

1 **MINUTES OF REGULAR MEETING**

2 **Champaign County Environment** **DATE:** **November 13, 2007**
3 **& Land Use Committee** **TIME:** **7:00 p.m.**
4 **Champaign County Brookens** **PLACE:** **Lyle Shields Meeting Room**
5 **Administrative Center** **Brookens Administrative Center**
6 **Urbana, IL 61802** **1776 E. Washington Street**
7 **Urbana, IL 61802**
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12 **MEMBERS PRESENT:** Jan Anderson, Chris Doenitz, Matthew Gladney, Brad Jones, Ralph
13 Langenheim, Steve Moser, Carrie Melin, Barbara Wysocki (C), Jon
14 Schroeder (VC)
15

16 **OTHER COUNTY**
17 **BOARD MEMBERS**

18 **PRESENT:** C. Pius Weibel, (County Board Chair)
19
20

21 **MEMBERS ABSENT:** None
22

23 **STAFF PRESENT:** John Hall, Leroy Holliday, Susan McGrath (Senior Assistant State's
24 Attorney), Susan Monte (Regional Planning Commission)
25

26 **OTHERS PRESENT:** Matt Varbel, David Holt, David Taylor
27

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29
30 **1. Call to Order, Roll Call**
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32 The meeting was called to order at 7:00 p.m. The roll was called and a quorum declared present.
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34

35 **2. Approval of Agenda**
36

37 **Mr. Langenheim moved, seconded by Mr. Doenitz to approve the agenda.**
38
39

40 **3. Approval of Minutes (August 17, 2007 / September 10, 2007 / October 9, 2007)**
41

42 **Ms. Anderson moved, seconded by Mr. Doenitz to approve the August 17, 2007, September 10, 2007,**
43 **October 9, 2007, minutes as submitted. The motion carried by voice vote.**
44

45 **4. Public Participation**
46

47 Matt Varble of the Dewitt County Regional Planning Commission and Watchclintonlandfill.com President
48 spoke regarding the referendum for the United States Environmental Protection Agency's consideration of a

1 proposed chemical waste landfill permit over the Mahomet Aquifer in Dewitt County. He said that it is his
2 understanding after talking with administration that this is not the appropriate venue for a referendum
3 question to be considered so instead the issue that would be before you is whether or not you would want to
4 discharge a resolution question to the full County Board then the County Board would be able to vote yes or
5 no as to whether or not there is a sense of supporting or not supporting this proposed chemical waste landfill
6 in Dewitt County.

7
8 Mr. Schroeder arrived at 7:05pm.

9
10 Mr. Varbel said that he had given each committee member a handout going over what's happening in Dewitt
11 County and also there are two other members of their organization here tonight David Holt, Former
12 President of Mahomet Valley Water Authority and David Taylor, Secretary, Treasurer and Trustee of
13 Wapella. Mr. Varbel said that a chemical waste landfill has no place being put over the Mahomet Aquifer.
14 He said that he is not anti-storage of PCB waste but he feels that location is not appropriate and that as a
15 community that issue does not stop at the borders of Dewitt County and he thinks that this is a regional issue
16 not only because of the potential contamination of the ground water of the aquifer but also because of
17 transporting of PCB chemical waste by rail and truck through central Illinois to this landfill should it be
18 approved. He said that the question the Board may have in their mind is what does Champaign County have
19 to do with this. He said that he is here this evening because a referendum or resolution will have an impact
20 on the EPA permitting process.

21
22 Mr. Varbel said that he had received confirmation from the United States EPA that public sentiment
23 expressed through resolutions and referendum does impact whether or not the EPA will approve or deny the
24 permit. He said that on October 18th the Dewitt County Board passed an advisory referendum question on
25 page two of this handout and it shows how it will appear on the February 5th ballot. He said that would be
26 taken under consideration by the EPA. He said that the application is to turn a portion of the municipal
27 landfill located outside of Clinton, Illinois on US Route 51 and Champaign County sends some of its waste
28 to this landfill now. He said that there is a couple of different issues besides the transportation issue and the
29 aquifer issue and in addition, if this chemical waste landfill is approved it will limit the capacity of the
30 municipal waste landfill therefore it means less of your waste will be stored at this existing landfill. He said
31 that the concern is that there are about 10 chemical waste landfills in the United States and this one would
32 be eleven if approved. He said that there is a pattern of these landfill holding companies that focuses on
33 economically depressed areas and Dewitt County is in that category and that's why they are at our door step.
34 He said that they tried to expand a hazardous waste landfill in Peoria County which was denied in May of
35 this year. He said they had an appeal last week in front of the Illinois EPA and our concern is that they
36 would not only try to turn this into a chemical waste landfill but because the hazardous waste landfill
37 expansion was denied in Peoria County they will consider converting this landfill into a hazardous waste
38 landfill which is the worst of the worst.

39
40 Ms. Wysocki asked to hold off all questions until we reach item 10.

41
42 Mr. Holt said that he would wait until the review of item 10.

1 **5. Correspondence**

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3 **Mr. Langenheim moved, seconded by Ms. Melin to accept and place on file the minutes of the**
4 **Mahomet Aquifer Consortium Meeting June 6, 2007 and October 22, 2007. Motion carried by voice**
5 **vote.**

6
7 **6. Proposed Intergovernmental Agreement regarding development pursuant to Municipal**
8 **annexation that is more than one-and-one half miles from the municipality.**

9
10 Ms. Wysocki said that this item was kept on the agenda not knowing what if anything we would hear from
11 the City of Champaign. She said that she received an email from Ms. Crowley of the City of Champaign
12 and she said that there is a meeting scheduled with representatives from Champaign, Urbana, Rantoul and
13 Savoy for November 14, 2007, to review what would be the final draft of a proposal of principles. She said
14 that
15 after the meeting tomorrow Ms. Crowley said that the participants should be able to go to their councils for
16 direction. She said that Ms. Crowley indicated that if they are able to agree or agree to disagree and seek
17 input from policy makers then she would forward the document that they are working on after tomorrows
18 meeting.

19
20 Mr. Moser asked Ms. Wysocki if there has been any communication with RPC about input from the smaller
21 towns. He said that at the Savoy meeting there were several of them there.

22
23 Mr. Hall said that there has been none.

24
25 Ms. Wysocki asked if the smaller towns are not reaching out to us should we reach out to them and how can
26 we communicate what transpired at the annexation meeting and how can we communicate the position of
27 the four municipalities.

28
29 Mr. Hall said that once the committee has a chance to view the response from the municipalities and if the
30 committee cares to take a position on that we could draft something to send to the smaller villages.

31
32 Ms. Melin asked if we know if the smaller municipalities were invited and if not maybe a letter of invitation
33 could be sent.

34
35 Mr. Moser said that it may be futile to pursue this if we can't get St. Joseph, Mahomet and Tolono involved
36 with it. He said that he talked to the Village Administrator of Rantoul and he said that he didn't believe that
37 they will go with it either.

38
39 Ms. Wysocki said that Mahomet, St. Joseph and Tolono were at the meeting.

40
41 Mr. Weibel said why don't we wait to see what happens tomorrow.

42
43 Ms. McGrath said what could be done is if the draft comes through tomorrow then it could be sent to all of

1 the municipalities who may or may not attend if they have questions or comments.

2
3 Ms. Wysocki said that we need to keep the dialog going and for some of the smaller villages to just be at the
4 Savoy meeting and then fade off is not constructive for the purposes of this topic. She said that she doubts
5 that the smaller villages look at it the same as the larger ones look at it.

6
7 Mr. Langenheim said that if so little interest is shown for this why are we front and center beating the drum
8 for it.

9
10 Ms. Melin said that maybe it would be helpful if we outline some of the advantages of this communication
11 with the County.

12
13 Ms. Wysocki said that she feels we may have to do some hand holding and coaching because they are not
14 used to engaging in this way in conjunction with other communities so the county may have to help them
15 along.

16
17 Mr. Hall asked if it is the committee's preference to send whatever we get from the municipal effort without
18 being reviewed before hand.

19
20 Mr. Doenitz said that we would rather see it first.

21
22 Mr. Moser said that he would like to know if Rantoul is going to go along with this because they are the
23 only ones along with St. Joseph and Tolono that would have the capability to jump on something outside a
24 mile and a half.

25
26 Mr. Hall said that Rantoul is one of the villages that are working on this.

27
28 Mr. Moser said that if they are in favor of it then it may influence St. Joseph and Mahomet because they are
29 the ones that worry me other than Tolono.

30
31 Mr. Gladney asked out of those communities meeting tomorrow night are any of them going to be getting
32 the word out and are they putting as much thought into it as we are.

33
34 Ms. Wysocki said that her guess is maybe not and perhaps once we see something from this group of five
35 we might want to make that suggestion to them.

36
37 Ms. Melin said that due to the issues that we have heard about Clinton Landfill tonight maybe it would be
38 good for the other communities to have an intergovernmental agreement in place to have something to fall
39 back on

40
41 Ms. Wysocki said let's see what happens tomorrow.

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11/13/07

AS APPROVED JANUARY 14, 2008

ELUC

1 **7. City of Champaign Request for Increase County Contribution to Offset Cost of Drop-Off**
2 **Recycling Site Update**
3

4 Ms. Monte said that she had left five messages for Tom Schuh, Operation's Manager for the City of
5 Champaign and he had not returned her calls as of today. She said we may need to continue this.
6

7 Mr. Doenitz said that this had been on the agenda for about three or four months so why don't we drop it.
8

9 Ms. Monte said that there is not a big pot to draw from so it's a limited amount of money and they are
10 asking for help from the county and in short the county will be asking for a city contribution towards the
11 electronics recycling so it's like passing back and forth the little funds that are available.
12

13 Mr. Moser said that he thinks that it is opening the door for all the towns to set up their own recycling. He
14 said that Urbana is taxing their citizens for it.
15

16 Ms. Monte said that there are five other drop off sites in the county that are financed in part by the village or
17 township together.
18

19 Mr. Weibel asked Ms. Monte if she could list the drop off sites.
20

21 Ms. Monte said that she doesn't have the list with her but she believes it is St. Joseph, Philo, outside the City
22 of Urbana at Allied and that is not a 24hour facility like the rest are and Sidney.
23

24 **8. Champaign County Land Resource Management Plan Update**
25

26 Ms. Monte said that since the last steering committee meeting on September 13, 2007, the RPC staff had
27 drafted the preliminary draft of the conditions and trends report which all of you have received and is
28 currently under review and comment period. She said that on Thursday they will meet with the Steering
29 Committee and had revised the meeting location due to bad acoustics so now it is at the Savoy Recreational
30 Center.
31

32 Ms. Monte said that in regards to modifications and additions to the Preliminary Draft, the Land Resource
33 Management Plan has several required elements which include descriptions of sewer and water systems,
34 natural resources, public safety facilities, energy distribution, and those types of chapters are required and
35 they had found that there are still some missing pieces of information that are relevant such as
36 transportation, information related to township roads, maintenance jurisdiction, road capacity limitation. She
37 said that she will include information graphics with regards to safety zones outside of the airport runway
38 areas in the County. She said that they will identify scenic view sheds and asked if anyone has heard of the
39 Seven Hills. She said that it is located near Broadlands along a ridge. She said that they will improve the
40 readability of the maps especially the township maps toward the end of the report and further refine
41 selectively and add more information with regards to natural resources and land uses.
42

43 Ms. Monte said that there will be a County Board Study Session on December 10, 2007, at the next ELUC

1 meeting and the format would be a short ELUC regular meeting for a half an hour or so before the Study
2 Session which would begin at 7:00PM. She said that ELUC will finally consider this report at the January
3 meeting.

4
5 Mr. Doenitz asked Ms. Monte if the committee will see the final version of this before the meeting.

6
7 Ms. Monte said that the preliminary draft which you have is the one we will review on December 10, 2007,
8 and we will show all the changes on the report prior to the meeting. She said that she had received over one
9 hundred comments so far.

10
11 Ms. Melin asked Ms. Monte whom did she receive comments from.

12
13 Ms. Monte said that she received comments from Mr. Hall and two members of the Steering Committee.

14
15 Ms. Wysocki said that the committee is more than welcome to give their comments as well.

16
17 **9. Resolution Regarding County Board Acceptance of IEMA State-Local Pre Disaster Mitigation**
18 **Program Grant Agreement for Planning**

19
20 Ms. Monte said that the county has a formal process in place to receive grant monies that are awarded. She
21 said that on page 42 is a resolution that describes that we had been awarded federal funds through the state
22 agency to develop a pre Disaster Mitigation Plan that meets the FEMA requirements. She said that this is
23 something that we have applied for previously and applied for again this time and have received it. She said
24 that the plan will be developed by herself and also other RPC Staff. She said that she had additional
25 information and charts if the committee wishes to see them. She said that this will occur over the next two
26 years and be completed about the same time as the Land Resource Management plan in October 2009. She
27 said that she would work with the existing taskforce support that's in place and Bill Keller is a member of
28 that task force and other representatives from municipalities that are interested in participating could be
29 involved.

30
31 Ms. Anderson asked Ms. Monte if this plan is an update of the old plan or is this a new plan.

32
33 Ms. Monte said that there was a plan submitted in 1997 but it does not meet the requirements set out by
34 FEMA either with regards to public participation or implementation sections that are missing but it does set
35 a good ground work for the effort.

36
37 Mr. Jones asked Ms. Monte what was the grant amount and what amount does the county have to pay.

38
39 Ms. Monte said that the grant amount is for \$41,165.00 from the federal government and the county will
40 provide a matching share of 25%. She said that the \$41,165.00 is 75% for a total amount of \$54,888.00. She
41 said that the matching funds will come in the form of hours from staff.

42
43 Ms. Wysocki asked Ms. Monte why has this been routed through ELUC instead of going to Justice since

11/13/07

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ELUC

1 that is Mr. Keller's parent committee.

2
3 Ms. Monte said that the request was made to the RPC for planning assistance.

4
5 Ms. Monte said that Sangamon County is also working on a disaster mitigation plan. She said funds are
6 made to counties to develop these plans.

7
8 Ms. Wysocki asked Ms. Monte if all she wants from this committee is to approve the resolution.

9
10 Ms. Monte said yes.

11
12 Mr. Jones asked Ms. Monte if the County would receive FEMA funds if we don't approve this.

13
14 Ms. Monte said that this is a required procedure and Deb Busey informed her that this is a formal process of
15 reviewing the grant receiving and accepting it and Mr. Weibel will sign a contract once this happens.

16
17 Ms. McGrath said that Mr. Jones is correct that we could not get FEMA funds without this mitigation plan
18 being in place and that's what's talked about in an intergovernmental planning agreement which is all the
19 documents you received at the November Board Meeting from the Policy Meeting. She said these are set up
20 so that we can coordinate our efforts for disaster plan assistance which is required by FEMA and this is in
21 place so we can receive funds. She said that the Board Chair will sign the contract if this passes.

22
23 Ms. Monte said that the City of Urbana is the only municipality in the County that has a plan like this and
24 they have the option of participating with us to update their plan or not.

25
26 **Ms. Anderson moved, seconded by Mr. Langeheim to approve the Resolution regarding County**
27 **Board Acceptance if IEMA State –Local Pre-Disaster Mitigation Program Grant Agreement for**
28 **Planning. Motion carried by voice vote.**

29
30 Mr. Schroeder asked Ms. Monte if this is to approve a grant that we already received.

31
32 Ms. Monte said yes.

33
34 Mr. Schroeder asked Ms. Monte if she spoke about the Steering Committee.

35
36 Ms. Monte said that there is not a Steering Committee per-se there will be a working taskforce that would be
37 identified that would be associated with Bill Keller's work.

38
39 Ms. McGrath said that actually there are two groups associated with putting that agreement together and that
40 is the Technical Committee which consists of all the emergency management staff from municipalities,
41 counties, representatives of fire protection districts and others that do disaster planning. She said that also
42 there is the Policy Group which composed of the County Board Chair, the Mayors and other village
43 representatives.

1
2 **10. Request for a referendum regarding United States Environmental Protection Agency's**
3 **consideration of a proposed chemical waste landfill over the Mahomet Aquifer in Dewitt**
4 **County.**
5

6 Ms. Wysocki said that this should be a resolution and not a referendum.
7

8 **Ms. Anderson moved, seconded by Mr. Gladney to approve a request for a resolution regarding**
9 **United States Environmental Protection Agency's consideration of a proposed chemical waste landfill**
10 **over the Mahomet Aquifer in Dewitt County.**
11

12 Mr. Doenitz asked what is the resolution.
13

14 Dave Holt said that he volunteers with the watch group and did serve as chairman and president of the
15 Mahomet Valley Water Authority for the first three years of its existence and that is the water authority that
16 covers Piatt and Dewitt Counties except for a square mile which is in Macon County.
17

18 Mr. Holt said that the question of a resolution verses a referendum and the person who contacted him said
19 this was concerning a referendum but he thinks this committee is saying they prefer a resolution and so it
20 may be a shift from what the agenda says. He said that the resolution language is not there at this point but
21 the committee was sent a copy of the Dewitt County referendum language. He said that there is much more
22 time to develop a resolution than a referendum. He said the point of getting to a committee, county board or
23 the entire county to referendum is for that to be part of the Federal EPA review process for this landfill. He
24 said that the permit request is not a guarantee and they do take the public's opinion and concerns into
25 consideration and that is part of the packet that you will see tonight. He said that if it was a referendum type
26 question the timing is more critical because December 3rd is the date to certify the question. He said the
27 resolution would apply more to the hearing process and that date had not been set yet and it could be six to
28 twelve months. He said the feedback that he is getting is that the landfill would like to see the permit process
29 accelerate as much as possible which could take six to seven months to a hearing date and that application
30 was submitted three weeks ago. He said that if you look at your timing and when to have the resolution
31 language there is some time to work on that and it is something you don't have to adopt tonight although
32 you can adopt the idea. Mr. Holt said that it is a regional issue and not just Dewitt County because we all
33 share the transportation risk as well as the water and the further west you go the more that risk would be but
34 that's why we are going to the surrounding counties and are asking them to express their interest or have a
35 referendum so the public could express interest so the EPA can get that feedback.
36

37 Ms. Anderson asked Mr. Holt what does the pink color represent on the handout.
38

39 Mr. Holt said that the pink layer represents the top of the aquifer and that is the main valley and it shows all
40 the towns that get their supply from it.
41

42 Mr. Holt said that if you look at Normal it is not over the aquifer at all but they have wells west of town and
43 they pump water like Decatur.

1
2 Ms. Anderson asked if they are going to the other counties.
3
4 Mr. Holt said yes but they are in the same dilemma with the timing of getting the referendum by December
5 3rd.
6
7 Ms. Melin asked Mr. Holt if any other municipalities expressed interest of either referendum or resolution.
8
9 Mr. Holt said that this committee is the first one he has been to since we received the Dewitt County Board
10 vote to put the question on a referendum. He said that he spoke to Max Olson of McClean County and he is
11 coordinating that along with Macon County so the time frame has been very tight. He said that they are
12 talking with them but the time frame is very tight but that process has just started.
13
14 Mr. Schroeder said that he is not sure of the motion and asked what is the motion we are making and is it a
15 motion to support.
16
17 Ms. Wysocki said that as she understands the resolution is pretty much as it's worded in Dewitt County.
18
19 Mr. Holt said that resolution was to certify a question for the ballot.
20
21 Mr. Schroeder asked if the resolution is on page 44.
22
23 Ms. Wysocki said yes.
24
25 Mr. Schroeder asked is that what Champaign County is supposed to adopt.
26
27 Ms. Wsocki said yes except that the motion on the table is not including a referendum it's just a resolution.
28 She said that as you get beyond all the whereas that section one would not apply we would just authorize the
29 County Board Chair to sign a resolution in support of the action taken by Dewitt County.
30
31 Mr. Schroeder said that he knew that Ms. Anderson made the motion but he was unclear what the motion
32 was and what is the resolution that we are voting on.
33
34 Ms. Anderson said that she thought that she was just making the motion to put it on the floor for discussion.
35
36 Ms. Wysocki asked Ms. McGrath to clarify the sequence of events.
37
38 Ms. McGrath said that there are many considerations here and one is an Advisory Referendum, this can be
39 passed by the County Board this month and that is the last time the County could take action because the
40 referendum question has to be certified by December 3rd. She said that the referendum also could be placed
41 on the ballot by petition which also has to be certified by December 3rd. She said that the resolution that is in
42 the packet has language specific to Dewitt County and if the Committee wishes to do a resolution then it
43 should be one different than what is in the packet and speaks specifically to Champaign County.

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Mr. Langeheim asked if it would possible to make a motion endorsing the intent and content of Resolution 16 of Dewitt County in regards to this.

Mr. Holt said that what he thinks would be useful for the EPA process is for the Board to express their intent relative to if they support or do not support the permitting of a chemical waste landfill because that will speak to your interest as a user of this aquifer. He said that the resolution used was presented as a model for a ballot question and he knows it was a basic working document but it seems that the County Board has indicated that it preferred to avoid a referendum question. He said that he thinks that if you have a resolution that language needs to be first drafted and a discussion whether you support or oppose the idea of a chemical waste landfill being permitted for the Clinton, Illinois site and that is the question you need to address in the resolution and that language you need to work on.

Ms. Wysocki said if this committee was inclined to develop a resolution she thinks the members would rather see the actual wording rather than something that resembles the model we have here. She asked Mr. Holt if we direct staff to construct such a motion and address it again at our December meeting would that fit your timeline.

Mr. Holt said yes and with the resolution approach we have a much longer time frame and even from the landfill perspective they felt it would be six or seven months before the public hearing on the landfill and maybe even a year. He said it would be time to get together with staff and go over that language and decide what are the issues that affect Champaign County residents with regards to this landfill and incorporate that into the language. He said that the referendum dictated that something be processed for December 3rd.

Mr. Moser asked Mr. Holt if he had spoken with Piatt, McClean, Macon and Logan County.

Mr. Holt said yes, he had coordinated with Max Olson of Piatt County and sent them a packet much like this committee's and he has not confirmed to me what committee it needs to go to but he said that since they have a much smaller board he would prefer that the entire Board be familiar with it. Mr. Holt said that he is not sure if they are leaning toward a referendum because they are closer and may be more impacted by this than Champaign County. Mr. Holt said that he had not approached Logan County because there seems to be some political issues on that as far as a referendum. He said their thought was to concentrate on the areas where the referendum may be most useful and informative in the process and where we knew that was not an option then the resolution idea came up but that was secondary because we have more months to work with county boards on resolutions.

Ms. Anderson said that she preferred the resolution due to the ethanol plants using a lot of water and if the water gets contaminated then that would be another issue.

Ms. Melin said that she suggests to direct staff to draft a resolution that pertains to Champaign County for review in December.

Ms. Wsocki asked Ms. Melin if that is in the form of a motion.

1
2 Ms. McGrath said that the previous motion has to be withdrawn.

3
4 Ms. Anderson withdrew her motion.

5
6 Mr. Gladney said he concurs.

7
8 **Ms. Melin moved, seconded by Ms. Anderson to direct staff to draft a resolution regarding the**
9 **proposed chemical waste landfill over the Mahomet Aquifer in Dewitt County for the committee's**
10 **review for the December 10, 2007, meeting. Motion Carried with Mr. Moser voting no.**

11
12 Mr. Moser said that he will not support this unless Logan, Piatt, Mclean and Macon Counties are in support
13 because they would be more affected by this. He said that since the flow of the aquifer is east to west those
14 counties that are in that path should be most concerned.

15
16 Mr. Langenheim said Mr. Moser is correct that the dominant natural flow is east to west but the cone of
17 depression in the Aquifer causes a local reversal of flow from west to east.

18
19 Mr. Weibel said that the cone of depression gives out at out near Allerton Park but the proposed wells may
20 move the cone of depression out further towards the Macon / Piatt County line and additional wells in the
21 future could augment those numbers as well.

22
23 Ms Wysocki asked Mr. Holt why it was not a unanimous decision in Dewitt County.

24
25 Mr. Holt said the opposition was that the full Board approved an amended agreement supporting the landfill
26 before it goes to EPA and that was an eleven to zero decision. Mr. Holt said that half of the members had not
27 seen the agreement until they walked in the door and there was no aspect of the chemical waste landfill that
28 had been made public during August. He said that there were no copies of the agreement during the month
29 of August however the finance committee did have copies of the agreement during August. Mr. Holt said
30 that at the August 21st Finance Committee meeting the reference to the chemical waste landfill aspect of the
31 agreement was omitted from the minutes and was not made available to the Board members until the
32 meeting on the 23rd. Mr. Holt said that the EPA walked into the meeting on the 23rd and said this would
33 allow rail access and will get \$50,000.00 and everyone was on board. He said only afterwards during the
34 next month when they started to investigate what a chemical waste landfill was then there was a split in the
35 Board. He said that in that vote it really represented the Board members that took the idea of allowing the
36 public to vote on a question as reversing their vote in August so five of them decided to stand behind their
37 vote and they saw that if the public had a right to vote on it, it would essentially be reversing their own vote
38 and they felt they should not be able to do that. He said that the County Board Chairman made the motion to
39 put the referendum on the ballot and six of them decided to let the public have a say which some of the
40 Board members have changed their minds about it but they did not want to reverse the original vote and five
41 of them will stand behind their vote.

42
43 Mr. Weibel asked Mr. Holt if anyone knew where the waste would be coming from.

1
2 Mr. Holt said that there are no restrictions and waste could easily come from out of state. He said that the
3 Clinton Landfill had conversations with AmerenIP concerning the contaminated soil sites around the old
4 City Gas Plants, transformers and storage sites so they have an immediate prospect through AmerenIP where
5 they are cleaning up all their sites throughout Illinois and that is the catalyst that's prompting them to look at
6 this.

7
8 Mr. Weibel asked Mr. Holt if he knew the location of the nearest site.

9
10 Mr. Holt said the nearest site is Detroit, Michigan and they were told that they have ample capacity and this
11 is more or less a business question and do we want to put our aquifer at risk for this company.

12
13 Ms. Wysocki asked all those in favor of the motion. All ayes with Mr. Moser voting no.

14
15 **11. Zoning Administrator's proposed Zoning Ordinance amending adding conditions under which**
16 **Township highway Maintenance Garages may be authorized by right rather than as a Special**
17 **Use Permit**

18
19 **Mr. Moser moved, seconded by Mr. Jones to open discussion for Zoning Administrator's proposed**
20 **Zoning Ordinance amendment adding conditions under which Township Highway Maintenance**
21 **Garages may be authorized by right rather than as a Special Use Permit. Motion carried with voice**
22 **vote.**

23
24 Mr. Hall said there is a one page memo tonight regarding the proposed amendment and the biggest question
25 in his mind is, if this is going to be a conditional use what is the threshold separation between a proposed
26 highway maintenance garage and the nearest residence or residential district. He said what distance is so
27 great that there are no concerns that we need to be concerned about. He said that the table in the new memo
28 reviews all of the required separation distances in the Zoning Ordinance and you will note that for a
29 government building there are no separation distances required for residences. He said however, when we
30 approve something under the Zoning Ordinance we have to think about what we are approving and a
31 highway maintenance garage is most like a contractor's facility but again the Ordinance does not have any
32 minimum separation distance between a contractor's facility and a residence or a residential district. Mr.
33 Hall said that the most similar thing to a highway maintenance garage that has a separation distance would
34 be a truck terminal and there is a required 200 feet separation. He said that again given the separation in the
35 existing Ordinance it looks like maybe you don't need a required separation between a highway
36 maintenance garage and an existing residence. He said to a Zoning Administrator it may sound odd because
37 some people are going to be very concerned about any non-residential non-agricultural use that could go in
38 next to them.

39
40 Mr. Hall said in the Zoning Ordinance Revision they were proposing a 500 feet separation and he had to
41 confess even though he was a part of the group who put that together there was not a lot of justification for
42 the 500 feet separation. He said that this is an arbitrary dimension and when he considered the impacts that a
43 highway maintenance garage may have he thinks it may be dust related to moving of the road materials that

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1 are kept in stock piles and the separation for minimizing the dust depends on where the maintenance garage
2 is located. Mr. Hall said that he thinks most highway maintenance garages generate less dust than the
3 standard in the rural area which is row crop agriculture so if you think about what a rural resident would
4 have to put up with he thinks a highway maintenance garage is less problematic than agriculture.
5 Mr. Hall said that if it's a separation of 200 feet or more the two maintenance garages that need Special Use
6 Permits that are mentioned in the memorandum would continue to need Special Use Permits. He said that if
7 it is going to be 150 feet or less these two facilities won't need Special Use Permits but what should control
8 your decision is what does the Board think should be the requirement for a highway maintenance garage that
9 has to be in a rural area. Mr. Hall said that it's very hard to locate one where there are no residences and
10 both of the maintenance garages that are coming up are existing facilities that were there before zoning
11 anyway. Mr. Hall asked the committee for direction on this.

12

13 Mr. Moser asked Mr. Hall if he knows if any townships want to do something.

14

15 Mr. Hall said that these are the only two that he knew about but he would suspect that there are more out
16 there.

17

18 Mr. Doenitz said that dust would be a non-issue in his opinion it would be more noise than anything else
19 because sometimes we are moving at three o'clock in the morning.

20

21 Mr. Weibel asked Mr. Doenitz what types of petroleum products are usually stored at those sites.

22

23 Mr. Doenitz said that in his case there is approximately a couple thousand gallons of diesel fuel, hydraulic
24 fluid and oil.

25

26 Mr. Weibel asked Mr. Doenitz if he thinks that is standard.

27

28 Mr. Doenitz said yes.

29

30 Ms. Melin said that what she is concerned about is hydraulic fluid and other types of materials leaching into
31 the ground and those residents who have private garden plots may be affected.

32

33

34 Mr. Doenitz said that we all store hydraulic fluid, we use it and most times it's kept in the shop anyway so it
35 would be a non-issue.

36

37 Mr. Schroeder said that there has been more than three of these structures built in the past ten years and
38 believes it is at least four because the Pesotum Township garage is not in the city limits of Pesotum and they
39 built without a permit and if you want to see an abuse of a township facility come see Pesotum. He said that
40 the Township Road Commissioner has a cottage industry going on in the building and Ms. Melin brought up
41 a good point about hazardous waste because he doesn't know what his road commissioner does with the
42 solvents and the paint left over from repainting of equipment. Mr. Schroeder said also that there all sorts of
43 storage out there like parking semi trailers and campers and the facility should not be used for anything

- 1 other than the intended use.
2
3 Mr. Hall said that if someone is effectively operating as something else then that is an enforcement issue. He
4 said that the first thing is we would have to know about it.
5
6 Mr. Hall said that he was not aware of the amount of fuel storage at the highway maintenance garage, but he
7 would like to get a copy of the permit to make sure the fuel is being stored properly. He said that as far as he
8 knew there are no setbacks for a couple thousand gallons in the state regulations and it is mostly using the
9 proper tank.
10
11 Mr. Doenitz said that since the two facilities that are coming up are existing facilities why would they need
12 the 200 feet separation.
13
14 Ms. Wysocki said that the one case is a township garage that burned and they are replacing it, the other case
15 is an existing township garage that they want to expand.
16
17 Mr. Doenitz said that it should be a no brainier since they are already there.
18
19 Mr. Hall said right now they are non-conforming and the expansion is beyond what is considered
20 insignificant and in Raymond Township they are re-building a whole new building. He said that right now
21 both of them need a Special Use Permit and he did not see it as being problematic and it probably won't
22 slow Raymond Township down since they may not be building during the winter but this was an opportunity
23 to get this before the committee.
24
25 Mr. Doenitz asked if he should abstain from voting.
26
27 Ms. McGrath said yes.
28
29 **Ms. Melin moved, seconded by Mr. Langeheim to approve the proposed Zoning Ordinance**
30 **amendment under which Township Highway Maintenance Garage may be authorized by right rather**
31 **than as a Special Use Permit with a 200 feet separation distance. Motion carried by voice vote.**
32
33 Mr. Doenitz said that he abstained because to he is a Township Road Commissioner.
34
35 Mr. Hall said that he would recommend adding township maintenance to the ordinance and then it would be
36 a more specific instance and would take precedence over a government building anytime there is a township
37 maintenance garage.
38
39 Mr. Hall asked Ms. Melin if she thinks these uses should have a 200 foot separation from residences.
40
41 Ms. Melin said yes.
42
43 Mr. Hall asked Ms. Melin if she would recommend having the same requirement for the contractor's

1 facility.

2
3 Mr. Weibel said that one of the concerns he sees with the contractor's facility and the 200 foot separation is
4 that a number of contractors in the country have a residence next to their building so that would be a conflict
5 and a pain to deal with all the contractors that have their residence next to them.

6
7 Mr. Doenitz said that he agrees with Mr. Weibel and if you use 200 feet you just drive them away from
8 where they are located.

9
10 Mr. Hall said that they would still continue needing a Special Use Permit just like they do now so it would
11 not help their case at all and would still be a Special Use Permit.

12
13 Ms. Wysocki asked Mr. Hall if it would be a by-right arrangement.

14
15 Mr. Hall said that anytime there is a highway maintenance garage more than 200 feet from a residence they
16 will become a by right so it's a help but it wouldn't help these two cases.

17
18 Mr. Langenheim said that this would not prevent the construction of the two facilities presently but will put
19 a requirement on the Special Use Permit so you can still do it.

20
21 Mr. Hall said yes.

22
23 Ms. Anderson asked Mr. Hall if there were any requirements for the gasoline storage.

24
25 Mr. Hall said that there are no standard requirements in the Ordinance for gasoline storage right now but it
26 would make sense to add a requirement to document that the fuel storage meets the state requirements. He
27 said that part of the Special Use Permit is that the neighbors get a notice and then they can come and raise
28 any concerns they may have.

29
30 Ms. McGrath said that the concern she has about adding fuel storage is that the County is being arbitrary and
31 would have an indefensible position to say that you would require that in certain facilities and not in others.
32 She said that the 200 feet distinction in her opinion does not matter if leeching is an issue it would be an
33 issue for all of them not just those with in 200 feet of a residence. She said that she does not think it makes
34 sense for the Zoning Ordinance to require it for a few and either you should require it for all or none.

35
36 Mr. Jones asked Ms. Melin if the extra 50 feet of separation was going to matter.

37
38 Ms. Melin said it's more for consideration for future buildings because the ones that are there now won't
39 require a Special Use Permit. She said that Ms. Mcgrath is also correct because if you are going to have
40 leeching you are going to have leeching but still it's different than if you have a facility that has strong
41 chemicals.

42
43 Mr. Doenitz said that he can say that they have more of a problem with people encroaching on them than

1 them encroaching on the people so he was not following Ms. Melin’s point.

2
3 Ms. Melin said that you are right but it goes both ways.

4
5 Ms. Wysocki asked Ms. Melin to explain her position again.

6
7 Ms. Melin said that she understands that the one that burned could not be built on that spot.

8
9 Mr. Hall said that it would need a Special Use Permit, it is non-conforming and it was never authorized and
10 under the current Ordinance it needs a Special Use Permit in order to be re-built. He said likewise with the
11 expansion, it has been there since before zoning was adopted but now that they are expanding and it’s more
12 than a couple hundred feet in area and it’s a big enough expansion that they now are going to need a Special
13 Use Permit. He said that he has no doubt that both of these would get a Special Use Permit but it’s just
14 having the recent experience of the Comprehensive Zoning Review where we try to make things possible by
15 right he wanted to bring that up as an option for the Board to consider at this time in case it would make a
16 difference in these cases or not it would be there in the future for others.

17
18 Mr. Moser said that most of the facilities are outside of town except maybe in a case like Mahomet where
19 they got a chance to go and buy a facility that was already there and he can see that happening in Ayers or
20 Raymond where somebody would walk away from a machine shed that would make a lot better facility than
21 what those townships have because they don’t have any money. He said that he thinks it should be by-right
22 and all of these places have been diked for diesel fuel some had not but if it is a public facility then it may
23 have.

24
25 Mr. Doenitz said that he suggests that if we are going to place restrictions on highway garages and not
26 contractor’s buildings and like operations then you might as well leave the Special Use Permit because you
27 are singling out one group where there are maybe one or two a year that ever does anything as far as
28 building a new facility. He said that he has 90% of the same type of chemicals at his farm shop that he has at
29 the road district.

30
31 Mr. Jones asked Ms. Melin if she would accept a friendly amendment to change her regulation to 150 feet so
32 we don’t have to have Special Use Permits for these two facilities.

33
34 Ms. Melin said yes.

35
36 Mr. Langeheim concurred.

37
38 **12. Zoning Administrator’s Proposed Zoning Ordinance amendment adding standards for**
39 **exterior lighting for certain land uses**

40
41 Mr. Hall said for some time the Zoning Board has been regularly adding a condition regarding exterior
42 lighting for Special Use Permits. He said that recently they had expressed some frustration that they have to
43 keep adding that as a special condition and it has not been added to the Zoning Ordinance so he decided to

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1 float this proposed amendment to add exterior lighting requirements for Special Use Permits and again the
2 issue comes up about separation. He said that he assumed the County Board is not ready to add a significant
3 lighting segment to the Zoning Ordinance and he assumed that they are most concerned about uses that are
4 within a certain proximity of a residential zoning district or a residence. He said that the same old question is
5 raised, what is the distance that the Board is concerned about. He said that in this landscape night lighting is
6 effective at a much greater distance. He said that the outdoor storage requirement in the Ordinance already
7 contains a separation distance of a thousand feet so if you are doing outdoor storage within a thousand feet
8 of a residence or a residential district you have to screen the outdoor storage. He said the proposed
9 amendment in front of you is to add a requirement for certain kinds of exterior lighting for any Special Use
10 Permit within a thousand feet of a residential district or within a thousand feet of a residence and it is very
11 difficult to be more than a thousand feet from a residence in Champaign County. He said that would require
12 that all exterior light fixtures be the full cut-off-type. He said that full-cut off type are very easy to find and
13 very easy to buy but it is not the kind that the light company provides for dusk to dawn security lighting and
14 those are not full-cut-off-type. He said that they can provide a full-cut-off-type for that but they generally do
15 not. He said that this proposal also requires a maximum lamp size of 250 watts but he thinks it would be rare
16 if anyone would use anything larger than that and it specifies that the locations of the fixtures have to be
17 indicated on the site plan approved by the Zoning Board and it recognizes that the Zoning Board may
18 require special conditions for outdoor recreational uses or other large outdoor lighting installations. He said
19 that you can't use full-cut-off lighting to light a playing field and the best you can do is put in requirements
20 for lamp size but in general it requires limited operations. Mr. Hall said that for any of this the Zoning
21 Administrator has to have documentation of this when you come to get the Zoning Use Permit. Mr. Hall said
22 that this proposal is something that the ZBA is already requiring with the exception of the limits. He said
23 that he really does not know what distances apply in the cases where they do Special Use Permits but it is
24 rare for them to approve a Special Use Permit without a condition for exterior lighting but the thousand feet
25 would probably be an expansion of that. He said that if the thousand feet is too much we could set a different
26 standard.

27
28 **Mr. Langenheim moved, seconded by Mr. Schroeder to approve the Zoning Administrator's proposed**
29 **Zoning Ordinance amendment adding standards for exterior lighting for certain land uses. Motion**
30 **carried by voice vote.**

31
32 Mr. Schroeder said that he commends Mr. Hall for tackling this and trying to be fair to everybody he
33 understands that it is difficult. He said that he remembers the Seymour Fire Protection District where they had
34 a new fire station built and there were no requirements for the Special Use Permit for outdoor lighting and
35 the neighbors across the road could have used the side of their house for a movie theater. He said that part of
36 the problem was exterior lighting but also the signage they had. Mr. Schroeder asked Mr. Hall if anything
37 could be put in the Ordinance regarding exterior illumination of signs.

38
39 Mr. Hall said that was a big problem in that case. He said that lighting on signs is more difficult and he
40 would be willing to look into something on that because it would be difficult to identify what type of sign
41 lighting would be acceptable.

42
43 Mr. Schroeder said that some of the lighting could be really obnoxious and maybe even limit the number of

1 exterior lighting. He said that he has no problem with the thousand feet requirement. Mr. Schroeder asked
2 Mr. Hall if security lights could be considered as exterior lighting.

3
4 Mr. Hall said yes but again this would only apply for Special Use Permits.

5
6 Mr. Schroeder asked Mr. Hall if timers could be put on the exterior lights.

7
8 Mr. Hall said that makes sense but this amendment only anticipates timers in regards to dusk to dawn or
9 outdoor recreational uses but it could easily incorporate some standard that parking lots could only be lit up
10 to a certain amount of time after the facility closes. He said that security lighting around a building would be
11 one thing and for the last Special Use Permit with big outdoor lighting at the ZBA they were going to have
12 timers on them because they did not want to pay for unnecessary energy. He said that this would only apply
13 to the unincorporated areas.

14
15 Mr. Jones asked Mr. Hall if the City of Champaign has anything regarding exterior lighting.

16
17 Mr. Hall said that he is sure they do and it would be something we would like to do for the public during the
18 public hearing but he did not have time to see what their standards were before tonight.

19
20 Mr. Schroeder said that in places like Seymour, Longview, and Penfield the County has zoning jurisdiction
21 and generally in the rural areas it would have a minimal effect if any.

22
23 Mr. Hall said that given those rural areas where you have pockets of business zoning by right, this ordinance
24 does nothing for exterior lighting this is strictly for Special Use Permits.

25
26 Ms. McGrath said there is one establishment formally called the Brick House now called TK Wendell's
27 where there were several complaints from the Sheriff's Office regarding the exterior lighting and our
28 Ordinance did not really address that.

29
30

31 **13. Update on Enforcement Cases**

32
33 Mr. Hall said that there are no updates available at this time.

34
35 **14. Monthly Report**

36
37 Mr. Hall said that there is no report available at this time.

38
39 Ms. Wysocki said with the committee's approval she would like to move to item 17.

40
41 It was the consensus of the committee to move to item 17.

42
43 **17. Determination of Items to be placed on the County Board Consent Agenda**

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Ms. Wysocki said that item 9 would be on the County Board Consent Agenda.

Ms. Wysocki said with the committee’s approval she would like to move to item 16B

16 B. Review of Closed Session Minutes:

- 1. December 12, 2005**
- 2. August 17, 2007 (Performance Appraisal Subcommittee)**
- 3. September 17, 2007, (Performance Appraisal Subcommittee)**

Ms. McGrath said that it would be her recommendation that since the Closed Session minutes deals with personnel issues these minutes should remain closed.

Mr. Doenitz moved, seconded by Mr. Schroeder to keep Closed Session Minutes of December 12, 2005, August 17, 2007 and September 17, 2007, closed. Motion carried by voice vote.

16. A. Closed session pursuant to 5ILCS 120/2 (c) 1 to consider the employment, compensation, discipline, performance, or dismissal of an employee.

Mr. Schroeder moved, seconded by Mr. Moser to enter Closed Session pursuant to 5ILCS 120/2 (c) 1 to consider the employment, compensation, performance, or dismissal of an employee all elected officials, states attorney and recording secretary can remain.

The roll was called:

Ms. Anderson-Yes	Mr. Doenitz-Yes	Mr. Jones-Yes
Mr. Langenheim-Yes	Ms. Melin-Yes	Mr. Moser-No
Mr. Schroeder-Yes	Mr. Gladney-Yes	Ms. Wysocki-Yes

The Committee entered Closed Session at 8:48pm.

Ms. Wysocki declared Open Session at 8:54pm.

20. Adjournment

Ms. Wysocki adjourned meeting at 8:55pm.

Respectfully submitted,

Secretary to the Environment and Land Use Committee