

**MINUTES OF REGULAR MEETING**

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**Champaign County Environment  
& Land Use Committee  
Champaign County Brookens  
Administrative Center  
Urbana, IL 61802**

**DATE: June 13, 2005  
TIME: 7:00 p.m.  
PLACE: Meeting Room 1  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802**

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**MEMBERS PRESENT:** Jan Anderson, Patricia Busboom, Chris Doenitz, Tony Fabri, Nancy Greenwalt (VC), Ralph Langenheim (C), Brendan McGinty, Steve Moser, Jon Schroeder

**OTHER COUNTY BOARD**

**MEMBERS PRESENT:** Barb Wysocki

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Jeffrey Roseman, Connie Berry, Jamie Hitt, Susan Monte, John Dimit, Joel Fletcher, Susan McGrath

**OTHERS PRESENT:** Hal Barnhart

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**1. Call to Order, Roll Call**

The meeting was called to order at 7:03 p.m. The roll was called and a quorum declared present.

**2. Approval of Agenda, Addendum I and Addendum II**

Ms. Greenwalt moved, seconded by Ms. Anderson to approve the Agenda, Addendum I and Addendum II as submitted. The motion carried by voice vote.

**3. Minutes of Previous Meeting (April 11, 2005)**

Mr. Schroeder noted minor corrections on Pages 7, 8 and 11.

**Ms. Greenwalt moved, seconded by Mr. Schroeder to approve the April 11, 2005, minutes as amended. The motion carried by voice vote.**

**4. Public Participation**

None

**5. Correspondence**

None

**6 County Board Chair's Report**

None

- 7. Recreation and Entertainment License: Champaign County Fair Association, 902 North Coler Ave., Urbana, IL, for the County Fair and Carnival. July 22, 2005 thru July 30, 2005.

Mr. Moser moved, seconded by Mr. Doenitz to approve the Recreation and Entertainment License for the Champaign County Fair Association, 902 North Coler Ave., Urbana, IL, for the County Fair and Carnival. July 22, 2005 thru July 30, 2005. The motion carried by voice vote.

- 8. Request of Dewey Public Water District to waive the required fee for a Special Use Permit to authorize replacement of a nonconforming water treatment facility.

Mr. Doenitz moved, seconded by Mr. Moser to approve the request of Dewey Public Water District to waive the required fee for a Special Use Permit to authorize replacement of a nonconforming water treatment facility.

Ms. Anderson stated that Mr. Roseman's memorandum indicated that if the waiver is approved the notification fee would be borne by the County. She asked Mr. Roseman what the amount of the notification fee would be.

Mr. Roseman stated that the notification fee would cost the County approximately \$65.

Mr. Fabri asked why the improvements were needed.

Mr. Roseman stated that the Dewey Public Water District will be receiving a grant and one of the requirements of the grant is to improve the facilities for water treatment.

**The motion carried by voice vote.**

- 9. Request for endorsement of the 2004 Champaign County Greenways & Trails Plan.

Ms. Greenwalt moved, seconded by Mr. McGinty to recommend approval of the request for endorsement of the 2004 Champaign County Greenways & Trails Plan. The motion carried unanimously by voice vote.

- 10. Request approval of 25% reduction in Liquor License Application Fees for Licenses other

than Class E Licenses through August 31, 2005.

Ms. Greenwalt moved, seconded by Mr. McGinty to approve the request of 25% reduction in Liquor License Application Fees for Licenses other than Class E Licenses through August 31, 2005.

Ms. Greenwalt stated that recently the County Board approved an amendment to the Liquor Ordinance increasing the fees by 25% although if the license renewal applications were submitted early a 25% reduction was granted. She said that due to an unexpected illness of the person responsible for mailing out the license renewals the applications were not mailed out in a timely manner therefore eliminating the possibility of any 25% reductions in fees. She said that the requested amendment would impose last years rates on the renewals to accommodate the license holders.

Ms. Anderson asked what the rates would be for next year.

Ms. Greenwalt stated that the application fees would revert back to the higher rate.

Ms. McGrath stated that the amendment clearly states that the license renewal fees will remain at the lower rate during April 1, 2005 to March 31, 2006. She said that the Committee must also address the issue of background checks.

Ms. Greenwalt stated that several bar owners did contact her regarding their concerns over the 25% increase. She noted that the Liquor Advisory Commission has not had a chance to review the proposed amendment.

**The motion carried by voice vote.**

11. Request approval of correction to Special Flood Hazard Areas Ordinance.

Ms. Greenwalt moved, seconded by Mr. Schroeder to recommend approval of the request for approval of correction to Special Flood Hazard Areas Ordinance. The motion carried unanimously by voice vote.

12. Comprehensive Zoning Review

A. Request that Subcommittee be formed to recommend changes to Champaign County Land Use Regulatory Policies - Rural Districts

Mr. Roseman read Section 16.C.5, Duties of Committee Chair, from Resolution No. 4070, Establishment of Organization, Duties, Rules, Policies and Procedures of the Champaign County Board. He said that, prior to the meeting, the proposed subcommittee must be approved by the Champaign County Board prior to meeting.

Mr. Langenheim stated that the Committee is looking at revising the policies which were passed

approximately three years ago governing zoning in order to remove conflict with the proposed Comprehensive Zoning Ordinance.

Mr. Roseman stated that the attachment to the June 7, 2004 memorandum provides an outline of the areas within the policies which need to be addressed by the subcommittee. He said that the subcommittee will address those areas and will make a recommendation to ELUC for review and recommendation to the County Board for final approval.

**The consensus of the Committee is to approve the appointment of Chair-Ralph Langenheim, Vice Chair-Nancy Greenwalt and Steve Moser to the subcommittee.**

### **B. Champaign County Farm Bureau Resolution**

Mr. Roseman stated that the Champaign County Farm Bureau Resolution of support of the direction provided by the recent ad hoc working group in regard to the Comprehensive Zoning Review was provided for the Committee's review.

#### **A1. Consideration of an amendment to the Champaign County Liquor Ordinance No. 653, Ordinance Establishing the Rules and Regulations Governing the Sale and Consumption of Alcoholic Liquor, regarding criminal background checks for liquor license applicants.**

Ms. Greenwalt stated that currently a criminal background check is required for anyone who has 15% ownership or more in a business although it has proved to be a complicated procedure in obtaining those checks. She said that it was suggested that anyone who has 25% ownership or more in a business should be subjected to a criminal background check.

Ms. McGrath stated that current procedure for obtaining criminal background checks has become cumbersome; therefore the proposed amendment is before the Committee. She reviewed Section F: Fingerprinting Fee. She said that these are merely suggestions that she is making to the Committee and the Liquor Advisory Commission regarding Section F to make the procedure more viable.

Ms. Busboom stated that she would like the Champaign County Sheriff to be included in the discussion regarding the criminal background checks.

Ms. McGrath stated that she has spoken to the Sheriff and he indicated that he will provide any information that he has available to assist with this process.

Ms. Greenwalt suggested that any change to the text be underlined to save any confusion.

Ms. McGrath stated that she would like to make the Liquor Ordinance more specific. She said that the definition of officers may need to be fine-tuned although typically corporate officers consist of four people.

Mr. McGinty stated that the 25% would eliminate silent partners and expedite the process.

**Ms. Greenwalt moved, seconded by Mr. McGinty to recommend approval of consideration of an amendment to the Champaign County Liquor Ordinance No. 653, Ordinance Establishing the Rules and Regulations Governing the Sale and Consumption of Alcoholic Liquor, regarding criminal background checks for liquor license applicants. The motion carried by voice vote.**

**A2. Recreation and Entertainment License: Countryside United Methodist Church, for a youth event to include 3 bands, food, action inflatables and outdoor games. Location: RR3, Urbana, IL, to be held on July 30, 2005.**

**Ms. Greenwalt moved, seconded by Ms. Anderson to approve the Recreation and Entertainment License: Countryside United Methodist Church, for a youth event to include 3 bands, food, action inflatables and outdoor games. Location: RR3, Urbana, IL to be held on July 30, 2005. The motion carried by voice vote with one opposing vote.**

13. Planning and Zoning Report

A. Enforcement Case Procedures

Mr. Roseman stated that at the May 9, 2005, ELUC meeting staff presented information to the Committee for consideration in resolving enforcement cases. Over the course of several months staff has examined various ways in reducing the current list of enforcement cases. The memorandum dated May 31, 2005 includes an examination of the current process and suggested motions that are intended to reduce the backlog. He reviewed Motion A through F with the Committee.

Ms. Busboom asked what type of agencies would be involved in Motion D.

Mr. Roseman stated that the type of agencies would be the Health Department and the Illinois Environmental Protection Agency.

Ms. Busboom stated that the complaints should be treated equally and it should not matter when the complaint was reported as mentioned in Motion E. She asked if a budget or expense account has been determined for the County Hearing Officer.

Mr. Roseman stated that there is no budget or expense account determined to date. He said that a County Hearing Officer would expedite the cases rather than being delayed in the court system. He said that the Zoning Officer will be responsible for keeping track of the cases that are being heard before the County Hearing Officer.

Mr. Moser asked if there was a way to expedite cases which include repeat violators. He said that it would be nice if there was a way to by-pass the process and send the repeat violators straight to the State's Attorney.

Mr. Dimit stated that Motion B would address the issue of repeat violators.

Mr. Roseman stated that the violator has 15 days from the date of the first notice to respond but if no response is received the final notice is mailed. The final notice gives the violator seven days to respond. If no contact is made with staff, the case is sent directly to the State's Attorney.

Mr. Fletcher stated that because of due process, Motion B is the quickest way that repeat violators can be dealt with. He said that the priority list can be amended to deal with repeat violators in a different manner.

Mr. Schroeder asked if there is a fine structure in the Ordinance.

Mr. Roseman stated that he needs to discuss the fine structure with the State's Attorney and the Committee.

Mr. Schroeder stated that he appreciated the example notices from other counties. He said that McLean County's notification letter is very precise and to the point. He said that if too much information is placed in the letter then the public becomes confused and does not respond as well as if the notice is very to the point.

Mr. Roseman stated that all of the proposed motions can be refined by the State's Attorney. He said that the notice should specify the nature of the violation and perhaps a brief description of how the violation can be rectified. He said that if the notice is precise and specific in regard to the violation he feels that the public will call immediately and at that point staff can explain the process to rectify the violation.

Mr. Fletcher stated that the short form is all that is legally required for notification.

Ms. Busboom asked for an explanation of the enforcement notification process.

Mr. Roseman gave an overview of the process. He said that under direction of the County Board staff was previously directed to take a softer approach and work with the violators in rectifying the violation although this approach does stifle the process.

Ms. Hitt stated that before 1999 the shorter-to-the point version of the notification was used but during her time it was determined that a longer, nicer version should be used to rectify the violations. She said that there truly are people out in the County who do need additional time in rectifying the violation, therefore the Committee must decide if they are willing to give her the authority to grant that additional time to those violators. She said that many times other entities are involved and the violator cannot rectify the violation within the County's deadline.

Mr. Roseman stated that staff would not be granting the additional time but would explain the situation when forwarding case to the State's Attorney. He said that in regard to Motion E, Cases prior to 1998, those cases only amount to 54 of the 253 backlogged and some of those cases are floodplain and kennel cases. The kennel cases will be resolved during the re-write of the Zoning Ordinance and in regard to the floodplain cases IDNR determined that staff needs to resolve the complaints involving fill in floodplain if data is obtained to substantiate what the existing elevation was at the time that the FIRM map was developed. He said that it must be determined and reviewed by the State's Attorney's Office as to who will be responsible for those costs in obtaining

that data.

Ms. Busboom noted that she has been in the court room and was very impressed with Ms. Hitt, Zoning Officer, during her testimony in behalf of the County.

Mr. Dimit stated that the budget for the Hearing Officer has been an issue which has been discussed for several months. He said that it must be determined if the Hearing Officer will be utilized by a single government unit or multi-government unit.

Mr. Moser stated that there are violators which must be approached by either the Sheriff's office or the State's Attorney's office rather than by the Zoning Officer to get them in gear to rectify the violation.

Mr. Fletcher noted that the County's resources are not well spent in pursuing violations which are prior to 1998. He said that if no other complaints have been received on these properties then it is probable that these violations no longer exist. He said that perhaps on a trial basis staff's efforts, Motion E should be amended placing violations which have received the most complaints first rather than the older violations. He noted that the priority list should still be followed.

**Mr. Moser moved, seconded by Ms. Anderson to approve the Enforcement Procedures: Motion A-F, as amended. The motion carried by voice vote.**

## **B. Monthly Report**

Mr. Roseman gave a brief overview of the May, 2005, Monthly Report.

## **C. Alternative date for October, 2005, ELUC Meeting**

**The consensus of the Committee was to approve October 11, 2005, as an alternative date for the October, 2005, ELUC Meeting.**

### 14. Other Business

Mr. Roseman stated that staff received a bill for the NPDES therefore a budget request must be submitted to the Finance Committee in the amount of \$1000 for the annual fee. He said that he failed to include in Item # 5: Correspondence that a letter was received from the Rock Island Corps of Engineers regarding receipt of public notices.

### 15. Determination of Items to be placed on the County Board Consent Agenda

The consensus of the Committee was to place Items #9, #10, #11, #12 and A1 on the County Board Consent Agenda.

16. Adjournment

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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