

DEKALB COUNTY REGIONAL PLANNING COMMISSION
MEETING MINUTES
October 22, 2009

The DeKalb County Regional Planning Commission (RPC) met on October 22, 2009 at 7:00 p.m. in the DeKalb County Administration Building, Conference Room East, in Sycamore, Illinois. In attendance were Commission members Cookie Aldis, Frank Altmaier, Ken Andersen, Bill Beverley, Rich Gentile, Becky Morphey, Bill Nicklas, Martha May, Don Pardridge, Suzanne Sedlacek, and Kathleen Curtis. Staff included Paul Miller and Rebecca Von Drasek.

1. **Roll Call** -- *Commission members Dan Godhardt, Derek Hiland, Mike Becker, and Jerry Thompson were noted absent.*
2. **Approval of Agenda** -- *Ms. Aldis moved to approve the agenda, seconded by Mr. Nicklas, and the motion carried unanimously.*
3. **Approval of Minutes** -- *Mr. Andersen moved to approve the minutes, seconded by Ms. Sedlacek, and the motion carried unanimously.*

4. Annual Dues

Members were informed by Mr. Miller that letters would be sent out in November 2009 to remind communities of the annual RPC dues. Mr. Miller asked each Commission Member to assist County staff in facilitating this payment.

5. Member Re-appointments

Mr. Miller reminded the representatives from Kingston, Maple Park, Malta, Waterman, and the City of DeKalb that their terms would be expiring in April of 2010. He requested that the municipalities forward the names of a representative and alternate to the County Board Chairman for a three-year appointment. He noted that letters would also be sent to the municipal offices in January 2010. Mr. Miller expressed hope that each of the current representatives would continue to serve on the Commission.

6. Changes to FOIA

Mr. Miller explained that the Freedom of Information Act (FOIA) sets forth regulations for governmental bodies regarding producing public records requested by any person or entity. He noted that substantial changes to these regulations will come into effect on January 1, 2010 and that these changes affect every member community in the RPC, including the County. Provided in the Commissioners' packet was a summary of these changes produced by the law firm Ancel Glink et.al., which provides municipal attorney services to Cortland. Mr. Miller stated that the changes to FOIA have the potential to be onerous, especially to smaller communities with limited staff and resources. He encouraged Commission members to share this information with their village boards/city-town councils.

Mr. Nicklas emphasized that he supported the openness of government, but noted that he was concerned that revisions to the current law may encourage behind-closed-door behavior and other private exchanges in an attempt to evade public scrutiny.

Ms. Sedlacek inquired if e-mails to and from private accounts could be requested. Commission members briefly exchanged thoughts on this question, noting that if the e-mails are generated on public equipment or sent to public officials' government-provided accounts, the information could be subject to FOIA.

Ms. Aldis explained to the Commission members that each community's FOIA-trained employee would have an option to initially deny a request, but that the request would then have to be forwarded to the IL State Public Access Counselor assigned to resolve disputes. Ms. Aldis expressed concern that receiving a response from this agency may be time consuming.

Ms. Curtis clarified that the village clerk would be the individual responsible in many of the communities for responding to the FOIA requests. Ms. Aldis responded that although the duty would often fall to the clerk, it was important for department heads to understand that they are the keeper of records. The Commission discussed the importance of the reporting and whom within a given organization should take on the responsibility of overseeing the FOIA requests.

Mr. Nicklas noted that the law demands that government be accountable and he asked if anyone was aware of what problem had initiated this change in the law. Ms. Aldis responded that it was her understanding that a media group tested various government agencies responses to FOIA requests and that townships in particular failed to provide the information. Ms. Aldis hypothesized that the test requested obscure information (Staff found that the Citizens Advocacy Center had completed a study in 2005).

Mr. Miller added that the demand on small municipalities which are understaffed will create a difficulty in completing some requests.

Mr. Beverley asked about executive sessions and the records of those meetings. The Commission discussed this and noted that the executive session meeting minutes did not have to be released but did need to be approved regularly. Ms. Aldis stated that some issues would need to be forwarded to the village attorney and then to the Public Access Counselor (PAC). She also noted that opinions generated by the PAC would be posted on their web site.

Ms. Aldis stated that the recordings of a meeting should be destroyed 18 months after they were created.

The Commission discussed if the taxpayers would understand the possible expense and burden that the changes may have on communities. Mr. Nicklas stated that he thought that it would never reach a level that the taxpayers would be hurt by the legislation. Ms. Aldis agreed that it was intangible to the public.

Mr. Andersen asked for the definition of "commercial purpose". The Commission briefly discussed the variety of requests which qualify as commercial.

Mr. Beverley asked if municipalities could provide the information electronically. Ms. Aldis responded that it was dependent on the requester, as to how they wanted the information.

Ms. Aldis informed the members of the requirement to have an individual on staff with certification from the State in the FOIA regulations, and the need to place the person's name on the web site.

Mr. Miller concluded that this issue was important for municipalities to consider and be aware of for compliance.

Ms. Aldis encouraged everyone to visit the web site of Ancel Glink and the FAQ sheet regarding the changes to FOIA.

7. Possible Topics for 2010

Ms. Aldis asked what if anything was happening with the watershed and groundwater issues. Mr. Nicklas noted that the ground water issue had been shelved for lack of funds. Mr. Miller noted the Commission could continue to address the issue if it saw fit. He also noted that the County sent a letter to the Army Corp of Engineers for planning assistance for the groundwater project.

Mr. Nicklas suggested an update for the Commission in regards to the two-foot contour mapping project. Mr. Miller agreed to place the issue on the next agenda.

Mr. Gentile suggested that FOIA be added to list of issues within the informational seminar. Mr. Miller suggested that the plan commission and village board relationship should be added to the Zoning 101 seminar. Mr. Nicklas asked that the information regarding financial guarantees for development be included. Ms. Morphey suggested that the video gaming also be discussed.

Ms. Sedlacek noted that the Village of Waterman was looking for economic rebound ideas being employed in other municipalities in response to this economy. The Commission discussed this and the temptation to jump at any and every opportunity. Mr. Nicklas stated that sometimes the most difficult word in the English language is to say "no" to ideas. Mr. Miller encouraged members to look at the Comprehensive plans they have in place.

Mr. Miller noted the County's intention to update to the County Unified Comprehensive Plan noting that this topic was scheduled for 2009, but had to be delayed due to the amount of time and resources devoted to the wind farm project.

Ms. Sedlacek also noted that the topic regarding small wind energy systems should be expanded to include a discussion about zoning for many renewable energy features (i.e. rain barrels, solar panels, etc.). Mr. Miller noted that there may be a paradigm shift starting in a trend toward smaller homes and a large change in the design of subdivisions. The Commission briefly discussed the increasing demand for these types of improvements. Mr. Miller agreed to add renewable energy issues to the next agenda, and model ordinance revisions.

8. Municipal Development Projects / Issues

Mr. Gentile noted that a local HVAC company was constructing a new shop in Genoa. Mr. Andersen asked about a sewer project which would run the length of town. Mr. Gentile noted that this addition would hopefully address some long standing issues. The Commission also briefly discussed the new Amtrak stop which is planned for Genoa.

Ms. Sedlacek noted that the Waterman Planning Commission was revising their subdivision code, and were getting close to sending it to the Council.

Mr. Pardridge mentioned that Shabbona was working on an annexation agreement for an industrial area west of town to accommodate the wind farm project. Mr. Pardridge discussed a TIF District, which the Commission pointed out that the requirements to create a TIF District may prohibit this as the property was not part of the Village for 35 years.

Mr. Nicklas informed the Commission that Sycamore was going ahead with a water tower, he noted that the loan rates are advantageous right now.

Ms. May informed the Commission that the Village of Lee was awarded \$100,000 in stimulus funds. Ms. Curtis noted that Maple Park was also a recipient of funds from the State capitol improvements bill, but noted that the money funding these grants may be slow to actualize. The Commission concluded that the video gaming which was intended to fund the bill may not be as successful as originally thought.

Mr. Andersen noted that the County had approved the expansion of the Courthouse and Jail and the installation of a round-about for the intersection of Rich and Glidden. Mr. Miller added that Evergreen Village may receive 100 percent funding through the Department of Commerce, which has funding to improve low income housing.

9. Next Meeting Date -- After a brief discussion the Commission agreed that the next RPC meeting would be January 28, 2010 at 7:00 pm in the Conference Room East.

10. Adjournment -- *Mr. Nicklas motioned to adjourn, seconded by Ms. Sedlacek, and the motion carried unanimously.*

Respectfully submitted,

Rich Gentile
Chairman, DeKalb County Regional Planning Commission