

**Members Present**

Mr. Tripp, Mr. Liehr, Mr. Einfeldt, Mr. Washington, Mr. Vickery, Ms. Polk, and Mr. Tholen

**Members Absent**

Mr. Olthoff, Mr. James, Mr. Reid, Ms. Evans, and Mr. Mulcahy

**In Attendance**

- **Board Members**

Mr. Bossert and Mr. McConnell

- **Department Heads**
- **Media**

**1. Call to Order/Roll Call**

The meeting was called to order by the Vice-Chairman, Mr. Washington at 9:00 a.m. Quorum present.

**2. Public Comment**

- **Tom Cooke commented on building permits, occupancy permits, and contractor payment.**
- **Jim Hults commented on contractor payments.**

**3. Approval of Minutes – November 25, 2014 and December 17, 2014**

**Mr. Vickery made a motion to approve the minutes and Ms. Polk seconded it. Motion carried with a voice vote.**

**4. Planning/Building**

- **Building Reports for October, November, & December 2014**

**Mr. Tripp made a motion to approve the above reports and Mr. Einfeldt seconded it. Motion carried with a voice vote.**

Mr. Bossert stated that this is a change in procedure. These reports used to go straight to the county board but he thought they contained information that this committee should see such as building permit activity and the fees generated on a monthly basis. They will do this monthly just like is done with other revenue reports from other departments.

- **Summary of 2014 Activity**

Mr. Van Mill gave a PowerPoint presentation showing an overview of the 2014 activity for the Planning Department and what is in store for 2015.

Mr. Van Mill gave an open invitation to each PZA member to come in to take a tour of their offices because he would like to show them what they do on a daily basis. Ms. Sadler has an appointment book here and after the meeting she would like to set up a time for the committee members to come to the Planning Office, preferably Tuesdays and Wednesdays in the morning for about an hour but if other times are preferred they will accommodate.

Mr. Einfeldt stated that his experience has been that although the Planning Office is short on staff the inspections have gone smoothly and have been timely.

Mr. Van Mill recognized Gary Phillips for doing a great job on inspections and filling in the gaps wherever he is needed.

Mr. Phillips stated that they have a great team and everyone helps each other out.

Mr. Vickery stated that the new members need to be aware of the Zoning Board of Appeals' impact on different issues that come up which are forwarded onto the PZA committee and then go to the full county board. They need to understand how important it is.

- **Discussion on Occupancy Certificates**

Mr. McConnell stated that a couple years ago he had several contractors come to him with their concerns with out-of-town contractors coming in, doing the work, and getting an occupancy permit from the county while still owing money to local contractors. He wanted to know if there were checks and balances to somehow hold these contractors accountable once the work is done. He wants to see our people get paid when their portion of the job is done, not the entire project.

Mr. McConnell stated that he would also like to see a three to five contractor preference clause so that if a job goes out to bid and an in-town contractor and an out-of-town contractor bid on it we would have the option of taking the in-town contractor's bid over the out-of-town contractor, if he was low bidder. Other cities do it. It keeps local businesses going.

Mr. McConnell asked if there is any way that we look into whether other counties or villages make sure contractors are paid before occupancy certificates are given. What are the legal ramifications? How do we monitor it? There are a lot of questions but the bottom line is that our people need to get paid. Some of the jobs are out 120 – 180 days now. We need to discuss if we can do this and if we can't then how do we solve the problem. How do we help our local contractors?

Mr. Van Mill stated that he would like to have a conversation with the State's Attorney's Office on this issue. He learned a long time ago that when two parties have a contract and you are not party to it, it is very difficult to insert yourself into that kind of situation. He also has to be conscious of what impact this would have on his staff from an enforcement perspective. 90% of the contracts will go fine but it is the 10% that they will spend all their time on.

Mr. McConnell stated that the county holds the occupancy certificate so we are a part of this process already so he would think that we could insert something in our language to deal with this issue.

Mr. Van Mill stated that they could look into doing that with an ordinance if that is the direction that the board wants to go in.

Mr. McConnell stated that our contractors are hurting and they need to get paid.

Mr. Einfeldt stated that there are big developing general contractors that only own a pencil and paper and they generally have all the money but when a subcontractor finishes a project they start nit picking everything in an effort to hold on to the money as long as possible. When they start the nit picking he suggests just letting the building sit empty until the subcontractors are paid. They will break a contractor. It's hard to fight against big businesses that have a lot of money and can afford to play the game; smaller contractors cannot afford to play. He will support anything that comes before him to push this along. He knows that there is a problem with the legalities and that is an issue that will need to be hashed out.

Mr. Tripp asked if the county was being too aggressive to get the businesses and then end up on the short end of it all.

Mr. Van Mill stated that he thinks that a lot of the commercial business is not happening in the unincorporated county. It is happening in the municipalities. The county is getting a lot of the industrial business and he does not know if they are a problem.

Mr. Phillips stated that he never gets any complaints.

Mr. Van Mill stated that he thinks the outlet right now is the liens and legal recourse. It really has not been back in Building Department with regards to occupancy. They did not know how big of an issue this is.

Mr. McConnell stated that he had a meeting with the State's Attorney and some contractors but nothing came out of it.

Mr. Washington stated that whoever signs a contract needs to examine the contract very closely to see what all of the words mean because if you sign off on it you are saying that you agree with it regardless of how you feel at the end of the project. We need to look at it in terms of how we can implement the kind of rulings that are being requested through discussions with the State's Attorney to make sure that we are following the law rather than trying to create the law.

Mr. Van Mill stated that in the past they have always said that they are not necessarily inspecting workmanship so how do they resolve an issue between two people over a workmanship issue. Is there a way to resolve that from their perspective?

Mr. McConnell stated that he does not know but when the general contractor comes in they usually have architects on the job and they will do a punch list but when the punch list is done then the nitpicking starts. If the building sits empty then so be it.

Mr. Van Mill stated that he is thinking about situations where the county gets involved if it is a workmanship issue and not a building code issue. It needs to be as black and white as possible.

Mr. McConnell stated that our ordinance could state that when a contracted job is done then that subcontractor gets paid in 30 days, not when the whole job is completed.

Mr. Van Mill stated that there will be a problem when there is an issue with the quality of work.

Mr. Van Mill stated that if the county gets this developed and it works then all the municipalities would need to follow it just like they are following along with the 2012 building permit. You would want as much uniformity as possible across all the municipalities. All of the commercial development is going to happen in a municipality, not in the county.

Mr. Vickery stated that we need everybody on board.

Mr. Einfeldt suggested getting a subcommittee together to discuss this issue and to try to hammer out the details.

Mr. Wasser stated that he has seen it where contractors are told that if they file a mechanics lien then they will never do any more work for that company again. That happens a lot more times than not. It affects a lot of our local people such as vendors, suppliers, distributors, etc. that count on that money also, so not only is the contractor being stiffed but also more local people. He agrees that the municipalities have to be on

board. He knows that there are legalities and that is up to the law. Three years ago he went before the City and they did not want to touch it because they felt it may put them at a disadvantage. Today there are only two contractors here but there is way more out there that have the same feelings. Kankakee County can do this. It is a very good county and he is proud of it.

Mr. Washington asked the committee is they would agree to form a subcommittee.

The committee agreed to form a subcommittee. Mr. Washington stated that the subcommittee would be made up of Mr. Einfeldt, Mr. McConnell, and Chris Tholen. They will be asking the public to involved as well.

## **5. Transportation**

### **• Rural Transit Service Operator**

Mr. Lammey stated that SHOWBUS has been their operator for rural transportation service for 14 years. In the beginning of their yearly cycle in January they send out letters to potential operators for that service and they are included in today's packet. In February, he will bring the responses to those letters to the committee and in March they will come back with where they envision rural transit service going in FY2016.

## **6. Old Business**

## **7. New Business**

## **8. Adjournment**

**A motion to adjourn the meeting at 10.00 a.m. was made by Mr. Liehr and seconded by Mr. Vickery. Motion carried.**

George Washington, Vice-Chairman  
Joanne Langlois, Executive Coordinator