

AS APPROVED JANUARY 31, 2019

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3 **MINUTES OF SPECIAL MEETING**

4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 **1776 E. Washington Street**

6 **Urbana, IL 61801**

7
8
9 **DATE: January 3, 2019**

PLACE: Lyle Shields Meeting Room
1776 East Washington Street

10
11 **TIME: 6:30 p.m.**

Urbana, IL 61802

12 **MEMBERS PRESENT:** Frank DiNovo, Ryan Elwell, Marilyn Lee, Jim Randol, Larry Wood

13 **MEMBERS ABSENT:**

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16 **STAFF PRESENT:** Connie Berry, John Hall

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18 **OTHERS PRESENT:** None

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20 **1. Call to Order**

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22 The meeting was called to order at 6:30 p.m.

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24 **2. Roll Call and Declaration of Quorum**

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26 The roll was called, and a quorum declared present.

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29 Mr. Hall entertained a motion to adjourn the January 3, 2019, Special Meeting of the CCZBA.

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31 **Mr. Randol moved, seconded by Mr. Elwell, to adjourn the January 3, 2019, Special Meeting of the**
32 **CCZBA. The motion carried by voice vote.**

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35 **3. Correspondence**

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37 None

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39 **4. Approval of Minutes**

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41 None

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43 **5. Continued Public Hearing**

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45 None

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47 **6. New Public Hearings**

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1 None

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3 **7. Staff Report**

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5 None

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7 **8. Other Business**

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A. Board recommendation to County Board for appointment of ZBA Chair

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10 Mr. Hall informed the Board that they need to make a recommendation for a Chair for the Zoning Board of
11 Appeals. He said that before the Board is a draft memorandum that he has prepared for the County Board,
12 and once this Board makes a recommendation for a Chair the blank area will be completed. He said that he
13 would like to obtain everyone's initials on the memorandum and he will forward it to the County Board.

14

15 **Mr. DiNovo moved, seconded by Mr. Wood, recommending Ryan Elwell as the Champaign County**
16 **Zoning Board of Appeals Chair.**

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18 **Ms. Lee moved to recommend Jim Randol as the Champaign County Zoning Board of Appeals Chair.**

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20 Mr. Hall informed the Board that there could only be one motion on the floor at a time. He asked the Board
21 if they would like to finalize Mr. DiNovo's motion first.

22

23 **Mr. DiNovo withdrew his motion, and Mr. Wood agreed.**

24

25 **Ms. Lee's motion failed due to the lack of a second.**

26

27 **Mr. DiNovo moved, seconded by Mr. Elwell, to conduct a voice vote based on nominations by the**
28 **Board.**

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30 Mr. Hall asked Mr. DiNovo if the Chair would be decided upon who receives the most number of votes.

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32 Mr. DiNovo stated that the motion establishes the procedure, and then the Board would make nominations
33 and vote. He said that if there is a majority then the recommendation is finalized, but if there is not a
34 majority then the Board will have to proceed in a different manner.

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36 Mr. Hall asked the Board if there was any further discussion regarding Mr. DiNovo's motion, and there was
37 none.

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39 **The motion carried by voice vote.**

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41 **Mr. DiNovo nominated Ryan Elwell as the Champaign County Zoning Board of Appeals Chair.**

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Ms. Lee nominated Jim Randol as the Champaign County Zoning Board of Appeals Chair.

Mr. DiNovo stated that since there are two nominations for Chair on the floor, perhaps the Board would rather conduct the nominations by secret ballot.

Mr. Hall stated that a secret ballot nomination is an option if the Board would prefer. He asked Mr. DiNovo if the nomination required a second.

Mr. DiNovo stated no.

Mr. Randol stated that he would second both recommendations so that there is no question.

Mr. Hall asked the Board's preference regarding filling out secret ballots or verbally voting out loud as they do with anything else.

Mr. Randol stated that he would have no problem with a verbal vote for the Chair, and it should be an open vote with a roll call.

Mr. DiNovo stated that, as another option, the Board could circle a name on the draft memorandum and submit it to Mr. Hall for an official count.

The Board agreed.

Mr. Hall noted that the Board should understand that a recommendation to the County Board requires four affirmative votes, and any less is a recommendation of denial. He said that it could be that the person who receives the most votes wins the recommendation by default.

Ms. Lee asked if there is a unique situation since the current Board only consists of five members, as it may be difficult to achieve four affirmative votes for one candidate, so the majority rules.

Mr. Hall stated that there is no such accommodation for anything else that the Board votes upon; therefore, there are five members present and four affirmative votes are required for approval.

Mr. DiNovo stated that this is not something that the Board is required to rule upon by the Ordinance. He said that the ballot vote should be taken first and then the Board can decide how they would like to proceed.

Mr. Hall asked if each Board member is intended to sign their sheet so that there is a paper trail of the votes or is that not necessary.

Mr. DiNovo stated that he wants to use the draft memorandum as a ballot only.

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Mr. Hall collected the ballots from the Board and tallied the votes.

Mr. Hall informed that Board that Mr. Elwell received three votes for Chair and Mr. Randol received two votes.

Mr. DiNovo moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals unanimously nominates Ryan Elwell as Chair.

Ms. Lee disagreed.

Mr. DiNovo stated that if the entire Board does not agree there is no need for the motion.

Mr. DiNovo withdrew his motion, and Mr. Randol agreed.

Mr. Hall stated that if there is no motion for a recommendation, where does this leave the Board.

Mr. Randol asked if since there is no recommendation from the ZBA, does the County Board make the determination regarding the CCZBA Chair.

Mr. DiNovo stated that the CCZBA's recommendations is forwarded to the County Executive.

Ms. Lee stated that the sheet indicates that the County Executive and the County Board.

Mr. Hall stated that this Board's recommendation is forwarded to the County Executive and then to the County Board for approval.

Ms. Lee stated that this is the reason why both were indicated on the draft memorandum.

Mr. Hall stated that in his email on December 19th, he indicated that any appointment to be made in January required an application to the County Executive before the close of business on December 21st. He said that he believes that it is important for the CCZBA to have an appointed Chair, and he has asked the State's Attorney's Office if the January 17th meeting can be held without an appointed Chair.

Mr. DiNovo stated that this is an informal action by this Board and if the outcome is four to one then inform the County Executive in a memorandum and let the County Executive make the decision.

Mr. Hall stated that if both nominees applied by December 21st then they both can be considered in January.

Mr. DiNovo asked if nominees for the CCZBA Chair have always been required to apply for appointment.

1 Mr. Hall stated that in the past, he does not know what the rules were, but the new County Executive sent
2 out emails indicating that applications need to be received one month before the appointment is to be made.
3 He said that perhaps this Board is willing to wait until February before a Chair is appointed, but he does not
4 know who has and has not applied for appointment.

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6 Mr. Randol asked if the Board could appoint an interim Chair for the January 17th meeting, because the
7 Board has done this during previous meetings.

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9 Mr. Hall stated that this is not like previous meetings because there is no Chair appointed at this time. He
10 said that during previous meetings the Board could vote on an interim Chair for one or several meetings due
11 to the absence of the Chair, but currently there is no Chair appointed.

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13 **Mr. DiNovo moved, seconded by Mr. Elwell that the Champaign County Zoning Administrator**
14 **forward a memorandum to the County Executive explaining the outcome of the Board's vote tonight**
15 **regarding the recommendation for the CCZBA Chair and leave the final recommendation up to the**
16 **County Executive to forward to the County Board.**

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18 **The motion carried by voice vote.**

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20 Mr. DiNovo asked Mr. Hall if there have been any applicants to fill the two vacant seats on the Board.

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22 Mr. Hall stated that the Champaign County Department of Planning and Zoning has not been made aware of
23 any new applicants.

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25 Mr. DiNovo stated that he thought he had a potential applicant, but recently discovered that they are
26 reluctant in applying. He said that it is his understanding that the current vacancies are for one unexpired
27 term, two years, and one full term, five years.

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29 Mr. Hall stated that Mr. DiNovo was correct regarding the two vacancies on the Board.

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32 **9. Audience participation with respect to matters other than cases pending before the Board**

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34 None

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36 **10. Adjournment**

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38 Mr. Hall entertained a motion to adjourn the meeting.

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40 **Mr. Randol moved, seconded by Mr. Elwell, to adjourn the January 3, 2019, special meeting. The**
41 **motion carried by voice vote.**

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The meeting adjourned at 6:47 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals