.180 of the Illinois Department of Public Health Food Service Sanitation code;

Washed and cut raw fruit and vegetables;

Whole raw fruits and vegetables that are intended for consumption without the need for further washing, such as at a buffet, but excluding whole raw fruits and vegetables offered for retail sale; and

Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

Relative Risk: The ratio of the chance of a disease developing among members of a population exposed to a factor compared with a similar population not exposed to the factor.

Retail Food Store: Means any establishment or section of an establishment where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged spirits; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines.

Revocation: To permanently remove a permit to operate a food service establishment or temporary food establishment.

Rodents: Rats and mice.

Rubbish : Combustible and noncombustible waste material except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, cans, metals, mineral matter, glass, crockery, and dust from similar materials.

Seasonal/Mobile Food Service: Food service establishments that are mobile trucks, seasonal operations, and/or provides food at multiple temporary events per year within DeKalb County.

Suspension: To temporarily remove a permit to operate a food service establishment or temporary food service.

Temporary Food Service : A food service that operates at a fixed location for a period of time not to exceed fourteen (14) consecutive days in conjunction with a single event or celebration.

Tenant: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Vending Machine: Any self-service device which upon insertion of a coin, coins or tokens or by other similar means, dispenses unit servings of food either in bulk or in packages without the necessity of replenishing the device between each vending operation.

Vermin: Roaches, bedbugs, fleas, lice, termites or similar pest like insects.

Other definitions as stated in rules and regulations that are referenced in this chapter shall apply. Code 1979, § 9-16 Cross reference – Definitions generally § 1-2, (Ord. 14-???, ?-??-2014)

Sec. 38-52. - Jurisdiction.

The provisions of this article shall apply within the geographical boundaries of the county except in cities, villages and incorporated towns that provide and enforce rules and regulations which are at least as stringent as this Code. The Health Department shall have jurisdiction for the purpose of enforcement of this Chapter as referenced in 55 Illinois Compiled Statutes 5/5-25008. (Code 1979, § 9-17), (Ord. 14-???, ?-??-2014)

Sec. 38-53. - Compliance.

All food, foodstuffs, drink and other material intended for human consumption served or offered by food establishments, whether on or off the premises where served or prepared, all premises in which such food service establishments shall comply with the provisions of this Code unless specifically exempted in this article.

(Code 1979, § 9-18)

Sec. 38-54. Right of Inspection.

The health officer or authorized representative, after proper identification, shall be permitted to enter, during normal business hours, any food establishment or temporary food service in the county for the purpose of making inspections, and to determine compliance with this article. The health officer or authorized representative shall be permitted to examine the records of the food establishment or temporary food service to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed. Failure to permit access after proper identification shall be grounds for immediate suspension or

revocation of the permit. After such suspension or revocation, the permit holder may submit, in writing, a request for reinstatement of the permit. (Ord. 14-???, ?-??-2014)

Sec 38-55. Enforcement

- (a) The health officer or authorized representative may issue a complaint against the owners and occupant of said property or the person responsible for causing the violation charging a violation of any section or subsection of this chapter.
- (b) The health officer or authorized representative upon observing any violation of this chapter may issue a notice of violation directed to the recorder of deeds of the county, or to the occupant of said property, or both, which said notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner or occupant, which time shall not be less than ten (10) business days after service of such notice. An authorized representative shall serve the notice herein provided for upon the owner, occupant, tenant or agent of the property where such violation exists, or upon both of them, and shall make upon his or her return a copy of such notice, showing the time of service the person upon whom it was served, or the manner in which it was served.
 - (1) Immediately upon the termination of the time allowed in any such notice for the abatement of such violation, a health officer or authorized representative shall investigate to determine whether or not such violation has been abated.
 - (2) In the event the owner or occupant of the property upon which such violation exists has failed within the prescribed time to abate such violation, then the health officer or authorized representative shall file a complaint pursuant to the processes and methods prescribed by Chapter 42 Article III of the DeKalb County Code entitled Code Hearing Unit. (Ord. 14-???, ?-??-2014)

Sec 38-56. Penalty

- (a) Any person who violates any provisions of this Chapter shall upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and each day's failure to comply with any such provision shall constitute a separate offense.
- (b) Revocation of a permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced. The levy and/or payment of any penalty or fine provided in this Article shall not be deemed a waiver of the authority of the health officer or authorized representative to suspend, revoke or refuse to renew any license or permit for cause. (Ord. 14-???, ?-??-2014)

Sec 38-57. Severability:

All provisions, paragraphs, sections, divisions, subdivisions and any portions thereof of this chapter are separate and distinct. If any one or more provisions, paragraphs, sections, divisions, subdivisions or portions thereof, are found to be void, invalid or otherwise

unenforceable, the validity of the remaining provisions, paragraphs, sections, divisions, subdivisions or portions that can be given effect without such void provisions shall not be affected. (Ord. 14-???, ?-??-2014)

Secs. 38-54 58—38-65. - Reserved.

**DeKalb County, Illinois, Code of Ordinances >> - >> Chapter 38 - HEALTH AND SANITATION >>
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DIVISION 2. - PERMITS**

Sec. 38-66. - Required.

Sec. 38-67. - Application/Issuance

~~Sec. 38-68. - Initial issuance.~~

Sec. 38-68. - Renewal.

Sec. 38-69. - Expiration.

Sec. 38-70. - Transfer.

Sec. 38-71. - Display.

Sec. 38-72. - Fees.

Sec. 38-73. - Suspension.

Sec. 38-74. - Revocation, fine and injunction.

Sec. 38-75. - Hearings.

Sec. 38-76. - Outside Jurisdiction

Sec. 38-77. - Notices

Sec. 38-78. - Exemption.

Secs. 38- 7879—38-90. - Reserved.

Sec. 38-66. - Required.

~~It shall be unlawful for any person to operate a food establishment within the county who does not possess a valid permit issued to him by the health officer. Only a person who complies with the requirements of this Code and the rules and regulations adopted in sections 38-116 and 38-117 shall be entitled to receive and retain such a permit.~~

~~(Code 1979, § 9-34)~~

It shall be unlawful for any person to operate a food establishment or temporary food establishment within the county who does not possess a valid permit issued to him by the health officer or authorized representative. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a permit.
(Ord. 14-???, ?-??-2014)

Sec. 38-67. - Application/Issuance

~~Any person desiring to operate a food establishment shall make written application for a permit on forms provided by the health officer. Such application shall include the applicant's full name and post office address, telephone number and whether such applicant is an individual, firm or corporation; and, if a partnership, the name of the partners, together with their addresses shall be included; the location and type of food establishment; and the signature of the applicant or applicants. If the application is for a temporary food establishment, it shall also include the inclusive dates of the proposed operation. (Code 1979, § 9-35)~~

Any person desiring to operate a food establishment or temporary food service, or person desiring to renew an expired permit shall make written application for a permit on forms provided by the health officer or authorized representative. Food establishments shall provide a fax number/machine that is available 24 hours per day, and/or an e-mail account to receive emergent food safety information related to but not inclusive of food recalls. Such application shall include: the applicant's full name, post office address, and whether such applicant is an individual, firm, corporation or partnership; the names and type of proposed food establishment; and the signature of the applicant or applicants. The information provided on the application shall be kept current at all times. If the application is for a temporary food service establishment, it shall also include the inclusive dates of the proposed operation. Upon receipt of such an application for a new establishment, the health officer or authorized representative shall make an inspection of the food establishment to determine compliance with the provisions of this article. When inspection reveals that the applicable requirements of this article have been met, a permit shall be issued to the applicant by the health officer or authorized representative. The Health Department has the final determination of the establishment category. (Ord. 14-???, ?-??-2014)

~~Sec. 38-68. - Initial issuance.~~

~~Upon receipt of such application accompanied by the fee prescribed in this division, the health officer shall make an inspection of the new food establishment for which a permit is sought. If the health officer determines that such establishment complies with the requirements of this Code, a permit shall be issued.~~

~~(Code 1979, § 9-36)~~

Sec. 38-68. - Renewal.

Annual renewal of permits under this division shall be required for continued operation. Any permit holder desiring to renew his permit shall make proper application on renewal forms provided by the health officer and pay the annual fee prior to the expiration of the existing permit. A penalty fee of \$15.00 shall be assessed if the permit renewal form and

annual fees are received by the health officer during the first 30 days following the expiration of the existing permit. After this 30 day period, any food establishment operating without a renewal permit shall be required to suspend operation.

~~(Code 1979, § 9-37)~~

Renewal: Upon receipt of an application to renew an annual permit, the health officer or authorized representative shall review the food establishment record to determine compliance with the provisions of this article. Whenever the review process for renewal of permit reveals serious repeat violations of this article the permit will not be issued and the health officer or authorized representative shall notify the applicant immediately thereof. Such notice shall state the reasons for not renewing the permit. Such notice shall also state that an opportunity for a hearing shall be provided for the applicant, if requested, at a time and place designated by the health officer or authorized representative. Such hearing shall be scheduled as soon as possible, but no later than five (5) business days from the date of notice. The notice referred to in this subsection shall be delivered to the applicant in person by the health officer or authorized representative or may be sent by certified mail, return receipt requested. A permit which has expired shall be removed from the food establishment by the health officer or authorized representative. (Ord. 14-???, ?-??-2014)

Sec. 38-69. - Expiration.

All initial and renewal permits, regardless of the date of issuance, shall expire on June 30 of each year, unless sooner suspended or revoked. Temporary permits shall be valid for the period of time that is in conjunction with a special event or celebration, but shall not exceed 14 consecutive days.

~~(Code 1979, § 9-38)~~

Sec. 38-70. - Transfer.

~~The permit required by the provisions of this division shall not be transferred from one location to another or from one person to another. (Code 1979, § 9-39)~~

Permits shall not be transferable from one person to another person nor shall said permit be applicable to any locations, buildings, or places other than that for which it is issued. Each facility shall have a valid permit. (Ord. 14-???, ?-??-2014)

Sec. 38-71. - Display.

~~Any person holding a permit issued pursuant to the provisions of this division shall display it prominently upon the premises of the food establishment for which it was issued.~~

~~(Code 1979, § 9-40)~~

A valid permit shall be posted in every food establishment so as to be clearly visible to all customers. A valid permit is one that is not suspended, revoked or expired.
(Ord. 14-???, ?-??-2014)

Sec. 38-72. - Fees.

Class A, B, C, D and E p-Permit fees as required under this article shall be set by the Board of Health and approved by the county board. A fee schedule shall be maintained in the office of the county clerk and the county health department. The fee schedule shall be available for review and copying by the public. Permit fees shall be set according to ~~by~~ both the Risk Category (see "Establishment Categories" page 6 & 7) and Class of the food establishment. The permit year will be determined by the Health Department.

Class A facilities would include Risk Category I ~~large (greater than 15,000 square feet)~~ multi-department retail grocery stores which may include delicatessen, bakery, meat/seafood, produce and food service.

Class B facilities would include all other Risk Category I facilities. ~~but are not limited to, full menu restaurants, caterers, hospitals, small (less than 15,000 square feet) retail grocery stores, daycares / preschools providing a full service meal, schools preparing food for off-site consumption.~~

Class C facilities would include all Risk Category II facilities. ~~but are not limited to, fast food restaurants and daycares / preschools that provide potentially hazardous prepackaged or catered food that must be kept hot or cold, convenience stores, fraternity/sorority houses, movie theaters, residential facilities, schools preparing food for on-site consumption.~~

Class D facilities would include all Risk Category III facilities. ~~but are not limited to, retail outlets including liquor stores selling only prepackaged foods, movie theaters with popcorn and soda, bars that do not prepare potentially hazardous food and daycares / preschools that serve prepackaged potentially hazardous foods such as milk or non-potentially hazardous snacks, drugstores service stations.~~

Class E facilities include all temporary food service facilities that operate at a fixed location for a period of time not to exceed fourteen (14) consecutive days in conjunction with a single event or celebration

Note: Due to establishment operations and relative risk, establishment ~~example~~ types (Class and Risk Categories) are at the discretion of ~~may be categorized into a different class~~ by the Health Department, and are subject to change.

Pro-ration Of Fees: Permit fees will be nonrefundable. To obtain a valid permit, a new owner must apply and complete the permit application process. Establishments opening or changing ownership within the first six months of the permit year will pay one hundred percent (100%) of the appropriate annual fee. Establishments opening or changing ownership after the first six months of the permit year will pay fifty percent (50%) of the annual fee for the remainder of the permit year.

Late Payment Penalty: All permit fees for the annual renewal of permits are due by the last day of the permit year. Failure to submit the total fee required by the last day of the permit year will result in expiration of the permit and cessation of food establishment operations due to lack of a valid permit. Establishments failing to submit the required fee by the last day of the permit year shall be assessed a late payment penalty fee of fifty percent (50%) of the required fee in addition to the appropriate permit fee. If the last day of the permit year is on a Saturday or Sunday then the fee will be due the next Monday.

There will be a late fee according to the current fee schedule for any temporary event application not received prior to seven (7) days before an event or celebration.

(Code 1979, § 9-41) - Ord. 14-???, ?-??-2014)

Sec. 38-73. - Suspension.

~~(a) At any time the health officer determines that a permit holder under this division is not in compliance with the provisions of this Code, he shall issue a notice thereof to the permit holder. The notice shall state the nature of the violation, and a reasonable time in which such action must be taken. If the corrective action specified is not taken, all operations affected by the violation shall be suspended at the expiration of the time allotted unless a hearing is requested as provided in section 38-76~~

~~(b) If the violation constitutes an immediate hazard to the public health the aforesaid notice may also require the immediate suspension of operation of the entire food service establishment. Any person to whom such an order is issued shall comply immediately therewith.~~

~~(c) Any person whose permit has been suspended may make application for a reinspection for the purpose of reinstatement of the permit. Within ten days following receipt of a written request, including a signed statement by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the health officer shall make a reinspection. If the applicant is complying with the requirements of this Code, the permit shall be reinstated.~~

~~(Code 1979, § 9-42)~~

Permits may be suspended by the health officer or authorized representative for failure of the permit holder to comply with the requirements of this article. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this ordinance, the permit holder or operator shall be notified, in writing, that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the health officer or authorized representative by the permit holder within five (5) days from receipt of the notice. Upon suspension of the permit, the permit shall be removed from the food establishment by the health officer or authorized representative. Notwithstanding the other provisions of this article, whenever the health officer or authorized representative finds unsanitary or other conditions in the operation of a food establishment which in his judgment constitute a substantial hazard to the public health, he may without warning, notice or hearing, issue a written notice to the permit holder or operator, citing such conditions, specifying the corrective action to be taken and specifying the time period within which such action shall be taken; and if deemed necessary, such order shall state that the permit is immediately suspended, and all operations as a food establishment are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the health officer or authorized representative, shall be afforded a hearing as soon as possible but no later than five (5) business days of written request.

Cessation Of Operations: Permits for all food establishments shall be automatically suspended should the holder or operator cease operation of the food establishment for thirty (30) consecutive days or longer, irrespective of whether such cessation of operations shall be due to the seasonal nature of such food establishments, or any other reason. Said permit shall be reinstated upon application to the health officer or authorized representative for re-inspection of the food establishment if the establishment is in compliance with the applicable requirements of this article.

(Ord. 14-???, ?-??-2014)

Sec. 38-74. - Revocation, fine and injunction.

~~(a) If an application for reinspection to reinstate a suspended permit is not filed with the health officer within 30 days of the date of the original suspension notice, the permit shall be revoked. The permit holder or operator must then make application for a renewal permit in accordance with the provisions of this division.~~

a) For serious or repeated violations of any of the requirements of this article, or for interference with the health officer or authorized representative in the performance of his

duties, a permit may be revoked after an opportunity for a hearing has been provided by the health officer or authorized representative. Prior to such action, the health officer or authorized representative shall notify a permit holder, in writing, stating the reasons for which the permit is subject to revocation, and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice unless a request for a hearing is filed with the health officer or authorized representative by the permit holder within such five (5) day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

~~b) It shall be unlawful for a person to operate a food establishment without a valid permit or during a period of suspension or revocation. Any person convicted of this offense shall be subject to punishment as provided in section 1-13 of this Code.~~

(e)-b) In addition to fine or other remedy, the health officer may seek injunction against any permit holder, person or operation violating this Code as provided in 410 ILCS 625/1.

~~(Code 1979, § 9-43)~~ (Ord. 14-???, ?-??-2014)

Sec. 38-75. - Hearings.

~~Any permit holder receiving a notice as provided in this division shall have the right to request a hearing before the board of health providing the permit holder files a written request for such hearing with the health officer within ten days of the notice. The hearing shall be at a time and place designated by the board. The hearing shall be held within seven workdays upon receipt of the written request. If the permit holder fails to appear for a hearing, the hearing notice shall be deemed an order to comply with all provisions included in such notice. A written report of the hearing decision shall be furnished to the permit holder.~~

~~(Code 1979, § 9-44)~~

Hearing Conference: The hearing conferences provided for in this article shall be conducted by the health officer or authorized representative at a time and place designated by the health officer or authorized representative. The Department and the permit holder shall be entitled to call witnesses, be represented by legal counsel, and a record shall be made of the proceedings. The health officer or authorized representative shall make a final finding based upon the complete information presented and shall sustain, modify or rescind any notice or order considered at the prehearing conference. A written decision shall be furnished to the holder of the permit by the health officer or authorized representative and said decision shall be final. (Ord. 14-???, ?-??-2014)

Sec. 38-76. – Outside Jurisdiction.

Food from establishments outside the jurisdiction of the County may be sold in the County if such food establishments conform to the provisions of this article or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the health officer or authorized representative may accept reports from responsible authorities and other jurisdictions where such food establishments are located. (Ord. 14-???, ?-??-2014)

Section 38-77 - Notices.

(a) Issuance: Whenever a health officer or authorized representative makes an inspection and discovers that any of the requirements of this article have been violated, he may notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such written notice, the health officer or authorized representative shall:

(1) Set forth the specific violations found;

(2) Establish a specific and reasonable period of time for the correction of the violations found in accordance with the enforcement procedure;

(3) State that failure to comply with any notice issued in accordance with the provisions of this article may result in immediate suspension of the permit, and/or the possibility of further legal action;

(4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a prehearing conference is filed with the health officer or authorized representative within the period of time established in the notice of correction.

(b) Service: Notices provided for under this section shall be deemed properly served when a copy of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, e-mailed, or such notice has been sent by certified mail, return receipt requested, to the last known address of the permit holder. Copy of such notice shall be filed with the records of the health officer or authorized representative. (Ord. 14-???, ?-??-2014)

Sec. 38-78. - Exemptions.

~~(a) — Persons operating establishments which have only nonperishable and/or nonpotentially hazardous food and whose principal order of business is not to sell food for human consumption shall be exempt from the provision of this division.~~

~~(b) — Roadside stands operated primarily for the sale of agricultural products produced and offered for sale on one's own property and that are nonperishable and/or nonpotentially hazardous foods shall be exempt from the provision of this division.~~

~~(c) — Temporary food establishments selling nonperishable and/or nonpotentially hazardous food shall be exempt from the provisions of this division.~~

~~(d) — Food establishments which have nonperishable/nonpotentially hazardous food dispensed by vending machines shall be exempt from the provisions of this division.~~

~~(e) — Temporary food establishments operated by nonprofit organizations which are exempt from the state's occupational retail tax are exempt from the provisions of this division. — (Code 1979, § 9-45)~~

~~• — Persons operating establishments which have only prepackaged nonperishable food shall be exempt from the provisions of this article.~~

~~• — Roadside stands operated for the sale of unprocessed agricultural products produced and offered for sale shall be exempt from the provisions of this article.~~

~~• — Temporary food services selling prepackaged nonperishable food shall be exempt from the provisions of this article.~~

~~• — Establishments which have only nonperishable, nonpotentially hazardous food dispensed by vending machines shall be exempt from the provisions of this article.~~

(Ord. 14-???, ?-??-2014)

Secs. 38-7879—38-90. - Reserved.

DeKalb County, Illinois, Code of Ordinances >> - >> Chapter 38 - HEALTH AND SANITATION >> ARTICLE II. - FOOD AND FOOD ESTABLISHMENTS >> DIVISION 3. - PLAN REVIEW, INSPECTION, AND FOOD EXAMINATION >>

DIVISION 3. - PLAN REVIEW, INSPECTION, AND FOOD EXAMINATION

Sec. 38-91. - Plan review.

Sec. 38-92. - Inspections.

Sec. 38-93. - Correction of Violations

Sec. 38-94. - Examination and condemnation of food.

Secs. 38- 9495—38-105. - Reserved.

Sec. 38-91. - Plan review.

~~When a food establishment is hereafter constructed or remodeled, or when an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangements,~~

~~construction materials of the work areas, the location, size and type of fixed equipment and facilities, and any other information that may be needed to complete approval of the plans shall be submitted to the health officer for approval before such work is started. The health officer shall approve the plans and specifications if they meet the requirements of this division. No food establishment shall be constructed, extensively remodeled or converted except in accordance with the plans and specifications approved by the health officer.~~

~~(Code 1979, § 9-55)~~

Whenever a food establishment is hereafter constructed or remodeled or whenever an existing structure is converted to use as a food establishment, an application for permit is required including two sets of properly prepared plans and specifications for such construction, remodeling or conversion which shall be submitted to the health officer or authorized representative for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas; and the type and model of proposed fixed equipment and facilities. The health officer or authorized agent shall approve the plans and specifications if they meet the requirements of this article. No food establishment shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the health officer or authorized representative. Construction, remodeling and/or conversion activities shall not begin until the plans and specifications have been approved by the health officer or authorized representative.

When the health officer or authorized representative issues an approval letter, the construction documents shall be approved, by stamp, as "Reviewed for Code Compliance". One set of the construction documents so reviewed shall be retained by the Health Department. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the health officer or authorized representative.

Whenever plans and specifications are required by this section to be submitted to the health officer or authorized representative, the health officer or authorized representative shall inspect the food establishment prior to the beginning or resumption of operations, to determine compliance with the approved plans and specifications and with the requirements of this article. (Ord. 14-???, ?-??-2014)

Sec. 38-92. - Inspections.

~~(a) Inspections shall be required before the issuance of any new food establishment permit. To receive a permit the applicant must be in compliance with the provisions of this Code and the rules and regulations adopted in sections 38-116 and 38-117~~

~~(b) The health officer shall conduct on-site inspections for each operational food establishment in the county and shall make as many additional inspections or reinspections as are necessary for the enforcement of this Code. The health officer, upon proper identification, shall be permitted to enter at any reasonable time any food establishment~~

within the county for the purpose of making such inspections. Permit holders shall disclose sources of food and supplies received or used in the permit holder's operation of a food establishment.

~~(c) The health officer shall provide consultation and/or on-site inspections for each temporary food establishment a minimum of one time for each permit issued and shall make as many additional inspections or reinspections as are necessary for the enforcement of this Code.~~

~~(Code 1979, § 9-60)~~

(a) Frequency: The health officer or authorized representative shall conduct routine inspections of each food establishment within DeKalb County as follows or as required by Local Health Protection Grant rules if more restrictive:

<u>Class A</u>	<u>3 times annually</u>
<u>Class B</u>	<u>3 times annually</u>
<u>Class C</u>	<u>1-2 times annually</u>
<u>Class D</u>	<u>1 time annually</u>

The following activities may be used in place of one annual inspection of a Category 1/ Class A & B facility:

- (1) A certified food service manager is present at the facility at all times food is being prepared.
- (2) A hazard analysis critical control point (HACCP) inspection / menu review
- (3) Facility employees attend an in-service training or educational conference on food sanitation.

The health officer or authorized representative shall make as many additional inspections and reinspections as are necessary for the enforcement of this article.

(b) Consent to Inspection: The receipt of any permit or license issued by the Health Department pursuant to this Chapter to any person, firm, or corporation shall constitute the agreement of such person, firm, or corporation to such investigations or inspections.

(c) Reports: Whenever an inspection of a food establishment or temporary food service is made, the findings shall be recorded on an inspection report. One copy of the inspection report form shall be furnished to the person in charge of the food establishment or temporary food service. The inspection report form for food establishments shall set forth a weighted point value for each requirement. The rating score of the food establishment shall be the total of the weighted point values for all violations subtracted from one hundred (100) and shall be shown on all copies of the report. (Ord. 14-???, ?-??-2014)

Sec. 38-93. - Correction Of Violations.

- (a) The completed inspection report form shall specify a reasonable period of time for the correction of the violations found. The correction of the violations shall be accomplished within the period specified in accordance with the "DeKalb County Health Department Food Sanitation Enforcement Procedure". The inspection report shall state that failure to comply with any time limits for corrections may result in immediate suspension of all food service operations. An opportunity for a prehearing conference on the inspection findings or the time limitation or both will be provided if a written request is filed with the within five (5) days following suspension of operations. If a request for a prehearing conference is received, the prehearing conference shall be held within thirty (30) days of receipt of the request.
- (b) When more than one (1) follow-up inspection of a food service facility is necessary to ensure compliance with a previous inspection, a fee will be assessed pursuant to the current fee schedule.
- (c) Whenever a food establishment or temporary food service is required under provisions of subsection (a) of this section to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time period during normal working hours. (Ord. 14-???, ?-??-2014)

Sec. 38-94. - Examination and Condemnation of food.

~~Food may be examined or sampled by the health officer as often as may be necessary to determine freedom from adulteration or misbranding. The health officer may, upon written notice to the permit holder, condemn any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Condemned food may be permitted to be suitably stored, unless storage is not possible without risk to the public health in which case immediate destruction shall be ordered and accomplished. It shall be unlawful for any person to remove or alter a condemnation order, notice or tag placed on food or food containers by the health officer, and neither such food nor containers thereof shall be relabeled, replaced, reprocessed, altered, disposed of or destroyed without the permission of the health officer, except on order by a court of competent jurisdiction. If the permit holder requests a hearing as provided for in section 38-76, and on the basis of evidence produced at such hearing, the health officer may vacate the food which was placed under the condemnation order to denature or destroy the food or to bring it into compliance with the provisions of this Code.~~

~~(Code 1979, § 9-65)~~

- (a) Food may be examined or sampled by the health officer or authorized representative as may be necessary to determine freedom from adulteration or misbranding. The health officer or authorized representative may, upon written notice to the owner or person in charge, embargo any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under an embargo, food shall be permitted to be suitably stored. It shall be unlawful for any person to move or alter an embargo notice or tag placed on food by the health officer or authorized representative. Neither such food nor the containers therefore shall be relabeled, repackaged or

reprocessed, altered, disposed of or destroyed without permission of the health officer or authorized representative, except on an order by a court of competent jurisdiction.

(b) After the owner or person in charge has had a prehearing conference as provided in section 38-75 of this chapter, and on the basis of evidence produced at such prehearing conference, or on the basis of an examination in the event a written request for a prehearing conference is not received within ten (10) days, the health officer or authorized representative may vacate the embargo or may, by written order direct the owner or person in charge of food which was placed under the embargo, to denature or destroy such food or bring it into compliance with the provisions of this article.

(c) Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use, or unsanitary, such equipment shall be taken out of use and an embargo placed on said items by the health officer or authorized representative. Such equipment may not be put back into service until written permission is obtained from the health officer or authorized representative. It shall be unlawful for any person to move or alter an embargo, notice or tag placed on equipment by the health officer or authorized representative. Such equipment will not be altered, disposed of or destroyed without permission of the health officer or authorized representative except on an order by a court of competent jurisdiction.

(d) After the owner or person in charge has had a prehearing conference as provided in section 38-75 of this chapter, and on the basis of the evidence produced at such prehearing conference, or on the basis of an examination in the event a written request for a hearing is not received within ten (10) days, the health officer or authorized representative may vacate the embargo or may by written notice direct the owner or person in charge of the equipment to bring it into compliance with the provisions of this article. Such orders shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.
(Ord. 14-???, ?-??-2014)

Secs. 38-94 95—38-105. - Reserved.

(Ord. 14-???, ?-??-2014)

**DeKalb County, Illinois, Code of Ordinances >> - >> Chapter 38 - HEALTH AND SANITATION >>
ARTICLE II. - FOOD AND FOOD ESTABLISHMENTS >> DIVISION 4. - DISEASE TRANSMISSION >>
DIVISION 4. - DISEASE TRANSMISSION**

Sec. 38-106. - Procedure.

Sec. 38-107. - Employee Requirements.

Secs. 38-107108—38-115. - Reserved.

Sec. 38-106. - Procedure.

When the health officer or authorized representative has reasonable cause to suspect the possibility of disease transmission ~~from~~ by any food establishment or temporary food service employee, ~~the permit holder or operator shall provide the health~~

~~officer a list of all employees a morbidity history of the suspected employee. he shall~~
make such investigation as may be indicated, including the morbidity history of
suspected employees and take appropriate action. The health officer or authorized
representative may require any or all of the following measures:

- (1) The immediate exclusion of the employee from all food establishments or
temporary food services.
- (2) The immediate closing of the food establishment or temporary food service
concerned until, in the opinion of the health officer, no further danger of
disease outbreak exists.
- (3) Restriction of the employee's services to any area of the establishment where
there would be no danger of transmitting disease.
- (4) Adequate medical and laboratory examinations of the employee, or other
employees, and of his and their body discharges.
- (5) A condemnation order and possible resultant destruction of any suspect food
or food products.

(Code 1979, § 9-70) (Ord. 14-???, ?-??-2014)

Section 38-107. - Employee Requirements.

(1) Food service worker's duty

a. To report to the food service manager and/or person in charge:

The onset of any of the following symptoms, either while at work or outside of work,
including the date of onset:

1. Diarrhea, vomiting, jaundice, sore throat with fever, infected cuts or wounds, or
lesions containing pus on the hand, wrist, an exposed body part, or other body
part and the cuts, wounds, or lesions are not properly covered (such as boils and
infected wounds, however small), and/or any other illness.

b. Medical Diagnosis:

Whenever diagnosed with a disease in a communicable form or diagnosed as a carrier
of organisms that cause such disease.

(2) Food service manager and/or person in charge duty

The food service manager and/or person in charge shall ensure that:

- a. Persons unnecessary to the food establishment operation are not allowed in
the food preparation, food storage, or warewashing areas.

b. Employees and other persons such as delivery, maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this ordinance.

c. Employees are effectively cleaning their hands, by routinely monitoring their handwashing.

d. Employees are visibly observing foods as they are received to determine that they are, delivered at the required temperatures, protected from contamination, and unadulterated.

e. Employees are properly cooking potentially hazardous food known to cause severe foodborne illness.

f. Employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within 4 hours.

g. Consumers who order raw or partially cooked ready-to-eat-foods of animal origin are informed that the food is not cooked sufficiently to ensure its safety.

h. Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused.

i. Consumers are informed by posting a notice that clean tableware is to be used when they return to self-service areas such as salad bars and buffets.

j. Employees are preventing cross-contamination of ready-to-eat-food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.

k. Employees are properly trained in food safety as it relates to their assigned duties.

l. Food employees are informed of their responsibility to report in accordance with this ordinance, to the food service manager, information about their health and activities as they relate to diseases that are transmissible through food.

(Ord. 14-???, ?-??-2014)

Secs. 38-1078—38-115117. - Reserved.

**DeKalb County, Illinois, Code of Ordinances >> >> Chapter 38 – HEALTH AND SANITATION >>
ARTICLE II. – FOOD AND FOOD ESTABLISHMENTS >> DIVISION 5. – STANDARDS >>
DIVISION 5. – STANDARDS**

Sec. 38-116. – Food service establishments.

Sec. 38-117. – Retail food establishments.

~~Sec. 38-116. -- Food service establishments.~~

~~All food service establishments shall comply with the most current publication of the Food Service Sanitation Rules and Regulations (77 Ill. Admin. Code 750). The county clerk shall keep three copies of the publication available for public use, inspection and examination.~~

~~(Code 1979, § 9-75)~~

~~Sec. 38-117. -- Retail food establishments.~~

~~All retail food establishments shall comply with the most current publication of the Retail Food Store Sanitation Rules and Regulations (77 Ill. Admin. Code 760). The county clerk shall keep three copies of the publication available for public use, inspection and examination.~~

(Ord. 14-???, ?-??-2014)

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

RESOLUTION R2014-68

WHEREAS, on August 21, 2013, the DeKalb County Board adopted by Resolution a Purchasing and Award of Contracts Policy setting forth procedures for the procurement of services, materials, equipment, and supplies essential to the delivery of governmental services through the use of an open process and truly competitive practices, and to award contracts to qualified vendors who provide the best value for the desired contracts; and

WHEREAS, DeKalb County is often the recipient of grants and other moneys from the State and Federal governments, and those jurisdictions maintain a list of entities who are suspended and debarred from receiving such public funds; and

WHEREAS, DeKalb County desires to abide by the restrictions imposed by the State and Federal governments related to suspended and debarred entities;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF DEKALB, ILLINOIS, as follows:

The DeKalb County Board hereby amends its Purchasing and Award of Contracts Policy by adding the following as subparagraph G. under Section III of the Policy:

If the County is the recipient of a grant or funds from the State or Federal government, the County, prior to awarding any related contract, shall require of any contractor or subcontractor a certification that it is not suspended or debarred from receiving State or Federal funds.

ADOPTED BY THE COUNTY BOARD THIS 15TH DAY OF OCTOBER, 2014, AD.

Chairman, DeKalb County Board

ATTEST:

County Clerk

**RESOLUTION
R2014-69**

**A RESOLUTION ESTABLISHING PRESCRIBED THRESHOLDS IN
ACCORDANCE WITH THE PATIENT PROTECTION AND
AFFORDABLE CARE ACT**

WHEREAS, DeKalb County Government is statutorily bound to adhere to the requirements of the federal Patient Protection and Affordable Care Act (PPACA) approved on March 23, 2010; and

WHEREAS, DeKalb County Government is required to establish prescribed thresholds in accordance with PPACA to determine if an employee is eligible to be offered the County's health benefits package; and

WHEREAS, the Finance Committee has reviewed the PPACA Threshold Periods Policy below and has determined that it adequately establishes the thresholds required to ensure that consistent and equitable determinations of eligibility are made in accordance with PPACA for all variable-hour employees;

NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board, that DeKalb County Government hereby adopts the following policy:

PPACA THRESHOLD PERIODS POLICY

The Standard Measurement Period, which is the standard period of time in which DeKalb County Government measures variable-hour employees for health benefits eligibility, will be 12 months. DeKalb County Government's Standard Measurement Period will begin on November 1st of each year and end on October 31st of the following year. A newly hired employee will also be concurrently measured from that employee's hire date for 12 consecutive months.

The Administrative Period, which is the period of time allowed to calculate or finalize coverage, will be no longer than 90 days.

The Stability Period, which is the period of time of coverage for DeKalb County Government health benefits for a variable-hour employee, will be 12 months.

The Look Back Period, which is the initial period of time established by DeKalb County Government to achieve eligibility, will be 12 months. This look back period will begin on November 1, 2013 and end on October 31, 2014.

BE IT FURTHER RESOLVED that as of the date of passage of this Patient Protection and Affordable Care Act Threshold Periods Policy, DeKalb County Government shall strive to provide health benefits to its eligible employees in accordance with PPACA.

PASSED AT SYCAMORE, ILLINOIS, THIS 15TH DAY OF OCTOBER, 2014 A.D.

SIGNED:

Jeffery L. Metzger, DeKalb County Board Chairman

ATTEST:

Douglas J. Johnson, DeKalb County Clerk

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

RESOLUTION 2014-66

**A RESOLUTION ADOPTING
THE EAST BRANCH OF THE SOUTH BRANCH KISHWAUKEE RIVER
WATERSHED-BASED PLAN
AS AN AMENDMENT TO THE STORMWATER MANAGEMENT PLAN
FOR DEKALB COUNTY, IL**

WHEREAS, Illinois State law, 55 ILCS 5/5-1062.2, grants to DeKalb County the authority to prepare and adopt a countywide plan for the management of stormwater runoff, including regulations for the management of natural and man-made drainageways, and watershed plans, for the purpose of consolidating the existing stormwater management framework into a united, countywide structure and setting minimum standards for floodplain and stormwater management; and

WHEREAS, in accordance with the above-cited law, the DeKalb County Board on November 15, 2006 adopted Ordinance 2006-28, which approved a Stormwater Management Plan and an Ordinance containing regulations for stormwater management, and on September 15, 2010 adopted Ordinance 2010-18 which approved Phase 2 of the Stormwater Management Plan and an update to the Stormwater Management Ordinance; and

WHEREAS, Phase 2 of the Stormwater Management Plan encourages the County to take a “watershed approach” to stormwater management, where such an approach recognizes the need to take a proactive stance to stormwater and flooding in the light of existing geographic features and land uses within defined regions, rather than being merely reactive to proposed new development; and

WHEREAS, the DeKalb County Board passed Resolution 2011-46 on June 11, 2011 which adopted a strategy for taking a watershed approach to stormwater management, including cost estimates, and said strategy identified the headwaters of the East Branch of the South Branch of the Kishwaukee River as the “pilot” watershed to establish a model of watershed-based stormwater management throughout DeKalb County; and

WHEREAS, the Stormwater Management Planning Committee (SMPC), at its meeting of August 30, 2012, agreed to pursue, in cooperation with the DeKalb County Community Foundation, a Section 319 grant from the Illinois Environmental Protection Agency (IEPA) to undertake a watershed study of the headwaters of the East Branch of the South Branch of the Kishwaukee River, which grant was subsequently approved by IEPA on November 16, 2012; and

WHEREAS, the Stormwater Management Planning Committee selected members of a Watershed Steering Committee to oversee the drafting of the Watershed Plan, which Committee

met monthly starting in January of 2013, working with the consultant engineering firm and doing all things necessary for the creation of the Watershed Plan; and

WHEREAS, the draft Watershed Plan for the East Branch of the South Branch Kishwaukee River Watershed was completed in July of 2014, and the Illinois Environmental Protection Agency approved the Watershed-Based Plan September 4, 2014, and the Watershed Steering Committee recommended, at its meeting of September 10, 2014, that all governmental entities having stormwater and grading regulation authority within the boundaries of the watershed adopt the Watershed Plan; and

WHEREAS, the Stormwater Management Planning Committee, at its meeting of September 18, 2014, recommended that the DeKalb County Board adopt the East Branch of the South Branch Kishwaukee River Watershed Plan as an Amendment to the DeKalb County Stormwater Management Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: In accordance with the recommendation of the Stormwater Management Committee, the DeKalb County Board does hereby adopt the East Branch of the South Branch Kishwaukee River Watershed-Based Plan, attached hereto as Exhibit "A", as an Amendment to the DeKalb County Stormwater Management Plan, and hereby endorses the policies and recommendations contained therein. Further, the County Board encourages the adoption of the Watershed-Based Plan by those governmental and regulatory entities within the boundaries of the Watershed.

SECTION TWO: The Stormwater Management Planning Committee is hereby directed to consider and recommend to the County Board and other jurisdictions implementation steps and strategies, including possible changes to the DeKalb County Countywide Stormwater Management Ordinance and other possible policies, programs, and projects, needed to realize the recommendations set forth in the East Branch of the South Branch Kishwaukee River Watershed-Based Plan.

ADOPTED BY THE COUNTY BOARD THIS 15TH DAY OF OCTOBER, 2014, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

P:\Grading\CountywideOrd\Memos\EBSBWatershedPlan.adopt.res.10-14.wpd

Note: These minutes are not official until approved by the Forest Preserve District Commissioners 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

COUNTY FOREST PRESERVE PROCEEDINGS
September 17, 2014

The DeKalb County Forest Preserve District Commissioners met in regular session at the Legislative Center Wednesday, September 17, 2014. President Metzger called the meeting to order and the Secretary called the roll. Those Commissioners present were Mr. Whelan, Mr. Brown, Mr. Cribben, Mr. Cvek, Mrs. DeFauw, Mr. Deverell, Mr. Emerson, Ms. Fauci, Mr. Foster, Mr. Frieders, Mr. Gudmunson, Mrs. Haji-Sheikh, Mr. Johnson, Mr. Jones, Ms. Leifheit, Mr. O'Barski, Mr. Oncken, Mr. Pietrowski, Ms. Polanco, Mr. Reid, Mr. Stoddard, Mrs. Tobias, Mrs. Tobias, and President Metzger. All twenty-four Commissioners were present.

APPROVAL OF MINUTES

Motion

Mr. Johnson moved to approve the Minutes of August 20, 2014. Mr. Whelan seconded the motion.

Voice Vote

President Metzger asked for a voice vote on the approval of the Minutes. All Commissioners voted yea. Motion carried unanimously.

APPROVAL OF AGENDA

Motion

Mrs. DeFauw moved to approve the Agenda and Mr. Oncken seconded the motion.

Voice Vote

President Metzger asked for a voice vote on the Agenda. Motion carried unanimously.

STANDING COMMITTEE REPORT

Resolution FP-R2014-03: To Place the FY 2015 Forest Preserve District's Budget on File for Public Viewing

Motion

Ms. Fauci moved The DeKalb County Forest Preserve District Commissioners do hereby place on file in the DeKalb County Clerk's Office, on the County's Internet site, and at two other geographically diverse public offices (the Sandwich City Hall and the office of the Genoa City Clerk), for public inspection the attached budget as well as information utilized by the Committees in preparation of the 2015 Fiscal year Budget. Mrs. Haji-Sheikh seconded the motion.

Voice Vote

President Metzger called for a voice vote. All Commissioner voted yea. Motion carried unanimously.

Claims for September 2014

Motion

Ms. Fauci moved to approve the claims for this month, and the off cycle claims paid during the previous month, in the amount of \$75,649.13. Mrs. Turner seconded the motion.

Roll Call Vote

President Metzger asked for a roll call vote on the approval of the claims from July. Those Commissioners voting yea were Mr. Whelan, Mr. Brown, Mr. Cribben, Mr. Cvek, Mrs. DeFauw, Mr. Deverell, Mr. Emerson, Ms. Fauci, Mr. Foster, Mr. Frieders, Mr. Gudmunson, Mrs. Haji-Sheikh, Mr. Johnson, Mr. Jones, Ms. Leifheit, Mr. O'Barski, Mr. Oncken, Mr. Pietrowski, Ms. Polanco, Mr. Reid, Mr. Stoddard, Mrs. Tobias, Mrs. Turner and President Metzger. All Commissioners voted yea. Motion carried unanimously.

OLD BUSINESS / NEW BUSINESS

Ms. Fauci explained that during a recent "weed pulling party" by the stewards at Prairie Oaks Preserve, they came across an interesting fossil in a dry waterway. It is a Halysites, an extinct species of chain coral from ancient Silurian period reefs that are now limestone deposits in the Chicago area. The fossil that was found is one that was likely dropped here by a glacier. The Silurian period lasted from 425 to 405 million years ago. The fossil was passed around to the Commissioners so they could get a closer look.

Ms. Fauci also gave an update on the Blanding's Turtle that had recently traveled over six miles near Afton Forest Preserve.

ADJOURNMENT

Motion

Mr. Oncken moved to adjourn the meeting and Mr. Brown seconded the motion.

Voice Vote

President Metzger called for a voice vote on the adjournment. All Commissioners voted yea. Motion carried unanimously.

President, DeKalb County Forest
Preserve District Commissioners

Secretary, DeKalb County Forest
Preserve District Commissioners

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