

Members Present

Mr. Tripp, Mr. Olthoff, Mr. Stauffenberg, Ms. Polk, Mr. James, Mr. Washington, Mr. Flett, Mr. Einfeldt, Mr. Wheeler, Mr. Vickery, and Mr. Tholen

Members Absent

Mr. Reid

In Attendance

- **Board Members**

Mr. Bossert, Mr. Whitis, and Mr. Hess

- **Department Heads**

Mark Rogers

- **Media**

None

1. Call to Order/Roll Call

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

2. Public Comment

- **Patrick Dunn commented on ZBA Case #14-03.**

3. Approval of Minutes – March 26, 2014

**A motion to approve the minutes was made by Mr. James and seconded by Mr. Washington.
Motion carried with a voice vote.**

4. Zoning

- ZBA Case #14-02; request for a Special Use Permit #121-209.b.10 (Advertising Sign) in an I2-General Industrial District on a parcels generally situated in Section 24 of Ganeer Township. The petitioners are John E. Bloomquist, property owner and Key Outdoor Advertising, applicant.

Mr. Skimerhorn stated that this is a request for a special use permit to construct a billboard just outside of the City of Momence on Illinois Rt. 1-17. The property is zoned I2 – General Industrial and the sign will meet all the requirements for size and location as specified in the zoning ordinance. There were no objectors at the Zoning Board of Appeals hearing and ZBA voted 6 to 0 to recommend its approval.

Mr. James made a motion to approve and Mr. Tholen seconded it.

Discussion

Mr. Bossert asked if this was a replacement of a sign that was already there.

Mr. Skimerhorn stated that this sign will be replacing a sign that was lost in the tornado last year. The sign will be a little larger than the sign that was there before but it will be set back from the road much farther. It will have a 40' setback.

Mr. Bossert asked if the original sign was there prior to our ordinance.

Mr. Skimerhorn stated that it was. It had been there since the 1970's.

Original motion carried with a voice vote.

- ZBA Case#14-03; request for a Special Use Permit #121-209.b.10 (Advertising Sign) in an I2-General Industrial District on a parcels generally situated in Section 17 of Bourbonnais Township. The petitioners are BTPM LLC, property owner and Key Outdoor Advertising, applicant.

Mr. Skimerhorn stated that they are asking for a special use permit to construct a billboard in Bourbonnais Township at the intersection of Larry Power Road and Commerce Drive. This property is within the mile and a half of the Village of Bourbonnais. It is zoned I2-Industrial and the sign will meet all of the requirements for size and location as specified in the zoning ordinance. The Village of Bourbonnais did submit a letter of objection which the Zoning Board considered. There were no objectors present at the hearing. ZBA recommended 6 to 0 to approve the special use permit.

Mr. James made a motion to approve and Mr. Washington seconded it.

Discussion

Mr. Wheeler stated that he thinks that we should send it back to ZBA. It is within the mile and a half and Bourbonnais should have an opportunity to come back and present their case. He thinks that they do have a say in what happens within that mile and a half of their borders.

Mr. Tripp stated that he is not against sending it back but does that mile and a half pertain to signs or is it for subdivision regulations.

Mr. Skimerhorn stated that he knows that the Village has authority on subdivision regulations within their mile and a half. He did not find anything in the zoning statutes giving them extra power within their mile and a half but he could be wrong.

Mr. Stauffenberg asked what the village's concern was in their letter.

Mr. Skimerhorn stated that the village's ordinance does not allow billboards for off-site advertising of a commercial nature. They do allow non-commercial for political, religious, or public service messages.

Mr. Vickery stated that in the spirit of cooperation he agrees that it should be sent back at least to let the Village of Bourbonnais be on record and to let them present their case.

Mr. James asked why they can't present their new evidence right now.

Mr. Skimerhorn stated that all testimony on a zoning case must be heard at the Zoning Board of Appeals which allows for cross-examination by all parties.

Mr. Tripp asked if they were notified to begin with.

Mr. Skimerhorn stated that they were. Their letter was received after that notification.

Mr. Einfeldt asked if their letter stated why they did not approve of it or did it just state that they only do certain advertising and not others.

Mr. Skimerhorn stated that the letter is in today's packet. He read the letter to the committee.

Mr. Whitis stated that he does represent Bourbonnais and he has had conversations with members of the village. They do have an ordinance that they do not allow billboards within the village limits and this group came to the village to try and get it put in the village but they were denied so they then they took it outside the village limits and tried to get it passed through the county.

Mr. Olthoff asked if there are any signs within the village that were grandfathered in.

Mr. Whitis stated that there are two or three. If they come down, they will not be approved to go back up. He doesn't know why we would pass this when the village is opposed to it adamantly.

Mr. Bossert stated that maybe it should go back to ZBA and be taken up there.

Mr. James amended his motion to send it back to ZBA and Mr. Washington seconded it. Motion carried with a voice vote.

- ZBA Case#14-04; request for a Rezoning from A1-Agriculture District to RE-Rural Estate District on a parcels generally situated in Section 10 of Salina Township. The petitioner is Jeffrey Mortell, property owner and applicant.

Mr. Skimerhorn stated that Mr. Mortell is asking that a 5-acre tract located in Salina Township be rezoned from A1-Agriculture to Rural Estate. The 5 acres is being divided out of a 20 acre parcel. The entire 20 acres is zoned A1. The purpose is to be able to sell the house separately from the farmland. He would like to sell the 15 acres to an adjoining property owner and farmer. At Zoning Board there were no objectors and ZBA recommended the approval 6 to 0.

Mr. Vickery made a motion to approve and Mr. James seconded it.

Discussion

Mr. James stated that he went out and looked at the property and in his opinion this is the direction to go. This property has been foreclosed on twice already and he is bringing up the standard in the area. There are several small parcels with houses on them. The neighbor wants to increase his portion to use for an agriculture use.

Mr. Olthoff stated that it could be agriculture without changing the zoning. He could rent out the 15 acres but could not sell it.

Mr. Skimerhorn stated that their ordinance for the A-1 district requires 20 acres to build a home in the A1-District. Both the comprehensive plan and the zoning ordinance recognizes that not everyone needs 20 acres or can have 20 acres therefore it allows smaller residential uses in the agriculture district through the A2 or the RE Rural Estate District which will allow a person to go down as low as 1 acre for the home.

Mr. Olthoff stated that if our ordinance says 20 acres in an A1 District a person can buy 20 acres build their house and then sell off most of the land to get around the ordinance.

Mr. Skimerhorn stated that they could but they would have to rezone and come before this board.

Mr. Olthoff stated that that is why he has a problem with it.

Mr. Vickery asked what the minimum amount of land is required in rural estate.

Mr. Skimerhorn stated that 1 acre is required in rural estate and 2 acres in A2.

Mr. Stauffenberg stated that this seems to make sense. He is glad that it has to come to the committee for these things to be done because it is really circumventing what the county put in place. He is ok with it as long as it is going back to agriculture.

Original motion carried with a voice vote.

- Marijuana Growing Facilities

Mr. Skimerhorn stated that the State of Illinois passed the Compassionate Use of Medical Cannabis Pilot Program Act which became effective January 1, 2014. This act allows the creation of cultivation centers and dispensing organizations for the purpose of distributing medical marijuana. There will be up to 22 cultivation centers state-wide, limited to no more than 1 per state police district, and 60 dispensing organizations will be geographically dispersed throughout the state. Because of our close proximity to the Chicago markets there is a good possibility that we will end up with one of these and part of the state statute allows us to have zoning authority over these types of facilities. He passed out a memo that outlines the state statute which outlines the security, the processing, and the licensing. For zoning, they give cultivation centers a setback of 2500' from preexisting public or private schools, elementary schools, secondary schools, daycare centers, daycare homes, group homes, part day child care facilities, and any areas zoned for residential use. The dispensing organizations also have setbacks from those uses but only 1000'. He included in the packet suggested changes to our zoning ordinance for these types of facilities. Today they are asking for a motion for them to work with the State's Attorney and move forward on sending these to the Zoning Board of Appeals.

Mr. Tholen made a motion to move forward and Mr. Stauffenberg seconded it.

Discussion

Mr. Washington asked if they would sell food products, such as cookies.

Mr. Skimerhorn stated that cannabis as part of a food product is allowed.

Mr. Stauffenberg stated that he has had two or three farmers inquire about it. There is interest out there.

Mr. Skimerhorn stated that if we do get a dispensing organization it would most likely be in an urban area in one of the municipalities because of the close proximity to the patients being served.

Mr. Olthoff asked if there was any way to fight this.

Mr. Skimerhorn stated that not that he is aware of.

Mr. Tripp stated that we could drag our feet.

Mr. Bossert stated that the thought here is to go ahead and get our county zoning in alignment with the possibility that the site may come forward that would be suitable. We are not going to approve a growing facility. They are all controlled and handled by the Department of Agriculture. They will pick the winner after looking at multiple applications. There is a possibility that there may be a site in the unincorporated part of

the county that may be suitable. We would have our zoning in conformity to allow that to move forward. It will probably be in the incorporated areas so that there is access to sewer and water. These will be very large facilities with very tight security. Just because we rezone that does not mean that it is actually coming to unincorporated county but it is very likely that there will be one established in this county somewhere.

Mr. James stated that he is personally against it because he does not think that the state does everything right and he does not think legalizing something like that is an asset to our area. If we had a facility here we would just be opening up the door to more people trying to grow something outside the facility and pass it off that it came through the facility. He has trouble believing that it is really going to work to the county's best interest.

Mr. Vickery stated that he thinks that we need to move forward on it. Let's get ahead of the game instead of being behind. He thinks that we need to move forward with developing some ordinances, whether we agree with the growing of marijuana or not does not enter into it. The state passed something and we need to be in a position to control any applications that come in.

Mr. Olthoff asked if any other counties are putting restrictions in place.

Mr. Bossert stated that every county or municipalities would have to modify zoning to allow this type of activity. Will County has passed theirs to allow it.

Mr. Vickery asked if there are any restrictions.

Mr. Bossert stated that it is whatever we want to add to the zoning ordinance. There is a vast amount of restrictions already built into the statute. There might also be the opportunity for a host agreement that would also add some further restrictions that we would like to see. The regulations have not been formally adopted yet by the state legislature. When those are in place they are guessing that August or September might be the time frame when applications are accepted. There will be a 30-day window to review and accept an application. By the end of the year, this will be over.

Mr. Olthoff asked if they will be indoor growing facilities.

Mr. Hess stated that they have to be.

Mr. Bossert stated that it has to be a very tightly controlled building, environmentally controlled.

Mr. Olthoff asked what the state statute says about outdoor growing facilities.

Mr. Bossert stated that they are not legal.

Mr. Einfeldt stated that his opinion is that it is going to be coming and he thinks that we should be ahead of things, whether we like it or not. We can always turn something down but we should be prepared for it.

Original motion carried with a voice vote, opposed were Mr. James and Mr. Tripp.

5. Planning

- **Budget/Staffing Discussion**

Mr. Pallissard stated that Mr. Van Mill could not be here today so he is taking his place. Mr. Van Mill wanted him to update the committee on how the building division is going since his presentation last month. It has been a couple months since they have had their staff cuts. The staff is holding together pretty well right now. They have issued 320 permits as well as reviews on those 320. They registered 130 new contractors and re-registered 380 contractors. Right now they are struggling with the contractor registration program a little bit. They are about a day behind when they input the data which is probably the hardest thing to keep up on. One of the biggest changes is that they have changed their counter office hours. Now they are open to the public from 9:00 to 12:30, closed from 12:30 to 1:30, and from 1:30 to 4:00 open to the public. They gained a half hour on the beginning of the day and on the end of the day. The staff is working through their lunch hour. This change gives them time to get through their emails, phone messages, reviews. etc.

Mr. Pallissard stated that they are staying up with their inspection loads right now but the season hasn't really gotten nice yet so he thinks things will get busier as soon as the weather cooperates. They have had some property complaints but have not been able to get out into the field right now to address those.

Mr. Stauffenberg asked if the holdup on the paperwork keeps the contractor from doing anything.

Mr. Pallissard stated that some times it does.

6. Transportation

- **Rural Transit Funding & Local Share**

Mr. Lammey stated that they have local share for rural transit this year of about \$31,000 and they have no money for that which is an issue. They have tried to contact IDOT to get some dispensation on that trying to get some emergency money but they do not have an answer from them yet. They have tried to get their permission to call for public hearing to reduce the amount of public transportation that they provide so that they can lower the burden from the \$31,000 but have not gotten permission to do that either. It is too late for them to have public hearing to actually do something in June so they are kind of in a position where they cannot reduce service and they know that they got a \$31,000 bill staring them in the face at the end of the year. There are some things that they are doing next year to insure that this does not happen again. One of those things is that Laura Dick signed a purchase of service agreement that says that SHOW BUS is responsible for local share, not the county. Also, they have a number of new buses coming in. They have three new super medium duties coming in May 15 and five new smaller buses coming in sometime this year. Whenever those buses come in they can retire two buses that are costing them a fortune in maintenance to keep them on the road. When they get the new buses they can go out and do some more service contracts with local not-for-profits which is part of how they have funded the local share for rural transit for a long time.

Mr. Hess asked him to explain why we are getting so many buses.

Mr. Lammey stated that they have been asking for buses since 2011 but have not received any and now they are coming through at the same time. They are down to six buses, two of which are in trouble.

Mr. Olthoff asked how much it costs to ride the bus.

Mr. Lammey stated that it varies depending on the service. If it is the demand responsive service in the county, it is \$4, although, they do not always collect \$4. The service to Momence is \$2. They have 44,000 riders a year.

Ms. Dick stated that she wished she had answers for the committee but she really does not. Since they received downstate operating assistance back in 2008 they have been expanding services. The intent of the downstate was to use that money to expand service which they have been doing. They knew at some point that they would hit a place where their expansion called on Kankakee to come up with local match. That actually began to happen two years ago but no one anticipated that at this particular time the county would come into a budget crunch. She wished she had an answer for the situation. The bottom line is that we are stuck between two immovable forces – the county does not have the money for the match and they cannot legally cut service without public hearings. She also thinks that at this time of year there is so little time left in this fiscal year to make up the loss that they would have to cut all services and that would mean losing a lot of trust with everyone that they have built up over the years, especially those who use it for work. They cannot even meet the demand now. She thinks that getting a new fleet will help. The reason that the county is getting so many buses is not only because they have not given them any replacement buses but because there was the opportunity through the downstate transportation improvement fund for a one-time application for a significant number of additional buses. She thinks that if they pursued much more vigorously cutting the service all of those capital applications would be put in jeopardy so not only would they jeopardize their legal standing in the last few months of the year and ruin the trust that they have built up with riders but also they would pay in the long run by losing or getting kicked down in priority all of the capital acquisitions. Although they have been verbally told that all of those buses are coming, there was not written contract so the backlash could be pretty significant. She does not know any way out of it neither does she know where that money is going to come from. It will be a real challenge.

Mr. Washington asked how we stand up against other rural transportation systems within the state.

Ms. Dick stated that IDOT started an extremely faulty evaluation matrix and Kankakee County does extremely well on every element.

Mr. Bossert asked if IDOT indicated why they would not allow us to schedule a hearing.

Mr. Lammey stated that there are certain rules to schedule a hearing and we have to request that they give us the materials and we have to get permission to put that ad in the paper and they have not given us either one of those things yet. We missed the April 30 date.

Ms. Dick stated that she does not know why.

Mr. Vickery stated that he is concerned about losing any of the ridership over in Momence because many people ride those buses to jobs. He wants to maintain that transportation link that is so important to the job market in Momence.

Ms. Dick stated that they just went through an IDOT compliance review and they are required to keep track of denials and their denial rate right now is in the eastern part of the county. Even now, they are having to turn away people that probably have no other alternative except SHOW BUS.

Mr. Lammey stated that they have full buses from Pembroke Township every day and they turn people away because the bus will not hold anymore.

Mr. Olthoff asked if there is a limit on what they can charge.

Mr. Lammey stated that if somebody wants to get on the bus and doesn't have the fare, they are not turned away.

Mr. James asked if they still do the individual service.

Ms. Dick stated that they strongly urge people to take advantage of the routes because they do not even have the buses to do one-on-one service. They have been pretty successful at moving those requests over to the routes. They are pretty much limited to the west side of the county where their ridership is very low.

Mr. Stauffenberg asked when the \$31,000 is due.

Mr. Lammey stated that the end of the year is June 30. There is one minor avenue where they can get some of the money back. We belong to METRO as well and he has made a recommendation that we divert the money that we were going to pay local share to METRO this year to pay for rural transit but that is less than \$8000.

Mr. Stauffenberg stated that he agrees that it is a good service and he has heard nothing but good about it. He doesn't want to see it discontinued.

Ms. Dick stated that federal money is always paid first so you are out of the federal part of rural transportation and are now pulling down downstate money which requires a 35% match. It cannot be pulled down without showing the match.

Mr. Lammey stated that local share is contributions from townships, small towns, service contracts to Thresholds, Good Shepherd, and it is Medicare reimbursements.

Mr. Vickery asked what the committee needs to do.

Mr. Lammey stated that he doesn't know if there is anything that they can do. He is just informing the committee.

Mr. Bossert asked how many counties she is operating in now.

Ms. Dick stated that they are in seven counties.

Mr. Bossert asked if she is having this difficulty elsewhere.

Ms. Dick stated that they have not but the relationship has always been different. The relationship is the one that she decides that SHOW BUS is responsible for the total local match which puts SHOW BUS in control of going out and looking for service contracts and if there aren't any then they begin to look at what kind of service do we have to trim or come back to the county and possibly include it in the budget.

Mr. Hess asked Ms. Dick to explain how we get to use buses outside of our area.

Ms. Dick stated that they have three different kinds of fleets. The fleet owned by McClain County is titled to McClain County and they never come into Kankakee to serve Kankakee. They have Kankakee buses that

are titled to Kankakee and they do not leave Kankakee unless they are being repaired. They have SHOW BUS buses that are titled to SHOW BUS that have come from a variety of sources.

Mr. Wheeler asked if they are allowed to sell advertising on the buses, inside or outside. Are they able to accept funding or sponsorship from businesses?

Ms. Dick stated that under 2002 guidelines advertising could not be used for local match. Federally, you can but the state has the right to further restrict how they treat revenue. You can accept advertising money but it cannot be used for local match. One way around it is if a not-for-profit or a governmental department decided that it would be to the advantage of the department to do a P.S.A. and coincidentally provided a contribution that could be used for local match which was used years and years ago with solid waste money from Kankakee. Is advertising a reasonable revenue source? She thinks that is a hotly debated topic. In McClain County they have said no advertising on the bus. Kankakee County could make a decision but she does not believe that money could be used as local match.

- **5311/DOAP Application for FY 2015**

Mr. Lammey stated that they are applying for federal funds for next year in the amount of \$166,000 and for state money of \$656,000 and matching funds are required but SHOW BUS is taking care of the local share. The county does not have a local share. He is asking the committee to authorize Chairman Bossert to sign that application.

Mr. Vickery made a motion to authorize Mr. Bossert to sign the application and Mr. Tripp seconded it. Motion carried with a roll call vote of 12 ayes and 0 nays. Voting aye were Mr. Bossert, Mr. Tripp, Mr. Olthoff, Mr. Stauffenberg, Ms. Polk, Mr. James, Mr. Washington, Mr. Flett, Mr. Einfeldt, Mr. Wheeler, Mr. Vickery, and Mr. Tholen.

- **Long Range Transportation Plan Survey**

Mr. Lammey stated that they are in the midst of doing a long range transportation plan update and will be doing it through March of next year. They have been encouraged by their federal partners to do a survey. They have a card that shows a website for the survey and they would like the committee members to fill it out. There will be a survey at the beginning of this and a survey at the end of the study, as well. It will be open through the end of June.

7. Old Business

8. New Business

Mr. Wheeler asked Mr. Olthoff if he learned anything of interest to the committee regarding the solid waste facilities that he visited in Florida.

Mr. Olthoff stated that Mr. James and he called EOS in Florida which is an institution that is doing waste treatment but they were not allowed to have a tour. He did ask questions. They are taking just landscape waste. He asked if there is a chance for solid waste in the future and he was told that it is possible but they can't seem to get it permitted so it is down the road quite a ways. They went to an incineration facility in Leesburg that burns the garbage and produces steam that powers turbines and they sell electricity back to the power company. It was built in 1990's for \$75 million. The payback is about 20 years. This one is owned by the county. There was not much involved with federal grants. They have plants throughout the U.S. as far as away as Hawaii. A new plant would probably cost twice as much now, depending on the size of the plant.

Mr. James stated that they have one in Grand Rapids, Michigan and one in Indianapolis, Indiana but none in Illinois. There is about five of them in Florida. Covanta Energy is their name if anybody wants to look up their website.

Mr. Olthoff stated that it was the cleanest plant operating in Florida for emissions. It takes in 550 ton a day and is on 5 acres. There were different ways to fund it. In some places the municipality owns it, in some places the county owns it, and in some places it is a partnership, etc.

Mr. Wheeler asked if they talked about feeding enough energy back to the grid to pay for operations.

Mr. Olthoff stated that they just asked what the payback was on their investment in the plant.

9. Adjournment

A motion to adjourn the meeting at 10:05 a.m. was made by Mr. James and seconded by Mr. Vickery. Motion carried.

Bill Olthoff, Chairman
Joanne Langlois, Executive Coordinator