

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE OCTOBER 6, 2016 MEETING

The committee chair called the meeting to order at 6:00 pm at the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois and roll call was taken.

Present: Bill Flott, Bob Young, Justin Goembel, Paul Ritter and Bill Peterson.

Absent: James Carley and Daryl Holt.

Others Present: Additional County Reps: County Board Chairman Marty Fannin, County Administrative Resource Specialist Alina Hartley, Livingston County State's Attorney Seth Uphoff and County Finance Resource specialist John Clemmer. Non-committee county board members present were Vicki Allen, Kathy Arbogast, Bob Weller and Carolyn Gerwin. And, several interested citizens of the county were also present at this committee meeting.

Committee Chair Flott noted the agenda. Bill Peterson then moved, seconded by Justin Goembel, that the agenda for this meeting be approved as presented. This motion was approved by a voice vote of all ayes.

Minutes of the September 6, 2016 committee meeting were referred to the committee, by Committee Chair Flott. Mr. Flott requested that the bottom third of page 2 of these minutes be clarified to assure that they reflect that this committee unanimously voted by roll call vote to recommend that the wind energy moratorium not be extended. Comments noted in the minutes after the motion before the vote made in this section of the minutes makes it challenging to follow the committee's intent to recommend that this moratorium not be extended. Justin Goembel moved, seconded by Bill Peterson, that these meeting minutes be approved as clarified. This motion was approved by a voice vote of all ayes.

Emergency Telephone System Board (ETSB) Report:

Randy Wittenberg, LIVCOM 911, manager of communications, and Jim Woolford the chairman of the Livingston County ETSB presented to the committee the county's component unit of the emergency telephone systems board's 2017 proposed budget. This proposed budget component was broken down into two separate funds, the 911 & Wireless funds and the dispatch funds. Copies of these budgets were distributed to the committee members. The ending fund balance of the combined 911 and Wireless funds estimated for 2016 and proposed for 2017 are close to being even. The end fund balance in the Dispatch funds reflects a change in budgeting for the coming year. In response to a question on staffing, Mr. Wittenberg replied that they are not fully staffed at the current time. Bob Young moved, seconded by Bill Peterson, that this Agriculture, Zoning and Emergency Services committee recommend to the finance committee the approval of this budget document.

Committee Chair Flott then mentioned the ongoing discussions in creating a new 911 entity. Mr. Wittenberg remarked that a new 911 entity would be starting over with employees. The costs at this time should remain the same for the county, in regard to fees paid. The new entity may reflect a reduction in overall costs to the county, taking into consideration a change in bookkeeping etc. for the new entity. So though the just reviewed drafted budget is for full year, the budget administration may change dependent on the potential forming of a new entity during the coming year. John Clemmer noted that the 911 budget is acceptable at this time. The Livingston County Board will need to approve the new entity. It was explained that any new partnership will take a little while to transition, and that both the existing ETSB and a new ETSB may need to co-exist during the transition, up to the point at which the new entity will be able to take full responsibility of the 911 system.

Review of the Attorney General Letter pertaining to WECS in Individual Townships:

Copies of the State of Illinois Office of the Attorney General correspondence pertaining to regulation of wind energy conversion system towers in individual townships, had been distributed to the committee members. State's Attorney Seth Uphoff briefed the committee on this correspondence. This correspondence does review the recommendation powers of townships and how they can make recommendations to a county board for consideration. While the correspondence does not answer as to whether a county board has authority to adopt a map amendment applicable to an entire township. Map amendments for multiple parcels of property can be considered for parcels of property that are related and the changes have a limited effect. But, all properties in a single township being the same is a question of fact that could not be resolved with this legal opinion. A dialogue pertaining to the pending referendum regarding wind energy systems setbacks and how this correspondence affects those results, then took place. The referendum results will need to be analyzed to see if those results can be reviewed to reflect similar effects criteria for potential map amendments.

Copies of a letter from attorney Phillip Luetkehans to Mr. Uphoff had been distributed to the committee members. In this letter Mr. Luetkehans he asks that this committee take no action on this attorney general's correspondence nor on a wind farm noise opinion by Charles Gering, which is to be discussed next. The committee agreed not to take action on these documents, until after these documents have been put on the record of the zoning board of appeals hearing, pertaining to wind energy regulations.

Briefing on the Status of the Review of the Wind Energy Regulations Text Language:

Mr. Uphoff then reviewed with the committee members what was referred to as the Pedersen Memorandum, from Charles Gering, in reference to an analysis of the enforceability of Livingston County's Proposed Zoning Ordinance Provisions Relating to Wind Farm Noise. Copies of this memorandum had been distributed to the committee members. On page 2 of this memorandum Sec. 56-620 – Noise Levels is shown with proposed changes by the consulting attorney. The memorandum continues with a review of the regulatory framework, including the Illinois noise regulations property use and categorizations, Class A, Class B, Class C and Class U.

Mr. Uphoff remarked about the IPCB opinion on the Knox case, and how the proposed Livingston County 150' noise level setback can be compared, and how the proposed 150' noise level setback is defensible. This memorandum also remarks about prospective demonstration of compliance. Suggestions to minimize the risk of litigation may include a request that the project submit a report that is prepared by a qualified professional and is based on appropriate modeling, with the assumptions of the computer model being specified.

The Pederson also suggests a change to Section 56-613 by adding language for the purposes stated in section 56-2 and for the Enforcement issues were also mentioned on page 14 of this memorandum.

Carolyn Gerwin commented on the requirements for measuring noise not less than 25 feet from the property line noise source, as mentioned on pages 5 and 6 of this memorandum.

A Status Review of the Potential Extension on the Moratorium Relating to WECS:

The Livingston County Zoning Board of Appeals will conduct a public hearing on this zoning case at their meeting this Thursday, October 6, 2016.

Solid Waste Report:

A printed copy of the planning commission monthly synopsis of landfill information and correspondence was presented to the committee members.

This correspondence primarily related to gas system reports, and plans to construct a permanent road to the crown of Cell C.

A printed copy(s) of host fee information from the last month was also presented to the committee.

Formal Review of Solar Farm Special Use and Improvement Location Permit fees:

The committee was briefed on the solar farm special use and improvement location fees, of which they had previously reviewed in their draft form with the intended incorporation into the office fee schedule. It was confirmed that these fees were incorporated into the approval of the solar farm text amendment.

Review of Deigan and Associates, LLC, Environmental Consultants Proposal/Work Agreement for 2017:

The committee members were presented with a copy of Deigan & Associates Proposal and Work agreement with continued environmental/solid waste landfill consulting services to Livingston County for 2017. A comparison of this proposed agreement and the existing agreement reflected proposed \$3 an hour increases in the fees for Mr. Deigan and one of his engineers, Kathryn Kult. Paul Ritter moved, seconded by Justin Goembel, that this committee recommend the approval of this Deigan and Associates proposal for 2017. This motion was approved by roll call vote; Flott-Yes, Young-Yes, Carley-Absent, Goembel-Yes, Holt-Absent, Ritter-Yes, Peterson-Yes.

Other Issues to Come Before the Committee:

The pending reappointment of members Dee Woodburn and Eddie Hoerner to the Livingston County Regional Planning Commission was mentioned to the committee, along with a pending special use for Enbridge to build a new office and maintenance building.

Review and Approval of Bills: None

Public Comments:

John Slagel commented on the Indian Grove recommendation related to wind energy setbacks. Review of referendum results was mentioned, with questions in to what standards would be part of the review and possible implementation of zoning changes resulting from the referendum results. Carolyn Gerwin continued with comments on this topic concerning limitations on the justification on how to move forward with any zoning changes.

Adjournment:

Then Justin Goembel moved, seconded by Bob Young, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 6:50 p.m.

Charles T. Schopp, Administrator
Livingston County Regional
Planning Commission