

MINUTES  
LIVINGSTON COUNTY ZONING BOARD OF APPEALS  
Livingston County Historic Courthouse  
112 W. Madison St.  
Pontiac, Illinois

Recessed Meeting Continuation  
7:00 p.m.

December 7, 2017

The meeting came to order and roll call was taken.

Members Present: Michael Cornale, James Blackard, Richard Kiefer, Richard Runyon, William Flott and Joan Huisman.

Members Absent: None

Business:

Case ZT-3-17 - County Board of Livingston County

This is the continuation of the recess review of a zoning case that pertains to the review of an application for zoning text amendments to Chapter 56, Zoning, Code of Ordinances, Livingston County, Illinois, which focuses on the most recent considerations for amending the Livingston County wind energy regulations. Proposed text amendments are to Sec. 56.1- General Definitions to add the definition of Hearing Facilitator, are to Article VIII, Wind Energy, Code of Ordinances, Livingston County, Illinois, and to Sec 692-Procedures-9b.

Chair Huisman started by noting her absence at the last meeting remarking that discussion had taken place and questioning if a vote had taken place. It was declared that no official vote took place at that meeting. Tom Blakeman related that straw poll consensus type of voting did take place on the 11 proposed change areas, and he prepared an exhibit attached to the report and recommendation that summarizes those actions. Mr. Blakeman remarked of the 11 proposed changes, 7 were acceptable, 2 were modified and 2 were indicated that they would be rejected.

Chair Huisman wanted to confirm that a motion was on the floor, which was confirmed that Bill Flott made a motion at the October 5, 2017 meeting. Mr. Blakeman noted that this was a motion to approve the text amendment as submitted. Chair Huisman discussed the options available of continuing the discussions, and then asked for further comments. Chair Huisman, to be clear, noted that if they are not in agreement with all parts of the submitted text amendment then you can vote no on Flott's motion to not approve this submitted text amendment. And, then if they want to come up with another document with proposed changes, as they did that with the last text amendment, and they can make a recommendation section by section which could be submitted as their recommendation. Mr. Flott commented that he believes that is what Mr. Blakeman has done, of which Mr. Blakeman confirmed. Mr. Blakeman then noted that with the motion on the floor if you are in favor to approved ZT-3-17 as submitted that then vote yes and if you are opposed to what was submitted then vote no. Chair Huisman then noted that they would need to dispose of the first motion and then consider an alternative motion.

Mr. Blakeman then informed them that the revised document in front of them is based from the discussions held at the last meeting. Mr. Blakeman noted that this document reflects this review section by section, and the November 6, 2017 meeting minutes reflect those discussions. Mr. Blakeman remarked that the draft report contemplates that last discussion were it was anticipated that an alternative motion may be made. Mr. Blakeman and Chair Huisman discussed how the draft report and recommendation had been sent out to them last week, with subsequent draft information being sent out, and Mr. Blakeman was prepared to go over those changes in the draft documents. Mr. Flott asked if it was appropriate for him to call the question on his motion. Chair Huisman wanted to make sure that they are done with discussion, and she noted that she has discussed the draft report and recommendations with Mr. Blakeman and she has some suggestions to add to this report, that will not change the vote as it will just change how the document reads. Chair Huisman has a few things that she would like to add to be clear on what testimony was provided. Mr. Kiefer inquired about the proposed changes. Mr. Flott pondered as to if they should act on his motion first. Chair Huisman just wants to make sure all are aware of what is being part of the report before they proceed. Mr. Kiefer asked that if they acted on Mr. Flott's motion would they be done. Mr. Blakeman and Chair Huisman along with Mr. Kiefer agreed that they could be done. Mr. Blakeman then noted that it is their choice as to if they wanted to move forward with an alternative as discussed at the last meeting. Mr. Blakeman commented that the draft report contemplates and alternative motion being made, recognizing that the original motion could be denied, with them moving on to approve an alternative motion. A discussion then took place as to how the voting should take place and be interpreted. Such as voting no on the current motion and then immediately following that up with the proposed B exhibit, as part of a motion to follow the proposal outlined in that exhibit. Going back to when the first motion was made on October 5<sup>th</sup> a suggested need to take care of that motion to proceed with any further motions was made. Mr. Blakeman noted how the vote took place with the last text amendment. Chair Huisman remarked that they do not have to submit any recommended changes; they could just act on the existing motion. However, the chair would still like to have the findings and fact reflect the revisions she would like to make. She said she would just like to add facts to the report and recommendation. Chair Huisman was suggesting that instead of saying instructed the ZBA, that submitted an application to the ZBA be used, and then for Mr. Bunting's testimony, she would like some facts added to clarify what he was saying, but she has yet to find the best way to summarize from his two to three pages of comments in the minutes. She then would like to add to John Slagel's discussion regarding the regional planning commission review, and that the planning commission did not review this application in comparison to the comprehensive plan. Mr. Blakeman mentioned the minutes being approved, with the zoning administrator's noting that he anticipated the minutes being approved first, but he was flexible on how the proceeded. Chair Huisman noted the minutes to the zoning board of appeals members. Mr. Cornale noted that he had made some revisions and they look like they are in the revised copies. The zoning administrator commented they had not reviewed the last set prior to this meeting. Those November 6, 2017 meeting minutes are the minutes not being previously reviewed as considered. Mr. Flott called the question on the motion on the floor. Chair Huisman then took time to review the November 6, 2017 meeting minutes. Mr. Blakeman commented on how the zoning board should take some kind of action, and not just deny the proposal and leave it, and that is why based on the discussions an alternative version is part of the recommendation. The potential wording of a recommendation was discussed, and how the ordinance states that some kind of action take place. Mr. Cornale then clarified that the motion on the floor is to approve the text amendment as submitted by the county, not inclusive any discussion results.

Mr. Flott's motion made on October 5<sup>th</sup> was mentioned in regard as to where it can be found in the minutes, on the second page from the back. Mr. Blakeman then noted that the report's exhibit B is a report on the discussion and the changes. Mr. Blakeman then clarified what a vote would mean.

Mr. Flott called for the question, regarding his October 5, 2017 motion again. A vote on Mr. Flott's motion, then took place.

|           |     |            |                 |
|-----------|-----|------------|-----------------|
| Cornale - | No  | Blackard - | No              |
| Kiefer -  | Yes | Runyon -   | No              |
| Flott -   | Yes | Earing -   | Recused himself |
| Huisman - | No  |            |                 |

Mr. Blakeman then confirmed that this vote did not pass. Then Mr. Cornale made a motion to approve ZT-3-17, utilizing Exhibit B as the recommendation. Mr. Blakeman then informed the zoning board that he has a proposed motion, and he handed out printed copies of this draft motion. Chair Huisman said that they can make whatever motion they would like. Mr. Cornale then moved to approve ZT-3-17 with a motion to approve the alternative text amendment submitted by the ZBA as Exhibit B which is attached to the Report and Recommendations, approving the proposed ordinance designated as Exhibit C and authorizing the Chairman to sign the Report on behalf of the ZBA, with Mr. Blackard seconding this motion. This motion was then discussed, with a question if a need was present to go through the proposed changes, the Chair is comfortable with the changes having read the information presented in draft reports sent to the ZBA. Mr. Blakeman clarified what had been submitted to the ZBA and how the exhibits had been marked. Mr. Kiefer then asked about Exhibit C, of which Mr. Blakeman remarked that the statute allows for the zoning board to proposed an ordinance to be approved by the county board, and that is what is there as Exhibit C. It was in previous draft reports, just not marked as Exhibit C. Chair Huisman then confirmed that alternative recommendations is marked as exhibit B. Mr. Blakeman then noted that in the version the zoning administrator handed out included the changes as seen in the working text amendment document. Mr. Cornale asked if they always generated the ordinance. Mr. Blakeman responded that they did submit a draft ordinance with their recommendation on the last wind energy text amendment. Mr. Cornale questioned why the text amendment is an ordinance, and it was explained that the ordinance is for the county board to taken action the zoning case to approve or disapprove. Mr. Cornale said his motion still stands. Mr. Blakeman reviewed the statute language regarding the recommendation and statute. William Flott then called for the question. Then the Chair Huisman noted that she still wants changes she mentioned to Mr. Blakeman. Chair Huisman and Mr. Blakeman went through the proposed changes, Mr. Blakeman noted that new language on page 1 about request an application be filed with the ZBA to initiate is in their review process, was included. The spelling of Mr. Redlingshafer's name on page 2 is to be corrected, and Mr. Slagel's added text is okay. Mr. Blakeman and Chair Huisman agreed that the chair's comments on Mr. Bunting's testimony needs to be added.

Mr. Cornale revised his motion to accurately reflect, to include discussed additional information from the hearing this evening. Mr. Blakeman suggested that they authorize the chairman to make the final approval and sign off if she finds it to be acceptable. Mr. Kiefer clarified if that is after the Chair edits this document, which was confirmed. Mr. Cornale is comfortable with that, since the chair is the one making the changes. The zoning board is comfortable with that since no changes are being made to the text amendment.

The zoning administrator then made sure that they are motioning to approve the alternative text amendment including the report and recommendation, subject to the addition of additional information authorizing the chairman to approve the additional information and sign off on the report which will then be forwarded to the county. The zoning board of appeals members agreed that they are voting on the whole deal. Mr. Blackard continued his second.

This motion was then approved by roll call vote.

|           |     |            |                 |
|-----------|-----|------------|-----------------|
| Cornale - | Yes | Blackard - | Yes             |
| Kiefer -  | Yes | Runyon -   | Yes             |
| Flott -   | No  | Earing -   | Recused himself |
| Huisman - | Yes |            |                 |

William Flott then moved, seconded by Mr. Blackard, that all of the minutes pertaining to the hearing(s) for case ZT-3-17 be approved, except for the minutes for this December 7, 2017 hearing, with those minutes being presented for approval at the next meeting.

This motion was then approved by roll call vote.

|           |     |            |                 |
|-----------|-----|------------|-----------------|
| Cornale - | Yes | Blackard - | Yes             |
| Kiefer -  | Yes | Runyon -   | Yes             |
| Flott -   | Yes | Earing -   | Recused himself |
| Huisman - | Yes |            |                 |

Richard Kiefer moved, seconded by Michael Cornale, made a motion to adjourn this meeting.

This motion was approved by a unanimous voice vote.

This meeting was adjourned at 7:35 p.m.

Material regarding these proceedings is on file in the Livingston County Regional Planning Commission Office, in the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois.

Respectfully submitted,

Charles T. Schopp, Secretary  
Livingston County Regional  
Planning Commission