

**PLANNING AND ZONING COMMITTEE  
MEETING MINUTES  
September 23, 2009**

The Planning and Zoning Committee of the DeKalb County Board met on September 23, 2009 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Ken Andersen, Ruth Anne Tobias, Marlene Allen, John Hulseberg, Pat Vary, and Stephen Walt, and staff members Paul Miller and Rebecca Von Drasek. Also, in attendance were Greg Millburg and Roger Craigmile.

Ken Andersen, Planning and Zoning Committee Chair, called the meeting to order, and noted that all members were present except Michael Haines and Larry Anderson.

**APPROVAL OF AGENDA**

Ms. Vary asked that an item be added to the agenda to discuss vertical residential-scale wind turbines.

*Ms. Allen moved to approve the agenda as amended, seconded by Mr. Walt, and the motion carried unanimously.*

**APPROVAL OF MINUTES**

*Mr. Hulseberg moved to approve the minutes of the August 26, 2009 meeting of the Planning and Zoning Committee, seconded by Ms. Vary, and the motion carried unanimously.*

**Discussion Item - Trash Burning**

Mr. Miller explained to the Committee that, in response to its direction to staff to draft possible regulations regarding the open burning of trash, staff reviewed first the existing State regulations. He noted that Title 35, Subtitle B, of the Illinois Environmental Protection regulations includes regulations regarding burning of garbage "domicile waste" (the definition of domicile waste is any refuse generated by a single-family residential use but excludes garbage and landscape waste), and landscape materials. The open burning of garbage (defined as refuse from food) is prohibited in Illinois. The open burning of domicile waste is prohibited within one mile of any municipality of 1,000 or more. The burning of landscape waste is permitted on the property on which it is generated, unless within 1,000 feet of a municipality which prohibits landscape burning. Mr. Miller explained that he has discussed the State regulations with the DeKalb County Sheriff and that the Sheriff concurs that officers can respond to complaints about the burning of garbage or domicile waste occurring on properties in unincorporated DeKalb County that are within one mile of a municipality. In the event of such a complaint, an officer would be dispatched to the property to direct the fire be extinguished. Mr. Miller emphasized that if the Committee agreed, no County regulation of the burning of trash would be needed, nor any further action required by the Committee or County Board. He indicated that staff would convey the decision of the Committee to the Sheriff.

Ms. Tobias asked if a reminder should be published for the benefit of the public. Mr. Miller offered that staff could reach out to the Daily Chronicle, but he noted that the paper would not necessarily oblige the request. He also noted that by publishing the restriction it may encourage complaints.

Ms. Allen agreed that advertising the enforcement might discourage neighbors from working out the issue amongst themselves prior to calling the Sheriff Department.

Mr. Andersen noted that the restriction is only applicable depending on population of a municipality, the Committee then briefly noted that the 1,000 or more population requirement would include properties within a mile of Cortland, DeKalb, Genoa, Hinckley, Kirkland, Sandwich, Somonauk, Sycamore, and Waterman (per the 2000 Census).

Mr. Andersen observed that in District 3 he had observed numerous ditches with piles of material burning, and he was content to inform complainants to contact the Sheriff's office.

Following further discussion, it was agreed that enforcement of the existing State regulations by the Sheriff's Office on a complaint basis was an appropriate response to the issue.

*Mr. Hulseberg motioned to direct staff to post information on the County and Forest Preserve web sites regarding the State regulations regarding open burning, seconded by Ms. Vary, and the motion carried unanimously*

## **PERSONNEL**

Mr. Miller provided the Committee with a copy of the County Administrator's annual review of the Planning Director. He explained that the County Administrator is charged with a annual review of the standard work plan for the Planning Director, as well as the professional development plan. The Committee has the opportunity to weigh in on the County Administrator's evaluation of whether or not the Planning Director has successfully carried out the standard work plan, that is, whether the Planning, Zoning and Building Department has met its mandate and provided its services in a timely, efficient and professional manner.

Ms. Vary stated that she felt Mr. Miller had exceeded the County's requirements with the additional work and leadership displayed while working on the wind farm project.

Ms. Tobias agreed and noted that Mr. Miller had been an insightful participant in the negotiation process.

Mr. Miller thanked the Committee and highlighted his staff's contributions to the Department's efficiency and proficiency.

The Committee then discussed the evaluation process and debated if the discussion should or should not included a conversation regarding a nomination for an "exceptional performance" bonus. The Committee agreed that the bonuses were appropriate for exemplary work. However, the Committee was undecided if the conversation about a bonus should be separate from the

evaluation review and uncertain if the entire Committee should be present to vote on a nomination. *Ms. Vary made a motion to accept the County Administrator's review and to nominate Mr. Miller for a bonus due to his exceptional work (Ms. Vary offered to write the nomination on behalf of the Committee), Ms. Allen seconded the motion.*

*Mr. Hulseberg made an friendly amendment to revisit the issue regarding the bonus when the entire Committee was present.*

Ms. Allen disagreed with Mr. Hulseberg's amendment, noting that if Committee Members are not present, provided there is a quorum, a vote is still made on issues in front of the Committee.

*The amendment to the motion failed, with two voting "yes" and four voting "no."*

*Ms. Vary amended the motion on the floor to only accept the County Administrator's review that the standard work plan had been met, seconded by Ms. Tobias. The motion carried unanimously.*

Discussion returned to the issue of whether or not Mr. Miller should be nominated for an "exceptional performance" bonus.

Mr. Walt stated that he did not think this issue was on the agenda and therefore did not think the Committee should act on the item. Ms. Allen and Ms. Vary asserted that the bonus was part of the personnel evaluation. Discussion followed as to whether or not the issue of exceptional performance should be part of the discussion before the Committee, or be held over to next month's meeting.

*Ms. Vary made a motion to nominate Mr. Miller for an exceptional performance bonus if the funds are available, seconded by Ms. Tobias. The motion failed with three voting "yes" and three voting "no."*

The Committee directed staff to include the item on the October agenda for further discussion if the issue is not resolved in the interim between Committee meetings.

#### **DISCUSSION ITEM - Vertical Residential Wind Turbines**

Ms. Vary explained to the Committee that she had given a recent presentation regarding new types of residential turbines. Since the Committee requested a text amendment regarding residential turbines, Ms. Vary wanted to make the Committee aware of the new options of mounting the turbines on structures. She also provided the PowerPoint presentation for the Committee to briefly review. She concluded that in the future a text revision may be necessary to consider the vertical residential wind turbines which could be attached to buildings and homes.

Mr. Andersen asked staff if the text amendment could include Ms. Vary's suggestions. Mr. Miller agreed with Ms. Vary that the issue may be more pertinent in the near future. However, he suggested that the County take an incremental approach to this technology. There are not many requests for small wind towers that are mounted on poles, much less that utilize the new

roof-mounted technology. He suggested that further amendments to the regulations for small wind energy systems could be considered in the future as the need for such regulation becomes more apparent.

Mr. Hulseberg noted that the billboard shown in the PowerPoint presentation was an interesting concept. Mr. Miller noted that if an existing billboard asked to make these improvements it would not face the same scrutiny as someone who wanted to attached this to a house.

## **MONTHLY REPORT**

Mr. Andersen noted the Hearing Officer's difficulty in making a decision on the three Variations sought by Bourdages, although the Variations were eventually approved. He also pointed out that the Variations for the Afton Forest Preserve had been approved.

Ms. Vary asked for clarification of Variation versus other zoning actions. Mr. Miller explained that Variations from dimensional standards (such as building setbacks, height restrictions and lot coverage ratios) are decided by the Hearing Officer. All other types of Variations (Use Variations and Variations from the regulations regarding nonconformities) and zoning actions are decided by the County Board.

Mr. Andersen asked about the value of the new residences in Cortland Township as shown on the monthly building report. Staff noted that these structures were mobile homes within the Cortland mobile home park. Mr. Andersen also asked about the differences between fees on two accessory structures. Staff explained that the fees are based on size and number of utilities for a structure.

Mr. Hulseberg asked if the County had been contacted by the Prairie Band of the Potawatomi. Ms. Tobias informed the Committee that she had recently had lunch with the Chief and she explained that the nation was waiting for the determination by the federal government (NIGC) prior to making any major improvements to its property in unincorporated Shabbona Township. The Tribe is also considering methods to disperse contributions to local non-profits.

Mr. Andersen encouraged members to attend public hearings if they are available. He also informed the Committee that the Stormwater Management Committee would meet in October.

Ms. Tobias informed the Committee that a new lawsuit has been filed regarding the wind farm.

## **ADJOURNMENT**

The Planning and Zoning Committee is next scheduled to meet October 28, 2009 at 7:00 p.m. in the Conference Room East.

*Ms. Allen moved to adjourn, seconded by Ms. Vary, and the motion carried unanimously.*

**Respectfully submitted,**

**Kenneth Andersen**  
**Planning and Zoning Committee Chairman**

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