

WILL COUNTY BOARD
LEGISLATIVE & POLICY COMMITTEE MEETING
MINUTES

December 8, 2009

8:30 a.m.

Will County Office Building
County Board Committee Room
302 N. Chicago Street
Joliet IL 60432

CALL TO ORDER

Ms. Goodson called the meeting to order at 8:36 a.m.

ROLL CALL

Present were Members: Wilhelmi, Brooks, Jr., Rozak, Traynere, and Goodson.

Absent were Members: Konicki, and L. Smith.

Also Present: Majority Leader Bilotta; Will County State Lobbyist Bill Mahar;
Chief of Staff Bruce Friefeld and Deputy Chief of Staff Melissa Johannsen.

Present from State's Attorney's Office: Melanie Manning.

PLEDGE OF ALLEGIANCE TO THE FLAG

Jim Bilotta led the committee in the pledge of allegiance.

APPROVAL OF MINUTES

A motion was made by Mr. Brooks, Jr., second by Ms. Rozak, to approve the minutes from November 10, 2009. All in favor. MOTION CARRIES

OLD BUSINESS

Update Re: Federal Agenda

Mr. Wilhelmi arrived at this juncture.

Mr. Palmer stated our goal is to have something next month for approval. I will be trying to attend other committee meetings where issues are relevant. He advised

that we met with Mr. Smith and his staff, elected officials and department heads to review ideas so they could research where they could find the resources in the federal funding.

Mr. Palmer distributed is very brief overview as to where we are with funding in Congress. On the second page are some summaries of current funding requests. One of these is the Ridgewood request that was signed into law. The other is the integrated criminal justice which is \$100,000.00. This is still in conference committee and we are hoping that this will come through. This will be another \$100,000.00 for integrated justice. The ones on the bottom of the list are road projects which were put in the pipeline for the reauthorization bill. There has not been a lot of movement.

Ms. Goodson inquired that because of the delay with the reauthorization, there is some sort of a two year jobs program and did Mr. Palmer have any information on that.

Mr. Palmer stated that there is an idea out there to get some of the infrastructure projects jump started before the reauthorization. We do not have a lot of specifics yet.

Ms. Goodson stated that for our next Federal agenda we will suggest a couple of larger transportation programs in each of the congressional districts.

Mr. Palmer stated that what we have usually done the last few years is have a Criminal Justice section, we had the Ridgewood project, and a mental health issue. We try to balance because you are going after different streams of money within the different appropriation bills. These are highlights. Regarding Criminal Justice, we have been successful with the laptops and have put some money towards the integrated justice. That will be an ongoing project as it is a multi-year, multi-phased project. There will also be in car cameras funding. We did fund a number of them out of the JAG money which is a regular appropriation. Mr. Smith is also looking at law enforcement records management which potentially could be funded out of the Department of Homeland Security money.

Mr. Palmer stated in the past we have done mental health requests and that has been marked in committee and then had to be pulled out. We are going to try that again because there is a need and we are going to see if we can tie some of the mental health with the workforce services and veteran's affairs funding. I know at the state level that there are specific dollars that they have discretionary money to put into pilot

programs. He has spoken with DCO to try and get some of that money for veteran's who are coming back because a lot of them are younger who need to get a job and see if we can wrap around the services.

Mr. Palmer also advised that Highway is another project, we usually take two projects, one from the 11th and one from the 13th. We are going to try the 80th Avenue one in the 11th again and in the 13th the recommendation from the Highway Department was Bell Road. We also have all the reauthorization projects which were listed last year and some of which are in the paper I distributed.

Mr. Palmer stated in Land Use we are going to meet with the staff and prioritize those more.

Mr. Palmer advised that we also have Workforce Services which is funded through WIA (Workforce Investment Act). That has been up for reauthorization for a number of years now and there is talk that they are doing it. Basically, it is moving it out of the County's jurisdiction and moving it to IDES. We are putting a recommendation together stating that we don't think that should happen, it should stay within the county so that we have some control over those dollars.

Mr. Palmer further advised that the last area is GIS. We have brought in some proposals and are looking at how some of those studies can be tied into economic development because of our intermodal. We will have a nice blend of health care, transportation, workforce issues and some other planning. We will also have some airport in there and possibly freights and trains. We are still taking ideas if committee members have some. If they don't get into the agenda then we can look at grants or other things.

Mr. Brooks inquired if the integrated criminal initiative would pass, what agency in Will County would benefit.

Mr. Palmer replied it helps a lot of agencies, primarily the Sheriff's Office and the Circuit Clerk's office. The goal is to get better electronic information from the street level, the deputies on the street, and getting that information through the court system and to the jail and back out. It is building on top of one another.

Mr. Palmer advised that we had JAG money that we have dedicated the last few years to the Sheriff for laptops but that is separate from the federal agenda. We have

the in car cameras in our federal request also we just didn't get funded through the federal dollars.

Mr. Palmer advised that we are at 67 cars that will have the cameras. Ideally, it will make this more efficient, less re-entry of information and hopefully if we build new courtrooms that electronics will help keep costs down.

Mr. Palmer stated that this Saturday, December 12, 2009 we are doing an announcement, instead of a groundbreaking because of the weather, with Ridgewood regarding the funding of almost \$5 million. It will be held at 10:30 a.m. downstairs lobby in the County Office Building. The governor is scheduled to be here, Debbie Halverson and Senator Durbin was invited and several board members and elected officials. It is nice to see this actually being done.

Cell Tower Legislation

Ms. Goodson advised that Land Use is here to talk about some additional cell tower legislation but Mr. Mahar is also here to bring us up to date on what has currently been passed and what we are talking about adding to our Land Use Ordinance.

Mr. Mahar stated we are trying to get to that portion of the statute that deals with setbacks from residential structures. The general assembly had negotiated with this a number of years ago and they will not reopen that part of the act. We have been successful in AM towers regarding notification. We don't need to amend the statute to notify residences that a cell tower is being proposed. However, what this part of the act does is it authorizes Counties to require those who want to that want to put up the cell towers to do and pay the notification or we can do it and make them pay for it. That was done two years ago.

The other part dealing with Section H 4 deals with the committee where you are allowed one and only one hearing on the siting of the cell tower. The statute indicates that it be done at a county board meeting. This will allow us to do it at a committee where you can allow all the time you want to hear from all the residents.

Ms. Goodson stated this will also give us the authority to grant a variance.

Mr. Mahar stated it guarantees the county, the committee, the right to give that opportunity instead of having a special board meeting for the topic.

Mr. Brooks inquired why doesn't the community want these cell towers.

Mr. Mahar replied, not in my back yard attitude.

Ms. Goodson stated when this bill was initially introduced it had a provision for a setback from lot lines not near residential buildings. That was amended and that provision was taken out of the bill. Essentially that is what we were looking for, a setback from a lot line not a residential building. Also, the argument regarding the electromagnetic fields that are around it is another reason. Municipalities have a lot of authority over where they are placed and not placed and counties have almost none.

Mr. Brian Radner and Dave DuBois from the Land Use staff came to speak at this juncture.

Mr. Radner advised that Lake County asked us to pick this issue up again. They will be working with their county lobbyist and the Illinois Municipal Lobby to work at setbacks and are hoping to get municipal support. Hopefully, they can approach this from several different ways and get something passed with upcoming legislation. There is not a specific number that he has seen yet because we are in the infancy stage. Lake County has asked that we provide examples of where cell towers have located close to municipal limits similar to the one in Plainfield. There is also one in New Lenox off of Route 30. We will be looking for direction and will be happy to put people in touch with different lobbyists to move this forward.

Mr. Mahar agreed and stated he would contact them.

Ms. Goodson stated that if we can add populations to help refine that legislation so that it is not having undue burden placed on less populated areas of the state. That might be helpful and make it more palatable.

Mr. Radner agreed and stated that was one of the items mentioned because the statute currently breaks the population at 180,000 so maybe if we stated it only applies to higher density areas that would be a start.

Ms. Goodson suggested getting the Metro Counties involved.

Mr. Radner inquired if this committee would be agreeable to send the first two examples to Lake County. They have requested to their planner showing those sites in Plainfield and New Lenox area.

Ms. Goodson and Mr. Mahar stated they would like copies of these sites.

Ms. Goodson advised that she is personally aware of the Plainfield issue and it is a perfect example of the decrease of property value. That gentleman was looking for a reassessment and I believe he will be receiving it.

Mr. Brooks stated they believe that these cell towers actually decrease the property value.

The reply was absolutely.

Ms. Goodson advised that the unincorporated area is just a strip and this gentleman's house, a \$600,000.00 house a few years back, a tower was placed just outside his back door. It was built within 3 days.

Mr. Radner advised that he would provide the committee with the pictures.

Mr. Brooks inquired if that house they had pictures of was in Will County.

Ms. Goodson replied yes, it is in the Village of Plainfield boundaries.

Mr. Radner stated that the next property south is unincorporated and it meets all the minimum requirements, which for the County, is that the height of the tower away from the residential structure of the next property. It meets the fall down radius.

Mr. DuBois advised that there is a similar situation on Route 30 where the tower is set on commercial property and the minimum separation distance. He went to the house and stood at the front lot line even though almost to the top of the tower.

Ms. Goodson stated that they could add more towers.

Ms. Goodson requested that they come back next month to discuss the pictures and any updates.

Policy Refunding or Waiving Building Inspection/Application Fees

Ms. Goodson advised that we discussed this a few months ago and it was reassigned to us by the Executive Committee. My understanding is that we have never refunded any inspection fees. There have been other fees that have been refunded or not imposed fees on other governmental bodies. This particular issue has to do with a church and an inspection is a real cost. It is an individual going out and conducting an inspection. As said at previous meetings, it is bad policy to not expect to have to pay these fees. I am opposed to putting a policy in place unless it is that we absolutely don't refund them.

Mr. Friefeld stated that we need to establish a formal policy. That is the problem we have today that there is nothing in writing. That policy could be that you will never waive inspection fees, you will waive application fees on a case by case basis or you never waive application fees or for other local governments you will waive application fees. We need to formulize this so that we have a policy if any issue is brought up. Land Use has reviewed application fees on a case by case basis but have never waived building inspection fees.

Mr. Bilotta suggested that the chairman work with Land Use and Mr. Friefeld and bring a policy together, bring it to the committee for necessary changes at the committee's discretion and then bring it to the full board to adopt a formal policy.

Ms. Goodson agreed stating that we need to work with Land Use.

Ms. Traynere asked regarding the application fee, how we waive that from time to time on a case by case basis but what is the application for, why would we consider waiving it. She believed that there is some administrative function that we do in conjunction with that application fee that also costs us money.

Mr. Paddock replied that when an application is made it is made in conformity with a fee schedule that is established by the County Board. The rationale behind it is that there is analysis the staff performs on that application to see if it is conforming to the zoning regulations adopted by this body. Then reports are prepared and presentations are made to the planning and zoning commission by staff. There are several meetings with the applicant themselves to explain what the regulations are. Ultimately we meet with the Land Use Committee and answer their questions. There are costs associated with the processing of those applications.

Mr. Paddock further explained that those are sometimes waived because there are individual non-profit organizations that were involved in the work that the board, at that time, felt was serving some public service and consequently it would be appropriate to waive the fee to encourage and help support the public purpose that particular entity was pursuing. To be more specific, just about all of these circumstances where zoning application fees were waived had to do with Habitat for Humanity.

Mr. Paddock stated that he could understand when someone says what is the logical consistency then of when you are talking about building permit fees where again

the same fundamental rationale for charging fees for permits is the same as processing applications. There is staff time associated with going out and seeing if the construction adheres to the building code adopted by this governing body.

Mr. Paddock stated that is historically the case, what waivers or refunds were granted in the case of applications for zoning matters, there have been a few. However, in respect to building and site development permits which is another category separate and apart from a building permit, there has never been waivers of those two forms of applications or permit requests.

Mr. Paddock advised in this particular request, this was for a sheltered workshop type of activity, not a church. It happened to be the case for a waiver of certain zoning fees in connection with this case, which is New Hope. In a close vote, there was a waiver of fees in respect to zoning. Now, several months later after we had collected \$32,000.00 of permit fees related to the building activity, there was an effort on the part of this organization to seek a refund of that full amount. We told them repeatedly that it is the policy and practice of this governing body not to grant waivers on building permits but yet the matter has still been pursued.

Mr. Friefeld agreed with what Mr. Paddock stated and also agreed with Mr. Bilotta, stating that we need to draft a policy, bring it to the Legislative Committee and the Land Use Committee for their review and/or changes.

Mr. Friefeld stated that we have requested waiver of fees from the City of Joliet and we have been upset when we have been denied. We have historically waived application fees for other governmental entities. This shows the need for a single resolution that Land Use can use to show the policy of the County Board and this is what we follow.

Mr. Paddock advised that regarding governmental jurisdictions, there have been waivers from time to time on zoning matters. There have not been waivers granted for political subdivisions on building permit issues. A pending matter, Joliet Junior College, under following past practice, we would ask them to apply for and pay the fees associated with a site development permit. They have written me a letter seeking waiver of that arguing that as a public jurisdiction they should not be required to pay this. They have been informed that every other jurisdiction, park districts, townships have

consistently been asked on site development permits and building permits to pay the fee. It would be in everyone's interest to have a certainty and clarity of a written policy so that these matters would stop coming up.

Ms. Rozak inquired how much money are you talking about in this instance.

Mr. Paddock replied it is several thousand dollars.

Ms. Rozak stated that when you are talking about the refund, there is a difference between governmental bodies and anything else, such as Habitat for Humanity, a church or a hospital. Where do you draw the line. Also, regarding the refunding we need to clarify the reason. We have people who have asked for a refund because they decided not to go through with it and we have granted a partial refund. We have figured out what our costs have been, pulled that out and then given a refund based on the balance.

Ms. Rozak stated that when you are working on the policy, you need to clarify this issue also because we do that on a regular basis.

Mr. Bilotta advised that we are already subsidizing. We do not charge what we spend.

Ms. Goodson requested that Mr. Paddock have a draft by their next meeting in January.

Mr. Paddock replied that they would collaborate with Mr. Friefeld to have a draft for their consideration.

Ms. Rozak inquired if we need a public hearing.

Ms. Goodson stated that Land Use would have to do the public hearing.

Mr. Paddock advised that they would consult the attorneys to determine which part of the ordinance this affects and if it requires a public hearing.

Mr. Radner advised that the fee schedule has been through public hearing and adopted by the County Board.

Deputy Chief of Staff Johannsen advised that it doesn't specify which committee just that you have one and you can do it at County Board or at committee.

Mr. Paddock stated that they will prepare a draft and accompany it with a memo regarding the procedural steps for its adoption.

Ms. Traynere inquired if we wanted to include past practices that would rationalize why they wrote what they wrote in the draft policy so that some newer members would have a concept of what we waived in the past.

Mr. Friefeld stated that would be part of the discussion so that when the draft policy is brought forward staff would be prepared to indicate why the recommendation has been made.

NEW BUSINESS

Review Provisions of 65 ILCS 5/7-1-13-Annex property

Ms. Goodson stated that a committee member had requested that we review 65 ILCS 5/7-1-13 which has to do with forceful annexation. There is some information in your packet today. Although Ms. Konicki is not here to discuss it, Ms. Goodson did request some background information from Springfield.

Ms. Goodson advised there is some information about the voluntary annexations versus forced annexations and that there is certain criteria that would make a forced annexation permissible. It is not a widespread authority that is given to the municipalities but by the County trying to propose language to change the criteria for forced annexation, she believed we would be usurping some of the powers of the municipalities.

Mr. Bilotta stated there are reasons for it. For example, in the Lockport one, there is a house where they are surrounded by municipal services. As much as I dislike forced annexation just for forced property rights, for planning and running a municipality it really was the best thing to do.

Ms. Goodson advised a segment of the unincorporated area can sign a pre-annexation agreement which can be in place up to 20 years. That completely takes away any County authority over that particular section or subdivision.

Ms. Goodson explained that according to the statute the territory has to be 60 acres or less, it has to be wholly bound by one or more municipalities or wholly bound by a municipality and another political or physical boundaries, such as a forest preserve, a state boundary, an interstate highway or a railway track. By having a

particular area annex into a municipality, it is easier for them to provide services in some cases.

Mr. Friefeld recommended that nothing be done regarding this request but if someone has a specific change that they would like this committee to consider, so you can focus on a particular issue, invite them to bring that forward and then the committee can take a look at and decide to say yes or no.

Mr. Friefeld suggested correspondence go out to the entire board that if there were specific changes they would like to this legislation, notify the administrative office or the chairman of the Legislative Committee. They have to be specific.

Mr. Wilhelmi stated our position at the County would be that we would want them to annex all these little areas.

Mr. Paddock stated that a specific change that might want to be considered is that a municipality is not required to notify a County that this is their intent. Sometimes we receive calls from constituents advising of this.

Ms. Goodson stated that there is legislation just signed by the governor in August , previously it was only required that an annexation be published in the paper, and now this new legislation requires notification to the property owners of record.

Mr. Paddock stated that depending upon the location of a proposed development within unincorporated Will County we are certainly required to notify the municipality but you would think for reciprocity that they would want to notify the county that constituents that are currently citizens of unincorporated Will County if they called their governing board that we would officially know what has been proposed. We may not be able to do anything about it but we would at least know.

Mr. Friefeld suggested that notice go out to all board members that no further action will be taken on this matter unless a specific issue is brought to the attention to the committee. It will be taken up on an issue specific basis.

Mr. Friefeld recommended that Mr. Mahar to look into the notification issue in Springfield to see what the response would be from them.

A motion was made by Mr. Wilhelmi, second by Ms. Traynere, that we explore adding the County to the list for notification of annexation plans and that would allow us

to open the door for any other specific language changes to be added which we will discuss at the January meeting. All in favor.

MOTION CARRIES

Illiana Expressway Overview Discussion

Ms. Lyne advised that back in June the State of Indiana released a capability report identifying three potential alignment for the Illiana Expressway from I-65 in Indiana to I-57 in Illinois. There is also a huge push from businesses all over the region and municipalities here in Will County to extend the Illiana even further west from I-57 all the way over to I-55. Since the feasibility study has been done from I-65 to I-57, there is a need to do a feasibility study for the segment from I-57 to I-55.

Congresswoman Halverson took applications in to submit for funds through the transportation reauthorization to identify funds to do the feasibility study. There has been a lot of conversation over the second segment over to I-55 keeping pace with the eastern segment that goes into Indiana. Instead of doing a feasibility study for the segment over to I-55 there is now a push to do a Phase I on the entire segment from I-65 in Indiana all the way over to I-55 in Illinois. This is about 50 miles.

Ms. Lyne further advised that the Congresswoman has agreed to seek funds to this Phase I instead of the basic feasibility study. The cost of that project, which is an estimate from IDOT, is about \$53 million for a Phase I. That would include a preliminary engineering and major environmental study for the entire piece, from I-65 to I-55.

Ms. Lyne stated that she is bringing this to the committee today because we are discussing the federal agenda, she wanted to let them know this will be a project on that list for pursuing funds. Also, since we are working on the state legislative agenda for next year this is something we will need to push at the state level also.

Ms. Lyne stated that Indiana, if they want to move forward with Phase I on their section, they are going to have a contribution in this as well. We are waiting to see what the governor decides to do with working with the governor in Indiana to keep this process moving. Everyone in this region is doing what they can to pursue federal and state funds for the project.

Ms. Goodson inquired if any funding had been secured to this point.

Ms. Lyne replied that the biggest commitment we have seen so far is from Congresswoman Halvorson agreeing to go back for funding. She will explore the federal reauthorization for funds as well as other levels.

Ms. Lyne advised that the State of Indiana paid for the feasibility study and Illinois did not contribute. We are hoping to see if the State of Illinois will grasp this project moving forward.

Ms. Goodson stated that there was always an interest in the Illinois toll way by turning this into a toll road, is that still a possibility.

Ms. Lyne replied yes, there are a lot of conversations going on right now. There is the toll way idea, the port authority concept. It is my understanding that the initial part of the conversation that needs to occur between Governor Quinn and Governor Daniels in Indiana is what type of bi-state agreement; what type of bi-state authority. This needs to be put together to continue to work on this process. This could start at just a planning level and it could be a committee and work on recommendations on who should control this roadway or it could start off as a fully fledged legislative entity. It seems that it may start with a bi-state committee and identify the challenges.

Ms. Lyne advised that there is also private sector involvement. There is public/private partnership legislation in Springfield right now. This may be a pilot project for the State of Illinois to use private investment in infrastructure for the first time.

Mr. Friefeld stated that he read that Mayor Einhorn stated both Illiana and the airport were important issues but the Illiana was more important. Directing his question to Mr. Ryan, Mr. Friefeld stated that the reality is that this will require a balance and did Mr. Ryan have any thoughts on how this would be managed moving forward.

Ms Lyne stated the most important thing to realize is that these are two totally separate projects. The Illiana is desperately needed right now. We have this great need on the eastern end as well as the southern end.

Ms. Goodson indicated her concern was that the money the Governor had identified for the airport would be switched over to this issue.

Mr. Wilhelmi stated that there is only so much money going around. He spoke with someone from Lambrecht who indicated that they were going great in Texas because of the private/public money that is being used to fund the roads. They are

probably only one of the states in the country that is building roads right now. That is an area we really need to explore.

Ms. Traynere inquired about the portion Indiana paid regarding the feasibility study.

Ms. Lyne replied they paid for the whole thing.

Ms. Traynere reviewed that this \$53 million would be the preliminary engineering and feasibility study.

Ms. Lyne replied that it would be preliminary engineering. The feasibility study has been done from I-65 to I-57 but not from I-57 to I-55. If you do the Phase I, you don't need to do a feasibility study because the Phase I will include that in it so with the section from 57 to 55 we can just go to Phase I, it will include everything and more that the feasibility study did on the other end. Phase I will do a massive environmental study as well as determine what the best alignment is.

Mr. Bilotta stated that we have to be careful with what we ask for because all the intermodals have increased the traffic on our roads already. We are vital to this whole thing and Will County has investors with private dollars who are willing to fund this. We don't want this to be used as a political tool. We will continue with this at public works and requested some monthly updates.

Ms. Lyne agreed to provide monthly updates.

There was a short discussion regarding the alignment of the roadway.

Mr. Bilotta advised that if you used all private money to build it there is a lot of things you don't have to do. For example, following the NEPA process for federal approval. When you go through the NEPA process, if you use any federal dollars which then require a Phase I, it is probably a minimum of 3 years to get through it. They do not look at the best route because it is the shortest. They look at one thing and that is environmental only. They ultimately choose the route.

Ms. Goodson stated we will keep this on our agenda for our trips to Springfield and Washington for lobbying.

Other New Business

ANNOUNCEMENTS BY THE COMMITTEE MEMBERS

Ms. Goodson reminded everyone regarding the Ridgewood announcement on being held at the County Building on Saturday, December 12, 2009 at 10:30 and to please attend if they can make it.

ADJOURNMENT

A motion was made by Ms. Rozak, second by Mr. Wilhelmi, to adjourn the meeting at 9:45 am. All in favor.

MOTION CARRIES