

The County Board of Whiteside County, Illinois, convened in the County Board room at the Law Enforcement Center in Morrison on Tuesday, June 16, 2015 at 6:30 p.m. Notice of the meeting was given to all Board Members and was posted in the County Clerk's office.

Mr. Duffy, Chairman, called the board meeting to order and directed the Clerk to call the roll. On roll call members: William Abbott, James Arduini, Thomas Ausman, Daniel Bitler, Robert Bradley, Sue Britt, Fidencio Campos, Jr., Shane Celestino, Dennis Cook, Paul Cunniff, James Duffy, John Espinoza, Glenn Frank, Kurt Glazier, Mark Hamilton, Eugene Jacoby, Martin Koster, William McGinn, Karen Nelson, Katherine Nelson, Ruth Stanley, Howard Bud Thompson, Glenn Truesdell, Robert VanDeVelde, Douglas Wetzell and Steve Wilkins (26) were present; members: William Milby (1) was absent.

Mr. Duffy led the Board in the Pledge of Allegiance to the Flag.

Motion by Mr. Abbott that the County Clerk dispense with the reading of the minutes of the meeting of May 19, 2015, and that these minutes, as sent to the members, be approved. Seconded by Mr. Wilkins. Motion carried.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 1

WHEREAS, Roger Drey began working for Whiteside County as a Custodian on February 6, 1978 and;

WHEREAS, Roger Drey is retiring after 37 years of service to Whiteside County, and the people of the County of Whiteside;

NOW, THEREFORE BE IT RESOLVED, that the County Board of Whiteside does hereby honor Roger Drey for his diligence and exemplary performance as Correctional Officer, Correctional Shift Supervisor and Deputy Sheriff for the Sheriff's Department in Whiteside County, and to its citizens, and;

BE IT FURTHER RESOLVED, that the County Clerk of Whiteside County be directed to forward a copy of this Resolution to Roger Drey.

Motion by Mr. Truesdell to approve the foregoing Resolution recognizing the retirement of Roger Drey. Motion carried.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 2

WHEREAS, Betty Steinert began working for Whiteside County as a Clerk in the Recorder's Office on April 11, 1983 and;

WHEREAS, Betty Steinert is retiring after 32 years of service to Whiteside County, and the people of the County of Whiteside;

NOW, THEREFORE BE IT RESOLVED, that the County Board of Whiteside does hereby honor Betty Steinert for her diligence and exemplary performance as Deputy Recorder, Secretary for Development, Economic Development and Enterprise Zone Administrator in Whiteside County, and to its citizens, and;

BE IT FURTHER RESOLVED, that the County Clerk of Whiteside County be directed to forward a copy of this Resolution to Betty Steinert.

Motion by Mr. Truesdell to approve the foregoing Resolution recognizing the retirement of Betty Steinert. Motion carried. Mrs. Steinert was present to accept the Resolution. She stated that she appreciated the opportunities that she has had with the County.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 3

WHEREAS, Doris Walters began working for Whiteside County as a Custodian on December 8, 1993 and;

WHEREAS, Doris Walters is retiring after 21 years of service to Whiteside County, and the people of the County of Whiteside;

NOW, THEREFORE BE IT RESOLVED, that the County Board of Whiteside does hereby honor Doris Walters for her

diligence and exemplary performance as Custodian for Whiteside County, and to its citizens, and;

BE IT FURTHER RESOLVED, that the County Clerk of Whiteside County be directed to forward a copy of this Resolution to Doris Walters.

Motion by Mr. Truesdell to approve the foregoing Resolution recognizing the retirement of Doris Walters. Motion carried.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 4

WHEREAS, Frank Ward began working for Whiteside County as a Custodian on December 8, 1995 and;

WHEREAS, Frank Ward is retiring after 19 years of service to Whiteside County, and the people of the County of Whiteside;

NOW, THEREFORE BE IT RESOLVED, that the County Board of Whiteside does hereby honor Frank Ward for his diligence and exemplary performance as Custodian for Whiteside County, and to its citizens, and;

BE IT FURTHER RESOLVED, that the County Clerk of Whiteside County be directed to forward a copy of this Resolution to Frank Ward.

Motion by Mr. Truesdell to approve the foregoing Resolution recognizing the retirement of Frank Ward. Motion carried.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 5

WHEREAS, Deborah Leroy began working for Whiteside County as a Home Care Nurse on April 11, 1994 and;

WHEREAS, Deborah Leroy is retiring after 21 years of service to Whiteside County, and the people of the County of Whiteside;

NOW, THEREFORE BE IT RESOLVED, that the County Board of Whiteside does hereby honor Deborah Leroy for her diligence and exemplary performance as Home Care Nurse, Family Child Health Nurse and Comprehensive Case Management Coordinator for the Whiteside County Health Department in Whiteside County, and to its citizens, and;

BE IT FURTHER RESOLVED, that the County Clerk of Whiteside County be directed to forward a copy of this Resolution to Deborah Leroy.

Motion by Mr. Truesdell to approve the foregoing Resolution recognizing the retirement of Deborah Leroy. Motion carried.

Julie Jacobs, Black Hawk Hills Regional Council, presented Betty Steinert with a Certificate of Acknowledgement from the State of Illinois 99<sup>th</sup> General Assembly in recognition of her receiving the Carson DeJarnatt Economic Development Award for outstanding commitment. Offered by Representative Tom Demmer.

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 6

WHEREAS Case # 683, Special Use, Gilbert Stralow & Renee Steeg, owners of property located at 4361 Ward Road, Fulton, IL 61252, owners of the within described real estate duly filed with the Planning and Zoning Administrator, their petition praying that the premises described as follows to wit:

South 275 feet of Lot 2 in Josiah Leonard's Subdivision of part of the Northeast Quarter of the Southwest Quarter of Section 4, in Township 21 North, Range 3 East of the 4<sup>th</sup> P.M., according to the plat thereof recorded in Book 2 of Plats on page 41 in Whiteside County, Illinois

be granted a Special Use in the "R-2" district, to allow: seasonal personal camp sites and;

WHEREAS, the Planning and Zoning Commission has recommended to this Board that said premises should not be granted a Special Use in the "R-2" district.

NOW THEREFORE be it Resolved and Ordained by this Board, that the above described premises be and they are hereby granted said Special Use in said "R-2" district as follows:

to allow one camper, to be occupied by the property owner(s) only, for a consecutive period of 180 days per year.

Motion by Mr. McGinn to deny the request for a Special Use to allow seasonal personal camp sites. Motion by Mr. Frank to amend the motion to allow a special use for one camper, to be occupied by the property owner(s) only, for a consecutive period of 180 days per year. Seconded by Mr. Wetzell. Motion carried. The question was then called on the original motion, as amended, and the motion was declared carried. (The above resolution has the amendment included.)

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 7

WHEREAS, Daniel & Roberta Witmer, owners of property located at 21171 Freeport Rd, property to the East of 21171 Freeport Rd, and at the gravel pit located approximately 585 feet North of 21631 Buell Rd, Sterling, IL 61081 Daniel & Roberta Witmer, owners of the within described real estate duly filed with the Planning and Zoning Administrator, their petition praying that the premises described as follows to wit:

PARCEL "A"

Part of the Southwest Quarter (SW 1/4) of Section 14, Township 22 North (T22N), Range 7 East (R7E) of the Fourth Principal Meridian (4th PM) of Whiteside County, Illinois, bounded and described as follows, to wit;

Commencing at the Southwest Corner of the Southwest Quarter (SW 1/4) of said Section 14; thence North 00 Degrees 35 Minutes 48 Seconds East, along the West line thereof, a distance of 743.92 feet to the Point of Beginning of the hereinafter described parcel; thence North 00 Degrees 35 Minutes 48 Seconds East, along said East line, a distance of 260.00 feet; thence North 89 Degrees 58 Minutes 53 Seconds East, a distance of 456.13 feet; thence South 00 Degrees 35 Minutes 48 Seconds West, a distance of 306.84 feet to the Northeast corner of the property described on the deed recorded as M.F. No. 5083-10 in the Office of the Whiteside County Recorder; thence South 89 Degrees 58 Minutes 53 Seconds West, along the North line thereof, a distance of 227.74 feet; thence North 00 Degrees 35 Minutes 48 Seconds East, along said North line, a distance of 46.84 feet; thence South 89 Degrees 58 Minutes 53 Seconds West, along said North line, a distance of 228.39 feet to the Point of Beginning;

Containing 2.967 acres, more or less.

PARCEL "B"

Part of the Southeast Quarter (SE 1/4) of Section 15, Township 22 North (T22N), Range 7 East (R7E) of the Fourth Principal Meridian (4th PM) of Whiteside County, Illinois, bounded and described as follows, to wit;

Commencing at the Southeast Corner of said Southeast Quarter (SW 1/4) of Section 15; thence North 00 Degrees 35 Minutes 48 Seconds East, along the East line thereof, a distance of 690.21 feet to the Point of Beginning of the hereinafter described parcel; thence North 00 Degrees 35 Minutes 48 Seconds East, along said East line, a distance of 202.12 feet; thence North 89 Degrees 56 Minutes 08 Seconds West, a distance of 274.27 feet; thence South 00 Degrees 35 Minutes 48 Seconds West, a distance of 54.58 feet; thence South 57 Degrees 27 Minutes 00 Seconds West, a distance of 91.70 feet; thence North 89 Degrees 56 Minutes 08 Seconds West, a distance of 74.97 feet; thence South 00 Degrees 35 Minutes 48 Seconds West, a distance of 98.12 feet to a point 10.0 feet North of the North line of the properties described on the deeds recorded as M.F. No. 1204-74 & M.F. NO. 1421-78 in the Office of the Whiteside County Recorder; thence South 89 Degrees 56 Minutes 08 Seconds East, parallel thereto, a distance of 426.02 feet to the Point of Beginning;

Containing 1.658 acres, more or less.

PARCEL "C"

Part of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of Section 17 in Township 22 North (T22N), Range 7 East (R7E) of the Fourth Principal Meridian (4th PM), Whiteside County, Illinois, bounded and described as follows, to wit:

Commencing at the monumented Southeast corner of said Northeast Quarter (NE 1/4) of Section 17; thence North 00 Degrees 29 Minutes 20 Seconds East, along the East line thereof, a distance of 1365.92 feet, more or less, to a point 15.00 feet North of the Northeast corner of the property described on the deed recorded as M.F. No. 1304-87 in the Office of the Whiteside County Recorder and the Point of Beginning of the hereinafter described parcel; thence North 00 Degrees 29 Minutes 20 Seconds East, along said East line, a distance of 25.00 feet; thence North 89 Degrees 49 Minutes 53 Seconds West, parallel with the North line of the aforementioned property, a distance of 976.76 feet; thence North 00 Degrees 27 Minutes 47 Seconds East, a distance of 303.74 feet; thence North 89 Degrees 49 Minutes 53 Seconds West, a distance of 328.42 feet to a point 15.0 feet East of the

West line of said East Half (E 1/2) of the Northeast Quarter (NE 1/4) of Section 17; thence South 00 Degrees 27 Minutes 47 Seconds West, parallel with said West line, a distance of 598.45 feet; thence South 89 Degrees 49 Minutes 53 Seconds East, a distance of 105.17 feet; thence North 54 Degrees 25 Minutes 12 Seconds East, a distance of 461.65 feet to a point 15.0 feet Northerly of, and perpendicularly distant from the Westerly extension of the North line of the aforementioned property; thence South 89 Degrees 49 Minutes 53 Seconds East, parallel said North line of the aforementioned property, and the Westerly extension thereof, a distance of 826.72 feet to the Point of Beginning; Containing 4.846 acres, more or less.

be granted a Special Use in the "A-1; A-1/SPU" district, to allow:

Crushing & Recycling concrete and asphalt for personal use and sales of extra and;

WHEREAS, the Planning and Zoning Commission has recommended to this Board that said premises should be granted a Special Use in the "A-1;A-1/SPU" district with the following conditions:

- 1) Sites A & B to be completed in 18 days. The use of sites A and B shall be only for concrete that existed on those sites at the date of the Public Hearing on May 21, 2015. No new concrete, intended for crushing, shall be brought in and deposited on Sites A or B. The nine (9) days allotted to each site for crushing activities, eighteen (18) days in total, shall be nine (9) consecutive days for each site.
- 2) Quarry to be done in 30 days. Only concrete that existed on the quarry site at the time of the Public Hearing on May 21, 2015, can be crushed at the quarry site. The days allotted for crushing on this site shall be thirty (30) consecutive days. Crushed concrete from this site may be hauled to and used on sites A and B as needed.
- 3) The petitioner shall notify the Zoning office when you start work at each site. The Zoning Office shall be notified at least seven (7) days prior to beginning any crushing activities on the three sites. At that time, the start date for a particular site will be given to the Zoning Office and the required consecutive days shall begin on the announced start date. This shall be done for each site.
- 4) Run-off barriers to be set up on the East and West sites of Freeport road. The run-off barriers are to be located just south of the actual site of the crushing machine on sites A and B.
- 5) Any crushing operations on sites A, B and the quarry will be conducted between the hours of 9:00 a.m. and 5:00 p.m.
- 6) The Special Use for sites A, B and the quarry shall expire upon completion of the crushing operation as conditioned. No further crushing will be conducted at these sites.

NOW THEREFORE be it Resolved and Ordained by this Board, that the above described premises be and they are hereby granted said Special Use in said "A-1; A-1/SPU" district.

Motion by Mr. McGinn to approve the request for a Special Use with the following conditions:

- a. Sites A & B are to be completed in a total of 18 days, 9 days each.
- b. The crushing in the quarry site is to be completed in 30 days.
- c. The Zoning Office is to be notified when the petitioners are ready to start each site.
- d. Run off barriers are to be erected on the south side of sites A and B, the Freeport Road sites, to hold run off from leaving the areas where the crushing is taking place on Freeport Road.

Motion by Mrs. Britt to amend the preceding motion to add the following additional conditions:

Additions to Condition a.: The use of sites A and B shall be only for concrete that existed on those sites at the date of the Public Hearing on May 21, 2015. No new concrete, intended for crushing, shall be brought in and deposited on Sites A and B. The nine (9) days allotted to each site for crushing activities, eighteen (18) days in total, shall be nine (9) consecutive days for each site.

Additions to Condition b.: Only concrete that existed on the quarry site at the time of the Public Hearing on May 21, 2015, can be crushed at the quarry site. The days allotted for crushing on this site shall be thirty (30) consecutive days. Crushed concrete from this site may be hauled to and used on sites A and B as needed.

Additions to Condition c.: The Zoning Office shall be notified at least seven (7) days prior to beginning any crushing activities on the three sites. At that time, the start date for a particular site will be given to the Zoning Office and the required consecutive days shall begin on the announced start date. This shall be done for each site.

Additions to Condition d.: The run-off barriers are to be located just south of the actual site of the crushing machine on sites A and B.

Added Condition e.: Any crushing operations on sites A, B and the quarry will be conducted between the hours of 9:00 a.m. and 5:00 p.m.

Added Condition f.: The Special Use for sites A, B and the quarry shall expire upon completion of the crushing operation as conditioned. No further crushing will be conducted at these sites.

Seconded by Mr. Ausman. Motion carried. The question was then called on the original motion, as amended, and the motion was declared carried. (The above resolution has the amendment included.)

Julie, Jacobs, Black Hawk Hills Regional Council, presented the annual report to the Board.

Mr. McGinn presented the following Petition:

PETITION NO. 8  
Section #14-36157-BA-BR

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
COUNTY BOARD OF WHITESIDE COUNTY, ILLINOIS:

WHEREAS, I find it necessary to replace the existing structure, Number 36157, with a new structure, Number 36157, that spans the waterway which is crossed by Beach Road in Land Section 20, Clyde Township, Whiteside County, Illinois; and,

WHEREAS, the cost will be more than 0.02% of the value of all taxable property in the Town of Clyde as equalized or assessed by the Department of Revenue and the tax rate for road purposes for each year for the 2(two) years last past in said Township has been not less than the maximum allowable rate as provided for in Sections 6-501 of this code of all taxable property in the Town of Clyde, as equalized or assessed by the Department of Revenue.

THEREFORE, I petition the County Board of Whiteside County, Illinois to appropriate and levy from the County Treasury, County Bridge Fund, \$1,060.84 to meet one-half of the Local Agency's share of cost of building said structure. The estimated cost for construction of this structure is \$2,121.68.

Motion by Mr. McGinn to approve the Petition for County Aid - Sec. 14-36157-BA-BR - Clyde Twp. (Beach Rd.), as presented. On roll call members: Abbott, Arduini, Ausman, Bitler, Bradley, Britt, Campos, Celestino, Cook, Cunniff, Duffy, Espinoza, Frank, Glazier, Hamilton, Jacoby, Koster, McGinn, Karen Nelson, Katherine Nelson, Stanley, Thompson, Truesdell, VanDeVelde, Wetzell and Wilkins (26) voted yes; no, none and the motion was declared carried.

Mr. McGinn presented the following Petition:

PETITION NO. 9  
Section #14-36336-BA-BR

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
COUNTY BOARD OF WHITESIDE COUNTY, ILLINOIS:

WHEREAS, I find it necessary to replace the existing structure, Number 36336, that spans the waterway which is crossed by Pigeon Road in Land Section 14, Clyde Township, Whiteside County, Illinois; and,

WHEREAS, the cost will be more than 0.02% of the value of all taxable property in the Town of Clyde as equalized or assessed by the Department of Revenue and the tax rate for road purposes for each year for the 2(two) years last past in said Township has been not less than the maximum allowable rate as provided for in Sections 6-501 of this code of all taxable property in the Town of Clyde, as equalized or assessed by the Department of Revenue.

THEREFORE, I petition the County Board of Whiteside County, Illinois to appropriate and levy from the County Treasury, County Bridge Fund, \$1,251.67 to meet one-half of the Local Agency's share of cost of building said structure. The estimated cost for construction of this structure is \$2,503.33.

Motion by Mr. McGinn to approve the Petition for County Aid - Sec. 14-36336-BA-BR - Clyde Twp. (Pigeon Rd.), as presented. On roll call members: Abbott, Arduini, Ausman, Bitler, Bradley, Britt, Campos, Celestino, Cook, Cunniff, Duffy, Espinoza, Frank, Glazier, Hamilton, Jacoby, Koster, McGinn, Karen Nelson, Katherine Nelson, Stanley, Thompson, Truesdell, VanDeVelde, Wetzell and Wilkins (26) voted yes; no, none and the motion was declared carried.

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 10

JOINT BRIDGE AGREEMENT

Section 14-00327-00-BR  
Lee County

Section 15-00219-00-BR  
Whiteside County

WHEREAS, it is provided by Statute that bridges or culverts on roads on county lines, and bridges and culverts on county line roads within eighty rods of county lines, shall be constructed and repaired by such counties and the expense of such construction and repair shall be borne in a proportion to the assessed value of the taxable property in the respective counties according to the last preceding equalized assessment thereof prior to such construction or repair, and;

WHEREAS, it is further provided by Statute, that when any county desires to construct or repair any such bridge or culvert, and has appropriated its share of the cost of constructing or repairing same, it shall be the duty of such other county to make an appropriation for its proportionate share of such construction or repair, and;

WHEREAS, the public interest of both Lee and Whiteside Counties will be served by the improvement of a certain bridge on a section of public highway, said section being described and located more specifically as follows: a bridge located on Hamilton Road (Lee County), County Line Road (Whiteside County) on the county line between Lee and Whiteside Counties near the S.E. corner of the N.E. quarter of Section 13, T20N, R7E of the 4<sup>th</sup> P.M., and;

WHEREAS, the cost of said improvement for construction and engineering is estimated to be Three-Hundred Seventy Thousand Dollars (\$370,000.00).

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Lee and Whiteside Counties, that they do agree to share the estimated cost of Three-Hundred Seventy Thousand Dollars (\$370,000.00), the prorated cost to Whiteside County based on its assessed valuation of Seven Hundred Ninety-nine Million, Seven Hundred Sixty-one Thousand, Six Hundred Seventy-five Dollars (\$799,761,675), being One-hundred ninety-five thousand, Five-Hundred forty-five Dollars and 94 cents (\$195,545.94), and the prorated cost to Lee County based on its assessed valuation of Seven Hundred Thirteen Million, Four-hundred Ninety-Eight Thousand, One-hundred sixty Dollars (\$713,498,160), being One-hundred seventy-four thousand, four-hundred fifty four dollars and 6 cents (\$174,454.06); or as much as may otherwise be necessary to complete this improvement, and;

BE IT FURTHER RESOLVED, that the funds necessary to satisfy Lee County's obligation be appropriated from the County Bridge Fund of Lee County, and;

BE IT FURTHER RESOLVED, that the funds necessary to satisfy Whiteside County's obligation be appropriated from the County Bridge Fund of Whiteside County.

Motion by Mr. McGinn to adopt the foregoing Resolution for Joint Bridge Agreement - Sec. 15-00119-00-BR - Whiteside County - (County Line Road), as presented. Motion carried.

Motion by Mr. McGinn to increase the Sanitary Sewer Basic rate to \$2.56 per 100 cubic feet. Motion carried.

Motion by Mr. McGinn to place on file the Public Works Committee's meeting report, April and May claims reports and related informational items, as presented. Motion carried.

Motion by Mr. Arduini to approve the two year election contract with GBS - Governmental Business Systems in the amount of \$204,385.00 and the yearly hardware maintenance agreement for \$19,910.00, as presented. Motion carried.

Motion by Mr. Arduini to place on file the County Offices Committee's meeting report, April and May claims reports and related informational items, as presented. Motion carried.

Motion by Mrs. Nelson to place on file the Health and Social Services Committee's meeting report, April and May claims reports and other informational items, as presented. Motion carried.

Mr. Wilkins presented the following Resolution:

RESOLUTION NO. 11

Resolution setting Juror Compensation and Jury Trial Demand Fees

WHEREAS, pursuant to authority of the Counties Codes Act, 55 ILCS 5/4-11001 as amended by Public Act 98-1132, the Code of Civil Procedure, 735 ILCS 5/2-1105 as amended, and previous County Board Resolution, the Circuit Clerk presently assesses and collects from the requesting litigant a fee for civil jury trial demands, and provides that the County Board compensates grand and petit jurors for their services, as designated by the above-referenced Acts, as well as payment of travel expense to grand and petit juror; and

WHEREAS, the Counties Codes Act has been amended (Public Act 98-1132), effective June 1, 2015, mandating each county to pay to grand and petit jurors for their services, the sums of \$25 for the first day and thereafter \$50 for each day of necessary attendance, or such higher amount as may be fixed by the County Board; and

WHEREAS, the Code of Civil Procedure has been amended (Public Act 98-1132), effective June 1, 2015, allowing that, if alternate jurors are requested, an additional fee established by the County shall be charged for each alternate juror requested and in attendance; and

WHEREAS, the County Board has previously authorized the payment of travel expense to the jurors and the same is no longer required by State Statute;

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County of Whiteside, that the fee to be paid by the County of Whiteside to grand and petit jurors for their services in attending court shall be the minimum allowable under state law.

BE IT FURTHER RESOLVED by the County Board of the County of Whiteside, that the Clerk of the Circuit Court of Whiteside County is hereby authorized and directed to charge and collect a fee of \$212.50 for a civil jury trial demand, as provided by the Clerks of Courts Act, 705 ILCS 105/27.1a(s), and \$100 for the first alternate juror and \$100 for each additional alternate juror, pursuant to Public Act 098-1132, the Code of Civil Procedure, 735 ILCS 5/2-1105, said fee to be collected from the first requesting party in each civil jury trial demand case.

This Resolution and every provision thereof, shall:

- A. Be considered separable and the invalidation of any provision(s) shall not affect the validity of the remainder.
- B. Supersede any other Ordinance or parts thereof, in conflict herewith.
- C. Go into effect immediately upon passage.

Motion by Mr. Wilkins to adopt the foregoing Resolution setting Juror Compensation and Jury Trial Demand Fees, as presented. Motion carried.

Motion by Mr. Wilkins to place on file the Judiciary Committee's meeting report, April and May claims reports and related informational items, as presented. Motion carried.

Motion by Mrs. Britt to place on file the Public Safety Committee's meeting report, April and May claims reports and related informational items, as presented. Motion carried.

Motion by Mr. Truesdell to place on file the Finance Committee's meeting report, May claims reports, and related informational items, as presented. Motion carried.

Mr. Hamilton presented the following Ordinance:

ORDINANCE NO. 12

AMENDING CHAPTER 4 ALCOHOLIC LIQUORS

WHEREAS, the County of Whiteside, Illinois (the "County") is a duly organized and existing County of the State of Illinois; and

WHEREAS, the County is now operating under the provisions of the Illinois Counties Code, as supplemented and amended; and

WHEREAS, there is a Whiteside County Code (“the Code”), adopted on November 16, 1982, subject to revision by Ordinance and Resolution of the Whiteside County Board from time to time; and,

WHEREAS, Chapter 4 regulates Alcoholic Liquors regulates establishments serving or selling alcoholic beverages in the unincorporated areas of the County, and

WHEREAS, the Liquor Commission is recommending the area for outside patio’s be increased to 3,000 sq. ft.; and,

WHEREAS, the Liquor Commission is recommending the acreage required to obtain an E-1 license be increased to 20 acres,

NOW, THEREFORE, BE IT ORDAINED BY THE WHITESIDE COUNTY, as follows:

Paragraph 1. Chapter 4 Alcoholic Liquors; Article 1, Section 4-1 is hereby amended as follows:

Sec. 4-1 Definitions.

Building. Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of any individual, process, equipment, goods or materials of any kind or nature. Building shall include an outside area which is directly accessible from and adjacent to the building so long as the outside area has an enclosure of at least six feet in height, and is no more than ~~1,500~~ 3,000 square feet in area. All fences shall be constructed of ornamental iron, wood, stone or picket, shall be maintained in good repair and shall be painted or treated in such other fashion so as to maintain a neat appearance at all times. Wooden posts shall be treated with a wood preserver before being placed underground. All portions of wood fence exposed above ground shall either be painted or treated with a wood preservation. All gates shall be installed so that they open outward, and shall have a self-closure and self-closing lock to hold the gate shut at all times when not in use.

Paragraph 2. Chapter 4 Alcoholic Liquors; Article 1, Section 4-30 is hereby amended as follows:

(4) b. Class E-1 licenses issued prior to 6/16/15 shall be granted only to holders of a Class E license who maintain premises of an area of at least five acres for use by its patrons and who maintain adequate off-street parking facilities for its patrons. New Class E-1 licenses issued on or after 6/16/15 shall be granted only to holders of a Class E license who maintain premises of an area of at least twenty acres for use by its patrons and who maintain adequate off-street parking facilities for its patrons. Class E-1 licenses shall permit the holders of such licenses to sell beer, brandy, rum, whiskey, gin, and other spirituous liquors and wines to be consumed on the premises. It shall also permit the holder to sell such alcoholic liquor by the package for consumption off the premises. The annual license fee shall be \$10.00.

Paragraph 3. This Resolution and every provision thereof, shall:

- A. Be considered separable and the invalidation of any provision(s) shall not affect the validity of the remainder.
- B. Supercede any other Ordinance or parts thereof, in conflict herewith.

Motion by Mr. Hamilton to adopt the foregoing Ordinance amending Chapter 4 Alcoholic Liquors of the Whiteside County Code, as presented. Motion carried.

Motion by Mr. Hamilton to place on file the Liquor Commission meeting report and related informational items, as presented. Motion carried.

Mr. Duffy announced the appointments of Don Temple, Terry Wolf, Tim Morthland, Bill Milby, Paul Cunniff, Martin Koster, Doug Wetzell, Joel Horn, Jim Duffy, Stu Richter, Gene Johnston and Kent Bush to the Ad-hoc Building Code Committee. Motion by Mr. Truesdell that the foregoing appointments be confirmed. Motion carried.

Mr. Duffy announced the appointments of Carol Fitzgerald and Dr. Mark Mench to the Whiteside County Board of Health. Motion by Mr. Truesdell that the foregoing appointments be confirmed. Motion carried.

Mr. Truesdell presented the following Ordinance:

ORDINANCE NO. 13

AN ORDINANCE IMPOSING PROVIDER FEE PURSUANT TO  
THE ILLINOIS CABLE AND VIDEO COMPETITION LAW OF 2007

WHEREAS, Section 21-801(b) of the Illinois Cable and Video Competition Law of 2007 (the "Cable Law") permits local units of government to impose a provider fee upon any party that has received authorization from the Illinois Commerce Commission to offer or provide cable or video service pursuant to Section 21-401 of the Cable Law; and,

WHEREAS, the Whiteside County Board has determined that imposing the applicable provider fee pursuant to the Cable Law is necessary and proper to promote the health, safety or economic welfare of the citizens of the County.

NOW THEREFORE, BE IT ORDAINED BY THE WHITESIDE COUNTY BOARD, MORRISON, ILLINOIS, AS FOLLOWS:

SECTION 1: Pursuant to Section 21-801(b) of the Illinois Cable and Video Competition Law of 2007, the County of Whiteside hereby imposes a provider fee in the amount of 5% of gross revenues upon any party that has received authorization from the Illinois Commerce Commission to offer or provide cable or video service pursuant to Section 21-401 of the Illinois Cable and Video Competition Law of 2007.

SECTION 2: For purposes of this Ordinance, "gross revenues" shall have the meaning set forth in Section 21-801(c) of the Illinois Cable and Video Competition Law of 2007.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Motion by Mr. Truesdell to adopt the foregoing Ordinance on the Mediacom license fee, as presented. Motion carried.

Mr. Truesdell presented the following Ordinance:

ORDINANCE NO. 14

ORDINANCE REGULATING THE GRANTING OF PERMITS FOR PYROTECHNIC USE

WHEREAS, the County of Whiteside, Illinois (the "County") is a duly organized and existing County of the State of Illinois; and

WHEREAS, the County is now operating under the provisions of the Illinois Counties Code, as supplemented and amended; and

WHEREAS, there is a Whiteside County Code ("the Code"), adopted on November 16, 1982, subject to revision by Ordinance and Resolution of the Whiteside County Board from time to time; and,

WHEREAS, Chapter 10 regulates Fire Prevention and Protection within the County, and

WHEREAS, the Illinois Pyrotechnic Act (425 ILCS 35) and Pyrotechnic Distributor and Operator Licensing Act (225 ILCS 227) authorizes County Board to adopt reasonable rules and regulations for the granting of permits for pyrotechnic and consumer displays in the unincorporated areas of the county; and

WHEREAS, additional guidelines have been received from the Office of the State Fire Marshall indicating additional permitting guidelines were available.

NOW, THEREFORE, BE IT ORDAINED BY THE WHITESIDE COUNTY, as follows:

Paragraph 1. Chapter 10; Article II. Fireworks is hereby amended as follows:

**Sec. 10-16 Definitions.**

As used in this Ordinance, the following words shall have the following meanings:

"1.3G fireworks" means those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

"Consumer distributor" means any person who distributes, offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois to another distributor or directly to any retailer or person for resale.

"Consumer fireworks" means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101.

"Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

"Consumer fireworks display" or "consumer display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

"Consumer operator" means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in Section 2.2 of this Act.

"Consumer retailer" means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit.

"Display fireworks" means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act.

"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act.

"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display or pyrotechnic service and who is licensed pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities.

"Production company" means any person in the film, digital and video media, television, commercial, music, or theatrical stage industry who provides pyrotechnic services or pyrotechnic display services as part of a film, digital and video media, television, commercial, music, or theatrical production in the State of Illinois and is licensed by the Office pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of a exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act.

"Pyrotechnic distributor" means any person who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services and is licensed by the Office pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

"Pyrotechnic service" means the detonation, ignition or deflagration of display fireworks, special effects or flame effects to produce a visual or audible effect.

"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

#### **Sec. 10-17 Unlawful Display of Fireworks**

It shall be unlawful for any person to display, or allow to be displayed, consumer fireworks and/or display fireworks in the unincorporated areas of Whiteside County without a permit.

#### **Sec. 10-18 Pyrotechnic Displays**

Pyrotechnic displays of display fireworks in the unincorporated areas of Whiteside County shall be permitted upon compliance with the following conditions:

A. All persons shall file an application for a pyrotechnic display permit at least 15 days in advance of the date of the pyrotechnic display.

B. The application for a pyrotechnic display permit shall contain identifying information for the person sponsoring the display, the exact location of display, the exact date and time of the display and identifying information for the individual who is the licensed lead pyrotechnic operator supervising

C. The application shall also be accompanied by a certificate of insurance from an insurance company licensed to do business in the State of Illinois evidencing a minimum of \$1,000,000 in liability coverage.

- D. The application shall also be accompanied by a current and valid copy of the Pyrotechnic operator's license.
- E. The application shall also be accompanied by a written approval letter or permit issued by chief of the fire department providing fire protection coverage to the area of display, or his or her designee, in accordance with State law.
- F. After the permit has been granted, the possession, use and display of display fireworks shall be lawful for that purpose only. No permit granted hereunder shall be transferrable.
- G. No permit shall be required for supervised displays of State or County fair associations.
- H. Every applicant shall furnish a bond conditioned upon compliance with this act with his application in an amount of not less than \$1,000.00.
- I. Applicants shall pay a fee in the amount of \$10.00 to the Whiteside County Sheriff.
- J. Provided that the application requirements have been met by the applicant, a Pyrotechnic Fireworks Display Permit shall be issued by the Whiteside County Sheriff.

**Sec. 10-19 Consumer Displays**

- A. All persons shall file an application for a consumer display permit at least 15 days in advance of the date of the pyrotechnic display.
- B. The application for a consumer display permit shall contain identifying information for the person sponsoring the display, the exact location of display, the exact date and time of the display and identifying information for the consumer operator handling the display who shall have received training from a consumer fireworks training class approved by the Office of the State Fire Marshall.
- C. The application shall also be accompanied by a certificate of insurance from an insurance company licensed to do business in the State of Illinois evidencing a minimum of \$100,000 in per occurrence for bodily injury and property damage.
- D. The application shall also be accompanied by a current and valid copy of written proof that the consumer operator handling the display has received training from a consumer fireworks training class approved by the Office of the State Fire Marshall.
- E. The application shall also be accompanied by a written approval letter or permit issued by the fire chief providing fire protection coverage to the area of the display, or his or her designee, in accordance with State law.
- F. The applicant shall also be subject to a criminal background check as a condition of issuing a permit.
- G. After the permit has been granted, the possession, use and display of display fireworks shall be lawful for that purpose only. No permit granted hereunder shall be transferrable.
- H. Applicant shall pay a fee in the amount of \$10.00 to the Whiteside County Sheriff.
- I. Provided that the application requirements have been met by the Applicant, a Consumer Fireworks Display Permit shall be issued by the Whiteside County Sheriff.

**Sec. 10.20 Hospital, Asylum or Infirmary Use**

No fireworks shall be discharged, ignited or exploded at any point in the State within 600 feet of any hospital, asylum or infirmary.

**Sec. 10-21 Unlawful Sale of Fireworks**

It is unlawful for anyone to knowingly possess, offer for sale, expose for sale, sell at retail and display fireworks, flame effects or consumer fireworks in the unincorporated areas of Whiteside County without a permit. No distributor may sell or transfer fireworks to any person who does not possess a valid display permit. The law prohibits the possession of fireworks in Illinois, whether purchased in or out-of-state, by a person who does not possess a valid display permit.

**Sec. 10-22 Sale of Professional Fireworks**

Only Pyrotechnic Distributors licensed by the Office of the State Fire Marshall may distribute or sell professional grade fireworks in Illinois.

The sale of professional fireworks in the unincorporated areas of Whiteside County shall be permitted upon compliance with the following conditions:

- A. All persons must file an application for the sale of professional fireworks.
- B. The application for the sale of professional fireworks shall contain identifying information for the person to sell the fireworks, the sales location, the beginning and ending dates of fireworks sales and identifying information for the individual or business who is licensed by the Office of the State Fire Marshall as a Pyrotechnic Distributor.
- C. The application shall be accompanied by a current and valid copy of the Pyrotechnic Distributors license.
- D. All awarded permits shall expire on December 31st of each and every year. No permit granted hereunder shall be transferable.
- E. Applicants shall pay a Clerk's fee in the amount of \$10.00 to the Whiteside County Clerk.

F. Provided that the application requirements have been met by the applicant, a Sale of Professional Fireworks Permit shall be issued by the Whiteside County Clerk.

**Sec. 10-23 Sale of Consumer Fireworks**

Only consumer distributors or retailers registered with the Office of the State Fire Marshall may distribute or sell consumer fireworks in Illinois.

The sale of consumer fireworks in the unincorporated areas of Whiteside County shall be permitted upon compliance with the following conditions:

- A. All persons must file an application for the sale of consumer fireworks.
- B. The application for the sale of consumer fireworks shall contain identifying information for the person to sell the fireworks, the sales location, the beginning and ending dates of fireworks sales and identifying information for the individual or business who is licensed by the Office of the State Fire Marshall as a Consumer Distributor or Retailer.
- C. The application shall be accompanied by a current and valid copy of the Consumer Distributors or Retailers license.
- D. All awarded permits shall expire on December 31st of each and every year. No permit granted hereunder shall be transferable.
- E. Applicants shall pay a Clerk's fee in the amount of \$10.00 to the Whiteside County Clerk.
- F. Provided that the application requirements have been met by the applicant, a Sale of Consumer Fireworks Permit shall be issued by the Whiteside County Clerk.

Paragraph 2. This Resolution and every provision thereof, shall:

- A. Be considered separable and the invalidation of any provision(s) shall not affect the validity of the remainder.
- B. Supersede any other Ordinance or parts thereof, in conflict herewith.

Motion by Mr. Truesdell to adopt the proposed Fire Works Ordinance, as presented. Motion carried.

Motion by Mr. Truesdell to place on file the Executive Committee's meeting report, May claims reports, and related informational items, as presented. Motion carried.

Motion by Mr. Wilkins that this meeting be adjourned, the Board to meet again on Tuesday, July 21, 2015 at 6:30 p.m. Seconded by Mrs. Britt. Motion carried. The meeting adjourned at 7:40 p.m.

Dana Nelson  
Whiteside County Clerk

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