KENDALL COUNTY BOARD
COMMITTEE OF THE WHOLE
COUNTY OFFICE BUILDING
County Board Room 209-210

Wednesday, August 14, 2013 at 7:00 PM

AGENDA

1. Call to Order and Pledge of Allegiance

2. Roll Call

3. Items of Business

   Judiciary Committee: Noise Ordinance

   Highway Committee: IGA with City of Plano for Little Rock Road Roundabout

   PBZ Committee: Support for County-wide Pay As We Grow plan Grant application

4. Old Business

5. Review draft Board Agenda

6. Public Comment

7. Executive Session

8. Adjournment
Kendall County, Illinois
Committee of the Whole

Thursday, July 11, 2013 at 4:00 p.m.
County Office Building, Board Room 209-210
Meeting Minutes

Call to Order
The Committee of the Whole was called to order by Chairman John Shaw at 4:00 p.m., who led the group in the Pledge of Allegiance.

Roll Call
Members Present: Amy Cesich, Lynn Cullick, Judy Gilmour, Scott Gryder, Dan Koukol, Matt Prochaska, John Purcell, John Shaw and Jeff Wehrli

Absent: Elizabeth Flowers

Others Present: David Berault, Leslie Johnson, Mike Kluber, from Kluber Architects and Engineers, Scott Koster, Judge Tim McCann, Sheriff Richard Randall, Nicole Swiss, Eric Weis, Jeff Wilkins, Angela Zubko James Shaw, RS & H Architecture and Engineering

Items of Business

Highway Committee:
A) Little Rock Road Roundabout – Mr. Shaw of RS & H Architecture and Engineering provided background information on traffic projections, the need for slower speed in that area, crash statistics and explained the purpose of a roundabout as an alternate solution to the traffic issues at the intersection of Little Rock Road, Creek Road, and Abe Street. Mr. Koukol explained that project discussions have been ongoing for several months with the Highway Committee. Mr. Koukol stated that Bob Hausler, Mayor of Plano attended the July Highway Committee meeting, and was in agreement with the roundabout plan.

Judiciary Legislative Committee:
A) Courthouse Locker Room Expansion – Lynn Cullick provided background information and discussion that occurred at the June Judiciary Legislative Committee meeting. Judge McCann provided further information on the need for the locker room build-out, and the projected cost. Ms. Cullick stated that funding of this project was discussed in detail at the July 11, 2013 Finance Committee meeting.

B) Courthouse Build-outs – Lynn Cullick reported that the Judiciary Legislative Committee toured the second floor space with Judge McCann at the June 2013 committee meeting. Judge McCann explained the need for the expansion by 2015 due to the District 23 split from Kane County, the necessity for additional judges in Kendall County, and the mandated future addition of an associate judge based on the last census in 2010. Judge
McCann stated that the Courthouse building was originally designed for the addition of second floor courtrooms. McCann stated that he doesn’t anticipate the need for further expansion of courtroom space, or appointment of additional judgeship until 2022. Discussion on the cost of expanding to one or two courtrooms, the need for additional plumbing, operation, court security, clerk support, and the design of each courtroom as fully multifunctional.

C) HB 183 Concealed Carry Act - Signage for County Buildings – Chairman Shaw asked Judge McCann to provide information regarding HB 183 and the necessity for signage in County Buildings and/or on County property.

McCann stated that legislation has now been changed to include direction regarding the issues of signage and the enforceability of the act. Eric Weis suggested displaying signs indicating that it is unlawful to carry weapons in all County buildings, until there is further direction provided. After a voice vote of all committee members, the Board agreed that temporary signage should be installed at all locations. The State’s Attorney’s office will provide the verbiage that will be used at the Courthouse.

D) Noise Ordinance Review and Recommendation – Lynn Cullick briefed the committee on the proposed Noise Ordinance. Eric Weis reviewed the suggested changes that were made after discussion at the June 2013 Judiciary Legislative Committee meeting.

David Berault informed the committee on his research, how he compiled information and what municipality information he used in creating the County ordinance.

Facilities Management Committee:
A) Task Order #2013-003 between Kluber Architects + Engineers and the County of Kendall, Illinois for professional services to be rendered at 111 Fox Street, Yorkville in an amount not to exceed $800,000 – Dan Koukol gave background information on what the project would entail. John Purcell informed the committee about the discussion that occurred at the July 11, 2013 Finance Committee meeting. The Finance Committee will make a recommendation to approve Task Order #2013-003 at the July 16, 2013 County Board meeting.

Planning, Building and Zoning Committee:
Kendall County, Illinois
Committee of the Whole

B) Petition 12-03: Amendment to the Kendall County Land Cash Ordinance – Angela Zubko presented the background information, suggested changes and the annual review.

Finance Committee:
A) 5 year Capital Plan Submittals – John Purcell reviewed an overview of the requests, including building expansions, salaries, equipment, software, technology, and furniture submitted by Elected Officials and Department Heads for Fiscal year 2014.

Old Business – None

New Business - None

Public Comment - None

Review Board Items

- Approval of Intergovernmental Agreement for the Installation of a Roundabout at the Intersection of Little Rock Road, Creek Road and Abe Street in Plano, Illinois

Executive Session – None Needed

Adjournment
Dan Koukol moved to adjourn the Committee of the Whole meeting, the motion was seconded by Matthew Prochaska. There being no objection, the Committee of the Whole, at 6:08p.m. adjourned.

Respectfully submitted,

Valarie A. McClain
Administrative Assistant
August 7, 2013

RE: Noise Ordinance Findings

To: County Board Members and the States Attorney’s Office
CC: Jeff Wilkins, Chief Deputy Scott Koster & Commander Wollwert

This is in response to your request for information concerning the draft noise ordinance and testing the levels suggested in the ordinance. On July 31, 2013 Deputy Bryan Harl and I went to Boulder Hill to conduct sound testing. We tested a house with a sound system and agree that 60 dBA during the day seemed like a reasonable level to be put in violation. We also tested apartments with adjacent walls and found 45 dBA was quite obnoxious. The County Board might want to consider additional language to the ordinance to address noise complaints in condos, apartments, duplexes, townhomes, etc. when neighbors are separated by an adjoining wall. When such complaints are received by the Sheriff’s office, a deputy would have to enter the complainants’ home to measure the decibel reading.

If you have any questions concerning this response or require additional information please contact me at (630) 553-4139.

Sincerely,

Angela L. Zubko
Senior Planner
**DRAFT #3**

KENDALL COUNTY, ILLINOIS
ORDINANCE NO. ________________

ORDINANCE REGULATING NOISE OUTSIDE THE CORPORATE LIMITS OF ANY CITY, VILLAGE OR INCORPORATED TOWN IN KENDALL COUNTY, ILLINOIS

WHEREAS, the County of Kendall has the authority pursuant to 720 ILCS 5/47-5 to declare what shall be public nuisances and to abate the same with respect to the territory within the county and outside the corporate limits of any city, village, or incorporated town; and

WHEREAS, pursuant to the Illinois County Code 55 ILCS 5/5-12001, the County of Kendall also has the authority to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other uses and to regulate and restrict the intensity of such uses, for the purpose of promoting the public health, safety, morals, comfort and general welfare, and conserving the values of property throughout the county; and

WHEREAS, the County of Kendall seeks to control noise in its residential districts for the purpose of protecting the public health, safety, morals, comfort, and general welfare of its residents, and;

WHEREAS, the County of Kendall seeks to conserve the value of property throughout the county, and to prevent noise pollution in that excessive noise endangers physical and emotional health and well-being, interferes with legitimate business and recreational activities, depresses property values, offends the senses, creates public nuisances, and in other respects reduces the quality of our environment.
NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Kendall, State of Illinois that hereafter Residential Zoning Districts which lie outside of the corporate limits of any City, Village or Town and lying within the corporate limits of Kendall County, Illinois shall be subject to the following:

ARTICLE I - Title:
This ordinance shall hereinafter be known as the “Kendall County Noise Control Ordinance” and may be so cited.

ARTICLE II – Definitions & Rules of Construction:
Except as specifically stated herein, the definitions of terms used in this Ordinance shall have their regular and usual meaning as indicated by common dictionary definition. However, all definitions of acoustical terminology used in this chapter shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. Words importing the singular number may extend and be applied to several persons or things. Words importing the plural number may include the singular. Words importing gender may be applied to both male and female.

ARTICLE III - Applicability:
This Ordinance’s noise regulations shall apply in unincorporated Residential Zoning Districts, except where otherwise exempt under this Ordinance. Any person, including, but not limited to, the subject property’s owner, agent, tenant, visitor and/or other occupant of the property who violates any provisions of this Ordinance, shall be liable for such noncompliance as further set forth herein.

“Notwithstanding the above, a property owner shall be held liable for a violation under this ordinance if the County establishes by a preponderance of the evidence that he/she is legally accountable for the conduct giving rise to the violation, acquiesced to the conduct, and/or knew or should have reasonably known of the conduct occurring or that the conduct was likely to occur.”

A Person for the purpose of this Ordinance shall be any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, or any legal successor, representative, agent or agency of the foregoing.

ARTICLE IV – Measurement / Weighted Sound Level:
Measurement of sound for the purpose of this Ordinance shall be obtained using a device that utilizes the proper frequency sound weighting. Weighted Sound Level is the sound pressure level decibels as measured on a sound level meter using the A weighing network. The level so read is designed dB(A) or dBA.
ARTICLE V – Prohibited Activity:

(a) **During Day Hours:**

No person shall make, continue, or cause to be made the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty (60) dBA when measured at any point within such receiving residential land; provided, however; that point of measurement shall be on the property line of the complainant. Further, no person shall permit any sound as described herein to be made in or upon any house, premises or property owned or possessed by them or under their management and or control.

(b) **During Night Hours:**

No person shall make, continue, or cause to be made the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant. Further, no person shall permit any sound as described herein to be made in or upon any house, premises or property owned or possessed by them or under their management and or control.

(c) Sound emissions in violation of (a) and (b) above are hereby declared to be a public nuisance.

ARTICLE VI - Exemptions:

The following exemptions to violation of this Ordinance shall apply:

(a) **Emergency Operations:** Emergency short term operations which are necessary to protect the health, safety and welfare of the citizens, such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery shall be exempt, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same. Emergency operations by fire and rescue services and police agencies shall also be exempt.

(b) **Noises Required by Law:** The provisions of this chapter shall not apply to any noise required specifically by law for the protection or safety of people or property.

(c) **Powered Equipment:** Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment which is necessary for the maintenance of property, is kept in good repair and
maintenance, and which equipment, when new, would not comply with the standards set forth in this chapter, shall be exempted. **Good repair for the purpose of this exemption shall be when the equipment at issue is in a condition that meets factory specifications and is properly maintained to prevent any excessive or unusual noise.** However, the use of radios or other sound/entertainment devices on such equipment shall not be exempted if listened to at a level otherwise violating the terms of this Ordinance.

(d) Community Events: The term “community events” shall include such things as parades, festivals, drum corps shows, sports events, Fourth of July celebrations, which are sanctioned or sponsored in whole or in part by local governments, schools or charitable or service organizations.

(e) Agricultural Noise: Specifically excluded from the provisions of this Ordinance is noise generated by agricultural equipment on land zoned and/or used for agricultural purposes.

(f) Motor Vehicles: Nothing herein shall be construed as a limitation on the operation of duly registered motor vehicles as defined in the Illinois Motor Vehicle Code, which are not in violation of 625 ILCS 5/12-602.

(g) Work performed by a public body: Any work performed by or on behalf of a public body, including that which is performed by subcontractors, shall be exempted. Such activities may include, but are not limited to, routine maintenance work, road and bridge construction and emergency repairs.

(h) Motorcycles: Nothing herein shall be construed as a limitation on the operation of duly registered motorcycles as defined in the Illinois Motor Vehicle Code.

(i) Construction Sites: Construction noise that occurs between the hours of 7 A.M. and 8 P.M. shall be exempted. However, if in the opinion of the Kendall County Planning, Building and Zoning Department, equipment or activities employed in the performance of construction exceeds the allowable decibel levels within this code, the Kendall County Planning, Building and Zoning Department may require noise mitigation methods be implemented and used at the construction site to mitigate noises which exceed the requirements herein.

When a temporary noise permit has been issued and displayed pursuant to Article VII.

**ARTICLE VII—Temporary Noise Permit:**

(a) Any person planning the temporary use of a sound-producing device that may violate any provision of this Ordinance may apply for a temporary noise permit.
(b) The permit application shall be submitted to the Kendall County Planning, Building and Zoning Department at least fifteen (15) days before the proposed activity will occur. The application shall include all of the following:

(i) The name, address and telephone number of the applicant;
(ii) The provision of this ordinance from which a temporary exemption is sought;
(iii) The period of time for which the permit is to apply;
(iv) The nature of the noise, the reason the noise will be created, the location where the noise will be created, and the duration and time of the noise; and
(v) The extent and scope of measures that the applicant has taken or will take to reduce or diminish the disturbance.

(c) No temporary noise permit shall be issued unless it is established that:

(i) The permit will provide a benefit to the public;
(ii) The noise levels generated by the proposed activity will not constitute a danger to the public health; and
(iii) Effective measures will be implemented to mitigate, to the extent feasible, significant noise impacts.

(d) The application for the temporary noise permit shall be reviewed and either approved or rejected by the Kendall County Planning, Building and Zoning Department.

(e) If the application is approved, the Kendall County Planning, Building and Zoning Department shall issue a permit to the applicant and file a copy of the permit with the Kendall County Sheriff’s Office.

(f) The applicant shall post the permit at the event site in a location visible to the public for at least forty-eight (48) consecutive hours prior to the event, and the permit shall remain throughout the event.

(g) Failure to comply with any provision of this Article and/or any of the terms of the permit may result in immediate revocation of the permit.

---

ARTICLE VIII - Enforcement:

Enforcement of this ordinance shall be performed by the Kendall County Sheriff’s Office and any and all complaints of violations of this ordinance shall be directed to them. The Kendall County State’s Attorney’s Office shall be authorized to prosecute any violations of this Ordinance.

ARTICLE VIII – Notice to Property Owner:
(a) Whenever a violation of this Ordinance occurs, the owner of the property shall be given notice of the violation in accordance with the following provisions:
   (i) If the owner's name and current address are known, then by either personal service or mailing a copy of the notice by certified mail, return receipt requested, to that address. For purposes of notice under this Section, if the person cited for the conduct giving rise to the violation is the owner, then the address provided to the Kendall County Sheriff's Office at the time of citing shall be deemed to be that person's known address; or
   (ii) If the owner's address is not known, then by either personal service or mailing a copy of the notice by certified mail, return receipt requested, to the owner's address as provided to the County Clerk and/or County Assessor's office; or
   (iii) If the owner's address is not known, and is not on record as provided above, then by publication for 3 successive weeks in a newspaper of general circulation within Kendall County.

(b) Notice served under this Ordinance is effective upon personal service, the last date of publication, or the mailing of written notice, whichever is earlier.

ARTICLE IX - Penalty:

(a) It shall be unlawful to violate any of the terms and provisions of this ordinance. Any person, firm or corporation violating any of the said terms and provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and be punished by fines as follows:
   (i) For the first offense, the minimum fine shall be $50.00 and the maximum fine shall be $500.00; and
   (ii) For any subsequent offense occurring within two years of the prior offense, the minimum fine shall be $100.00 and the maximum fine shall be $1000.00; and

(b) The violation of this ordinance, or any part thereof, on more than one (1) day shall constitute separate offenses; and

(c) In addition to any penalty provided by this Ordinance, the Kendall County State's Attorney is authorized to initiate action to obtain injunctive relief in the Circuit Court, including the issuance of a temporary restraining order and preliminary injunction, in order to abate any such nuisance condition as enumerated in this Ordinance.

ARTICLE X - Severability:
The articles, provisions and sections of this Ordinance shall be deemed to be separable and the validity of any portion of this Ordinance shall not affect the validity of the remainder.

ARTICLE XI - Effective Date:
This Ordinance and the regulations contained therein shall be in full force and effect on and after the date signed below.

ADOPTED and APPROVED this ____ day of __________, 2013.

__________________________________________
John Shaw, County Board Chairman

Attest: ____________________________________
Debbie Gillette, County Clerk
RESOLUTION 2013-______

RESOLUTION SUPPORTING THE “COUNTRYWIDE PAY AS WE GROW PLAN” GRANT APPLICATION TO CHICAGO METROPOLITAN AGENCY FOR PLANNING

WHEREAS, Kendall County has submitted a grant application for local technical assistance offered through CMAP (Chicago Metropolitan Agency for Planning) to create a “Countywide Pay As We Grow Plan”; and

WHEREAS, this proposed plan would comprehensively analyze the annual rate of residential growth that can be absorbed and served effectively by each taxing unit within Kendall County, including the county, schools, villages/cities, library districts, park districts, forest preserve district, fire districts, sanitary sewer districts, townships, and other taxing districts, while minimizing property tax impact on residents; and

WHEREAS, the implementation of the proposed “Countywide Pay As We Grow Plan” would fulfill the GO TO 2040 recommendations as a comprehensive sustainability plan incorporating goals for livable communities, education and efficient governance; and

WHEREAS, the “Countywide Pay As We Grow Plan” would also benefit the public and people of Kendall County; and

WHEREAS, Kendall County acknowledges that undertaking such a plan requires a firm commitment and use of staff resources; and

WHEREAS, Kendall County desires to participate and lead in regional cooperative efforts to improve our entire community and serve as a model of such a collaborative effort; and

NOW, THEREFORE, BE IT RESOLVED, if Kendall County is awarded a local technical assistance grant by CMAP, Kendall County agrees to participate and lead in this effort;

BE IT FURTHER RESOLVED, Kendall County appoints the following contact for this project:

Angela Zubko
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street, Room 203
Yorkville, IL 60560
630-553-4139

The “Countywide Pay As We Grow Plan” is hereby supported by the County Board of Kendall County.

ADOPTED BY KENDALL COUNTY, THIS ___ DAY OF ____________, 2013.

Attest:

__________________________________________    ______________________________
Kendall County Clerk                        Kendall County Board Chairman
Debbie Gillette                              John Shaw
Application form:
Community Planning program and
Local Technical Assistance program

DEADLINE: Noon on Wednesday, June 26, 2013

This application form is online at www.rtachicago.com/applications. You may submit the form by email to applications@rtachicago.com.
Upon receipt of application, you will receive an e-mail verifying that your application has been received.

1. Name of Applicant: Kendall County

2. Main Contact for Application (please include name, phone number and email):
Jeff Wilkins, Kendall County Administrator, 630-553-4142, jwilkins@co.kendall.il.us

3. Type of Applicant (please check any that apply):

___ Local government

___X Multijurisdictional group*

Please list the members of the group (including government and nongovernmental organizations):
County and all taxing units within county (villages, cities, school districts, library districts, park districts, fire districts and forest preserve district

___ Nongovernmental organization*

Name of local government partner(s):

________________________________________________________________________

________________________________________________________________________

*Applications submitted by multijurisdictional groups and nongovernmental organizations must include a letter indicating support from each relevant local government. See the FAQs for more information. Nongovernmental applicants are strongly encouraged to contact CMAP or the RTA prior to submitting their application to discuss their project and the demonstration of local support.
4. Project Type (please check any that apply):
Please check all statements below that describe characteristics of your project. (This will help us determine whether your project is best handled by CMAP or RTA.)

_X__ My project involves preparation of a plan.
_X__ My project helps to implement a past plan.
_X__ My project links land use, transportation, and housing.
_____ My project has direct relevance to public transit and supports the use of the existing transit system.
_X__ My project is not directly related to transportation or land use, but implements GO TO 2040 in other ways.

5. Project Location:
Please provide a brief description of the location of your project. You may include a map if that helps to describe location, but this is not required. If your project helps to implement a past plan, please include a link to that plan.
Plan would apply countywide, however, plan is not specific on one area

6. Project Description:
Please tell us what you would like to do in your community, and what assistance is needed. If you have more than one idea, please submit a separate application for each project. Please be specific, but also brief (less than two pages per project idea)—we simply want to have a basic understanding of what you want to do. CMAP and RTA staff will follow-up with you if we need any additional information to fully understand your proposed project.

(Please include any additional information that is relevant, preferably by providing links to online documents.)

“Countywide Pay As We Grow Plan”: The proposed plan would comprehensively analyze the annual rate of residential growth that can be absorbed and served effectively by each taxing unit within Kendall County (County, schools, villages/cities, library districts, park districts, forest preserve district, fire districts, sanitary sewer districts, townships, etc) without requiring additional property tax referendums. Further, the annual rate of absorbable residential growth may differ as commercial growth occurs within each taxing unit.

The implementation of the proposed “Countywide Pay As We Grow Plan” would fulfill GO TO 2040 recommendations as a comprehensive sustainability plan incorporating goals for livable communities, education and efficient governance.

With the creation of numerous taxing units within the State of Illinois, multi-jurisdictional planning at the countywide level is onerous. For example, a school district may contain four or five municipalities making land use and growth decisions that may necessitate school construction and unpopular property tax referendums.

Further, many studies analyze the cost of a specific construction project or the impact of a specific residential development project for a specific taxing unit. Typically, taxing units create capital facility plans based on “total build-out of residential growth”. However, plans typically do not analyze the annual rate of absorption.
“Land Cash” studies and ordinances adopted by most villages estimate the number of school children that are produced by specific residential housing types. These studies are one example of public records that can be used in this planning process.

Previously completed studies by CMAP could be helpful resources to initiate the proposed “Countywide Pay As We Grow Plan”. Such studies may include “cost of residential growth analysis” or “transit oriented development plans”.