

# CHAMPAIGN COUNTY BOARD COMMITTEE OF THE WHOLE MINUTES

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**Highway & Transportation/Environment & Land Use/Justice & Social Services**  
**Tuesday, August 2, 2011**  
**Lyle Shields Meeting Room, Brookens Administrative Center**  
**1776 E. Washington St., Urbana, Illinois**

**MEMBERS PRESENT:** Christopher Alix, Carol Ammons, Jan Anderson, Astrid Berkson, Thomas Betz, Lloyd Carter, Lorraine Cowart, Aaron Esry, Stephanie Holderfield, Stan James, John Jay, Brad Jones, Alan Kurtz, Ralph Langenheim, Brendan McGinty, Diane Michaels, Steve Moser, Alan Nudo, Steve O'Connor, Patsi Petrie, Michael Richards, Giraldo Rosales, Jonathan Schroeder, C. Pius Weibel

**MEMBERS ABSENT:** Ron Bensyl, James Quisenberry

**OTHERS PRESENT:** Jeff Blue (County Engineer), Kat Bork (Administrative Assistant), Deb Busey (County Administrator), John Dwyer (EMA Deputy Director), Joel Fletcher (Senior Assistant State's Attorney), John Hall (Planning & Zoning Director)

## **CALL TO ORDER**

Weibel called the meeting to order at 6:03 p.m.

## **ROLL CALL**

Bork called the roll. Alix, Ammons, Anderson, Berkson, Betz, Esry, Holderfield, James, Jay, Jones, Kurtz, Langenheim, McGinty, Michaels, Moser, Nudo, O'Connor, Petrie, Richards, Schroeder and Weibel were present at the time of roll call, establishing the presence of a quorum.

Weibel announced that Bensyl and Quisenberry had informed him that they would not attend the meeting.

## **APPROVAL OF MINUTES**

**MOTION** by James to approve the Committee of the Whole minutes of June 7, 2011; seconded by Esry. **Motion carried with unanimous support.**

## **APPROVAL OF AGENDA/ADDENDA**

**MOTION** by Betz to approve the agenda; seconded by Langenheim.

Weibel stated agenda item 8.C, the Head Start Update Presentation, has been removed from the agenda.

**Motion carried with unanimous support.**

### **PUBLIC PARTICIPATION**

There was no public participation.

### **COMMUNICATIONS**

There were no communications.

### **HIGHWAY & TRANSPORTATION**

#### **Monthly Reports**

**MOTION** by Ammons to receive and place on file the County & Township Motor Fuel Tax Claims for June 2011 and July 2011; seconded by James. **Motion carried with unanimous support.**

Rosales entered the meeting at 6:07 p.m.

#### **County Engineer**

##### **Request Approval of Salt Dome Intergovernmental Agreement**

Blue distributed the Intergovernmental Agreement Between the City of Urbana, the County of Champaign, and Urbana Township Concerning the Funding for the Replacement of the Salt Dome Roof for the Board's consideration and the original Salt Storage Facility Agreement from 1994. The 1994 storage agreement divided the costs between the three entities and the same percentages were applied in splitting the roof replacement costs. The salt dome's roof is aging and the reroofing RFP is scheduled to be opened on August 8<sup>th</sup> to allow sufficient time for a contractor to complete the project. The intergovernmental agreement divides the cost of the project between the three entities based on the percentages used in the 1994 agreement. Blue stated that the City of Urbana did not budget for this expenditure in its FY2012 budget and has agreed to pay its portion no later than July 15, 2012. Urbana Township has agreed to pay its invoices within thirty days. The County will run the project and use Motor Fuel Tax funds to pay its portion of the reroofing.

**MOTION** by Weibel to approve the Salt Dome Intergovernmental Agreement with the City of Urbana and Urbana Township; seconded by Rosales.

In response to questions from Board members, Blue explained the percentages are based on how much salt each entity uses from the dome. The salt dome was constructed in 1994 for \$242,000. The Board discussed re-evaluating the division of costs based on current usage figures instead of the 1994 percentages.

Cowart and Carter entered the meeting at 6:13 p.m.

Discussion continued over the division of costs for the roofing project. Blue agreed to review the salt usage figures and send those numbers to Deb Busey for distribution to the County Board.

James spoke about charging interest to the City of Urbana because the County is covering their portion of the expense until July 2012. He also questioned what penalty was in place should any entity fail to pay its portion of the costs. Blue pointed out that the agreement contains language to ensure failing to meet obligations will result in an entity being terminated from sharing the facility. The cooperation of the parties is further ensured by the fact that the salt dome is located on County property. It would be very expensive for either the City or Township to construct its own storage facility if either did not comply with the agreement.

Alix supported this type of intergovernmental cooperation that benefits three local governments by sharing a facility and its associated costs.

Petrie asked if Blue considered using roofing materials that may last longer than shingles. Blue explained that Alan Reinhart drew up the bid documents and he was not present at this meeting to answer questions. Blue remarked that Dave DeThorne of the State's Attorney's Office reviewed the agreement and recommended the inclusion of the paragraph for the County's protection against non-payment by another entity.

**Motion carried with unanimous support.**

Request to Bring the Hensley Road District Replacement Bridges to the August 18<sup>th</sup> County Board Meeting

Blue confirmed the work on two bridges in Hensley Township with be bid on August 11<sup>th</sup> and brought to the County Board on August 18<sup>th</sup> for consideration.

**Other Business**

There was no other business.

**Chair's Report**

There was no Chair's report.

**Designation of Items to be Placed on County Board Consent Agenda**

Agenda item 7.B.1 was designated for the consent agenda.

## **JUSTICE & SOCIAL SERVICES**

### **Emergency Management Agency**

#### **Request Approval Application for and, if Awarded, Acceptance of Annual Emergency Management Grant**

**MOTION** by Betz to approve the application for and, if awarded, acceptance of the annual Emergency Management Grant; seconded by Rosales.

Dwyer explained this is an annual grant to offset the Emergency Management Agency's costs. It is funded from the federal government through the state. Past grants have been in the neighborhood of \$40,000, but the actual grant amount is unknown for this year. The grant requires the EMA to meet certain exercise and training requirements.

Holderfield inquired what type of exercises and training are required. Dwyer said they included tabletops and functional exercises with other jurisdictions. EMA will do an exercise with Illinois American Water on a hazardous materials spill in Urbana. The exact training depends on the scope and other entities' grant requirements. EMA may participate in infectious disease, severe weather, or hazardous materials training. The Illinois American Water training will occur in 2012, the severe weather training takes place before that season commences, and the other training dates will be dependent on the state's exercise calendar.

Ammons asked who participates in the training. Dwyer said the participants include the local EMA liaisons from the cities and volunteers, such as weather spotters. Starting this year, the City of Champaign is no longer certified as an EMA, so the County EMA will get credit for the City's population. The EMA grant amount is based on population. Jay has been to EMA training as a Fire Chief on several occasions and spoke well of the County EMA.

**Motion carried with unanimous support.**

### **Monthly Reports**

**MOTION** by Betz to receive and place on file the Animal Control May 2011 & June 2011, Emergency Management Agency June/July 2011, Head Start June 2011 & July 2011, Probation & Court Services May 2011 & June 2011, and Public Defender March 2011 monthly reports; seconded by Kurtz.

O'Connor asked if the Animal Control monthly reports included budget information. Richards stated the reports include data on the registration, fees, kennel services, and local government revenues. The Board discussed the methods of viewing the reports.

**Motion carried with unanimous support.**

### **Head Start Update Presentation**

This item was removed from the agenda because Head Start had a collective bargaining meeting that conflicted with this meeting.

### **Other Business**

There was no other business.

### **Chair's Report**

There was no Chair's Report.

### **Designation of Items to be Placed on County Board Consent Agenda**

Agenda item 8.A.1 was designated for the consent agenda.

### **ENVIRONMENT & LAND USE**

#### **Recreation & Entertainment License**

**MOTION** by Cowart to approve the Recreation & Entertainment License for the Car-X Crazy K, NFP for a charity race at the Champaign County Fair grounds on August 27, 2011; seconded by James. **Motion carried with unanimous support.**

### **Monthly Report**

Hall distributed his monthly reports for June and July. Nudo asked about the number of permits in 2011 compared to previous years. Hall verified that the permits are compared on a month-by-month basis and the number is slightly lower than FY2010, but still comparable. 2010 was a low year for permit activity. Nudo questioned how old the complaints were for the 539 enforcement cases open at the end of July 2011. Hall confirmed that a small group of complaints were made before 2000 and the others were made post 2000. Some of the conditions that caused complaints may no longer exist because of the complaints' age. Nudo wanted to know if Hall had set any goals in reducing the number of outstanding complaints. Hall explained the department has been resolving more complaints than it receives since 2009, with 119 cases resolved in FY2010. The department's resources are stretched thin and he would require more resources to allocate towards enforcement to improve the enforcement rate. Champaign County's enforcement rate compares favorably with similar counties. Nudo wanted a greater emphasis to be placed on reducing the number of outstanding complaint cases. Hall described the workload his department manages and the impact the vacant Associate Planner position has had on the office.

Weibel exited the meeting at 6:43 p.m.

The Board discussed the backlog of enforcement cases and how to address this volume.

Weibel returned to the meeting at 6:45 p.m.

Discussion continued over enforcement. In response to the concerns raised by Board members, Hall offered to make a proposal for more staffing in his department if this is a Board priority. Petrie urged Hall to explore using University of Illinois students as interns to deal with the outstanding complaints. Hall said that he would look into the use of interns, but explained how this type of zoning work requires a certain level of knowledge to complete. Jay voiced his concern over the County Board continuing to implement the Land Resource Management Plan when there are numerous enforcement cases that have not been resolved. He recommended slowing down or postponing the LRMP implementation until they can get a better handle on the Zoning Office's needs to manage its workload. In response to Holderfield's questions about the amount of time spent on planning versus enforcement, Hall describe the positions in his department and the type of work each employee performs. The Board's discussion continued about the Planning & Zoning Department.

Weibel exited the meeting at 6:59 p.m. and returned 7:01 p.m.

McGinty raised the issue of strategic planning and encouraged the Board members to get involved in the current process. He declines to tell Hall how to do his job and suggested the idea of performing analysis on whether employing a firm to help with staffing shortages and address the case backlog would be worthwhile. This approach has been taken with the Harris & Harris firm collecting the backlog of unpaid court fines. Ammons added that the Strategic Planning Committee meets tomorrow at 4:30 p.m. and encouraged Board members to attend or send constructive comments.

Nudo stated that he and Weibel have looked into a statute that would allow the use of a three-member panel instead of the State's Attorney for enforcement cases. This could assist in removing pressure from the State's Attorney's Office and allow for quicker adjudication leading to more fines being collected. This is an idea he would like to be discussed as a part of this entire process.

**MOTION** by Langenheim to receive and place on file the Planning & Zoning June & July 2011 reports; seconded by Carter. **Motion carried with unanimous support.**

**Regional Planning Commission**

**Request to Approve the Consolidated Vehicle Procurement Application for Rural Public Transportation Start-Up Vehicles**

**MOTION** by Betz to approve the Consolidated Vehicle Procurement Application for Rural Public Transportation Start-Up Vehicles; seconded by Anderson.

Langenheim exited the meeting at 7:05 p.m.

Amy Marchant, the CRIS Rural Transit CEO, was present to answer questions. Petrie talked about a recent study on the subject of providing and supporting mobility for seniors. The

study contained information about a simplified program to reimburse people who provide transport services for the elderly in rural areas. This program proposes to use less expenditure for staff and vehicles. The program directly reimburses people who provide transportation to the elderly. Marchant was aware of the study and program. The Rural Transit Program does not allow that type of expenditure process. However, Medicare has a very similar program that reimburses people for transporting the elderly, including family members. This is available to all Illinois residents.

Langenheim returned to the meeting at 7:08 p.m.

Marchant stated that CRIS Rural Transit shares information about the Medicare program with people looking for services. She suggested Petrie could take her idea to HSTP Regional Committee to increase its visibility. Since the purchase of these buses would replace the vehicles borrowed from Danville, James asked about the level of ridership. Marchant confirmed they are providing around 800 rides a month. They have reallocated more vehicles to Champaign County from Vermillion County to meet the need. She distributed flyers about rural transit to the Board.

**Motion carried.**

### **Other Business**

Schroder asked if Hall could update the County Board on efforts to fill the vacant Associate Planner position or to seek part-time help to assist with day-to-day office duties while the staff focuses on the wind farm issues. Hall has talked to the Administrative Services Department about extra help at various times, but it did not seem to be worthwhile. He received 53 applications for the Associate Planner position and hopes to have a shortlist of candidates finalized by the week's end. He has not sought temporary help because this type of help cannot do much more than answer the phone in the Planning & Zoning Office.

### **Chair's Report**

Kurtz announced that he has been working with Hall, Susan Monte, and Susan Chavarria on the agenda for the August 23<sup>rd</sup> study session. He promised the Board would have information with comments and suggestions from RPC and Hall in their hands about two weeks prior to the study session. Kurtz noted they have not received a single comment or suggestion for any of the Board members concerning the study session over the LRMP. They are still looking to receive comments or suggestions from the Board. Nudo said he spoke to a staff person about the 1 per 40 issue, which will be removed. Kurtz confirmed that was correct.

### **Closed Session Pursuant to 5 ILCS 120/2(c)(11) to Consider Pending Litigation Against Champaign County**

**MOTION** by Weibel to enter into closed session pursuant to 5 ILCS 120/2(c)(11) to consider pending litigation against Champaign County. He further moved the following individuals remain present: the County's legal counsel, the Planning & Zoning Director, the

County Administrator, and the Recording Secretary. The motion was seconded by Rosales. **Motion carried with a roll call vote of 22 to 2.** Alix, Ammons, Anderson, Berkson, Betz, Carter, Cowart, Esry, Holderfield, Jay, Jones, Kurtz, Langenheim, McGinty, Michaels, Moser, Nudo, Petrie, Richards, Rosales, Schroeder and Weibel voted in favor of the motion. James and O'Connor voted against the motion. The Board entered into closed session at 7:15 p.m. and resumed open session at 7:47 p.m. Ammons exited the closed session at 7:29 p.m.

**Designation of Items to be Placed on County Board Consent Agenda**

No items were designated for the consent agenda.

**ADJOURN**

The meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Kat Bork  
Administrative Assistant

*Secy's note: The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*



CHAMPAIGN COUNTY BOARD  
**CLOSED SESSION MINUTES**

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Use/Justice & Social Services  
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Fletcher was present to update the County Board on pending zoning litigation that he is handling on the County's behalf. The litigation involves the denial of a special use permit by the Zoning Board of Appeals and the County Board. The Gerdeses applied for a special use permit to build a restricted landing area on their property. They claimed it would be used to spray fungicide on other properties throughout Champaign County and into Vermilion County. There was some speculation that their application had something to do with opposition to a wind farm. There are two lawsuits pending relating to this zoning application.

Alix asked where the property in question is located. It was identified as being at 52 County Road 2700 E. Moser described the property as being a half mile south of the Broadlands Road/Route 45 intersection.

Fletcher explained that the two lawsuits pending were an administrative review action (claiming the ZBA and County Board acted improperly in denying the special use permit) and a declaratory judgment action (seeking guidance from the court on an issue of law). He wanted to speak to the Board about the second suit because it could have some significant consequences if the County loses the case. The claim is that the restricted landing area is exempt from the County's zoning power as an agricultural use. The County does not have the power to regulate agricultural uses when those uses constitute the principle activity on land. This exemption is broadly interpreted and Fletcher provided some examples. He believes the County has a strong and principled argument that agricultural use is not the principle use of this land as required by the exemption. He described the strategies that the other side might employ in the case. If the judge issues a broad ruling, then the door could be opened for future agricultural exemptions. He did not see any middle ground to settle this case. There are risks to settling this kind of claim and leading to piecemeal zoning throughout the County. He wanted the County Board to be aware of the risks in this lawsuit and offered to answer any questions.

Betz inquired when the case would go to trial. Fletcher stated there was a status hearing this morning and another status hearing will be held in 20 days in front of Judge Leonard.

Jones exited the closed session at 7:23 p.m.

Moser was familiar with the family who brought the lawsuits and supported continuing in fighting the lawsuits. In response to other questions, Hall and Fletcher provided a verbal history of the case.

Jones returned to the closed session at 7:26 p.m.

Hall explained the reasoning behind the denial of the special use permit.

Ammons exited the closed session at 7:29 p.m. Kurtz exited the closed session at 7:30 p.m.

Discussion continued over the litigation and the zoning particulars. Fletcher confirmed that he was not asking the Board to make a decision tonight; he was simply briefing them on the case.

Kurtz returned to the closed session at 7:33 p.m.

Discussion continued over the matter. Hall confirmed that he had been in communication with the State's Attorney during the original process. Betz indicated there was no compromise on legal questions on this case. The land is either exempt under the agricultural use or it is not. The Board continued to discuss the history and facts of the case. Fletcher offered to answer any further questions if the Board members contact him.

The Board resumed open session at 7:47 p.m.

Respectfully Submitted,

Kat Bork  
Administrative Assistant