



Champaign County Board
Environment and Land Use Committee (ELUC)
County of Champaign, Urbana, Illinois

MINUTES – APPROVED AS DISTRIBUTED 11/5/15

DATE: Thursday, September 3, 2015
TIME: 6:30 p.m.
PLACE: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E Washington, Urbana, IL 61802

Committee Members

Present	Absent
Aaron Esry (Chair)	
C. Pius Weibel (Vice Chair)	
Astrid Berkson	
Stan Harper	
Patti Petrie	
Jon Schroeder	
Sam Shore	

County Staff: Deb Busey (County Administrator), John Hall (Zoning Administrator), Brian Nolan (Recording Secretary)

Others Present: Susan Monte (Regional Planning Commission), John Jay (County Board Member)

MINUTES

I. Call to Order

Committee Chair Esry called the meeting to order at 6:30 p.m.

II. Roll Call

A verbal roll call was taken and a quorum was declared present.

III. Approval of Agenda

MOTION by Mr. Shore to approve the agenda as distributed; seconded by Mr. Schroeder. Upon vote, the **MOTION CARRIED** unanimously.

IV. Approval of Minutes

A. ELUC Committee meeting – August 6, 2015

MOTION by Mr. Schroeder to approve the minutes of the August 6, 2015 ELUC meeting as distributed; seconded by Ms. Berkson. Upon vote, the **MOTION CARRIED** unanimously.

V. Public Participation

Jennifer Putman attended the meeting on behalf of the Champaign County Healthcare Consumers Board of Directors. The Champaign County Healthcare Consumers Board of Directors is one of sixteen co-sponsors of a community meeting on the Mahomet Aquifer to be held on September 19th, 2015 at the Champaign Public Library. Ms. Putman commented that issues surrounding the Mahomet Aquifer will

continue after the County Board votes on the proposed Consent Decree and invited board members to attend the community meeting scheduled for September 19th.

VI. Communications

None

VII. For Information Only

A. Enforcement Update for 1101 Carroll Avenue, Urbana

Mr. Hall reported that 4 bids were received during the September 2nd bid opening; however, only 1 bid was complete and included irregularities. The State's Attorney's office has advised the project to be rebid. A budget amendment will still be included on the September 8th Committee of the Whole agenda. If the budget amendment is approved, Mr. Hall anticipates a new bid to open on and around October 1st.

Mr. Esry asked how much the budget amendment is anticipated to cost. Mr. Hall noted that half of the bids received on the September 2nd opening were below \$15,000, but a new bid opening will produce different bid amounts.

Mr. Harper asked if the county will be able to recoup the costs associated to the demolition. Mr. Hall anticipated that the county will be able to recoup demolition costs.

Mr. Weibel asked how the property is zoned. Mr. Hall noted that the property is zoned R-2, single family zoning district.

B. Proposed FY2016 Budget for Department of Planning and Zoning

Mr. Hall reported that the Planning and Zoning department anticipates reducing their budget by holding one less Zoning Board of Appeals meeting in FY2016.

Ms. Petrie asked if holding one less Zoning Board of Appeals meeting will continue into the future. Mr. Hall explained that Planning and Zoning's budget is allocated for 24 meetings each year so budget amendments are not needed throughout the year if more meetings are necessary. Mr. Hall does not anticipate any problems with holding one less meeting each year.

C. Township Road District Ordinance Establishing Fees Required for Consideration of Proposed Development Projects

Mr. Hall noted that the Committee is being made aware of the ordinance in anticipation of the new fees becoming material in Champaign County Special Use Permit and/or Zoning Map Amendment cases. Mr. Hall addressed concerns that anyone applying for a special use permit in rural areas would be required to pay \$5,000 in fees in order to receive comments from the appropriate Highway Commissioner. It is unclear if this will become an issue; however, Mr. Hall wanted to inform the board about the ordinance.

Mr. Shore asked if there any information available for comparable statutes in other regions of similar size. Mr. Hall noted that he will consult the County Engineer about the issue and provide the board with further information.

Ms. Petrie asked for additional background to be provided. Mr. Hall explained that the ordinance was drafted with the intent of establishing a permanent ordinance for any large project in order to recover costs associated with the project. More information will be provided to the board as it becomes available.

Ms. Berkson asked how small of a project would trigger the fees in the ordinance. Mr. Hall noted that there is no minimum currently set and it will depend on how each Highway Commissioner applies the ordinance. Mr. Hall additionally noted that townships will only be allowed to recover actual costs from the project.

Mr. Weibel noted that this not a county issue and asked how many townships have adopted the ordinance. Mr. Hall noted that all townships have adopted the ordinance. Mr. Weibel asked if the adopted township ordinances can be supplied to the board to see how each township is implementing the fee.

Mr. Jay asked if agriculture use is exempt from the ordinance. Mr. Hall noted that agriculture use is not exempt. Mr. Jay commented that although road districts are in need of revenue, subjecting agriculture to this ordinance is unfair to taxpayers.

Mr. Schroeder expressed concerns that implementation in different townships by different commissioners will create problems for agriculture and businesses that are subject to different implemented fee structures. Ms. Petrie commented that this ordinance has the potential to impact economic development and noted that discussions were not brought to the committee before the townships adopted this ordinance. Mr. Schroeder agreed with Ms. Petrie's comments.

Mr. Weibel noted that the ordinance calls for a deposit and not an assessed fee; however, he noted that there is still room for abuse in the current adopted ordinance.

Mr. Shore noted that Section II of the ordinance calls for the requesting party to make reimbursements at two times the respective hourly rates and asked if this was customary. Mr. Hall noted that reimbursement at twice the respective hourly rate would ensure that all township fees would be recovered.

D. Regulation of Coolants in Closed Loop Geothermal Well Systems to Protect Groundwater

Ms. Monte reported that the use of toxic coolants is currently allowed within Champaign County and options are being explored to implement a potential regulation of coolants to prohibit the contamination of groundwater. The authority of Champaign County to regulate coolants in closed loop geothermal well systems is currently in question and a formal opinion on the issue from the Assistant State's Attorney is waiting to be received. Macon County is currently the only county in Illinois to implement regulation.

Ms. Monte explained that geothermal wells are regulated by the Illinois Water Well Construction Code and the Illinois Water Well Pump Installation Code. A series of proposed amendments being made by the Illinois Department of Public Health to Illinois Water Well Construction Code outline which coolants can be safely used. The existing code does not currently limit any type or use of coolants. Champaign County has the option to proceed and adopt a regulation that limits the use of any coolant beyond food grade coolants or Champaign County can the actions taking place at the state level in regards to the proposed amendments from the Illinois Department of Public Health. Ms. Monte recommended that the Committee track the progress of the proposed amendments and to provide commentary as the Committee finds appropriate.

Ms. Petrie asked for details in regards to Macon County's regulations. Ms. Monte noted that Macon County included a one sentence provision in their regulation which states that only USP Food Grade Propylene Glycol can be utilized as a heat exchange fluid in Macon County. Ms. Petrie asked how many wells in Champaign County have the potential to be impacted and how long the Committee has to take action on the issue. Ms. Monte reported that 14 wells are currently permitted by the Illinois Department of Public Health but did not provide a window of time for actions to be made. Ms. Petrie asked how preexisting wells will handled if a new regulation is passed and toxic coolants are already

present in wells. Ms. Monte noted that more research will need to be provided. Mr. Hall speculated that preexisting wells with toxic coolants would remain in place unless reconstruction or expansion of a well was to occur.

Mr. Harper asked if contractors who are establishing well systems are currently using toxic coolants. Ms. Monte noted that contractors were not pushing for USP Food Grade coolants, but it is unclear what is being used.

Mr. Esry asked if water can still be used as a coolant even though it is not as efficient. Ms. Monte confirmed and asked the Committee how they would like to proceed with the issue.

Mr. Shore recommended that the Committee pay attention to the issue at the state level. Ms. Petrie recommended that the Committee also review the Assistant State's Attorney's recommendation on the issue. Mr. Esry asked Ms. Monte to provide an update on the issue at the October meeting.

E. *Proposed Consent Decree*

Ms. Monte noted that legal counsel will be present on September 8th to answer questions in regards to the proposed consent decree and asked the Committee to provide her with any questions they may have.

Mr. Schroeder asked if the Urbana Committee of the Whole passed the consent and if it has yet to pass the full Urbana City Council. Ms. Monte noted that it was considered at the Urbana Committee of the Whole and forwarded it without recommendation to the full City Council. Mr. Schroeder asked if the City of Champaign approved the consent decree. Ms. Monte confirmed. Mr. Schroeder asked how many additional communities are needed to approve the consent decree. Ms. Monte noted that the discussion on the consent decree is ongoing in many communities. Mr. Esry noted that as of September 1st, the City of Champaign, Monticello, Tuscola, and McLean County have approved the consent decree.

Ms. Petrie provided Ms. Monte with a list of questions from constituents in the community. Ms. Monte noted the questions and deferred answers to the legal counsel that will be present on September 8th.

Mr. Harper asked if coal ash can still be deposited at the Clinton Landfill. Mr. Esry confirmed. Mr. Harper noted that disturbing existing waste over a water source may cause more problems. Mr. Schroeder agreed with Mr. Harper's comments.

VIII. Items to be Approved by ELUC

A. *Recreation & Entertainment Licenses*

1. *Recreation & Entertainment License: River to Rail Ride, band, Middle Fork River Forest Preserve Activity Center, 3485 CR2700E, Penfield. September 19, 2015.*

MOTION by Mr. Shore to approve the Recreation & Entertainment License: River to Rail Ride, band, Middle Fork River Forest Preserve Activity Center, 3485 CR2700E, Penfield, September 19, 2015; seconded by Ms. Berkson.

Mr. Harper asked for clarification about the purpose of the event. Mr. Hall noted that the event is a fundraiser for a trail building initiative by the Forest Preserve District and the license is for live music at the event.

Upon vote: Aye (6) Esry, Weibel, Berkson, Petrie, Schroeder, Shore
Nay (1) Harper

MOTION CARRIED.

IX. Items for Recommendation to the County Board

A. *Request to Adopt the Champaign County Multi-Jurisdictional Hazard Mitigation Plan Update*

Ms. Monte noted that Champaign County Multi-Jurisdictional Hazard Mitigation Plan is in the process of review and adoption by all local participating governments. This plan is update to an existing plan and provides mitigation actions for emergency and hazardous situations.

MOTION by Mr. Weibel to recommend the request to adopt the Champaign County Multi-Jurisdictional Hazard Mitigation Plan Update to the County Board; seconded by Ms. Berkson.

Ms. Petrie asked if the approval of the plan is dependent upon all participating governments adopting the plan. Ms. Monte noted that each participating entity needs to adopt the plan in order to be eligible for various types of grants and assistance.

Upon vote, the **MOTION CARRIED** unanimously.

X. Monthly Reports

A. *July 2015*

MOTION by Mr. Esry to accept and place on file the monthly reports for July 2015.

XI. Other Business

Ms. Petrie asked if any progress has been made on the burning ordinance Ms. Monte has been developing and if an update could be provided to the Committee in regards to Wilbur Heights.

Ms. Monte reported that alternatives to burning are being explored for citizens who would live within the burning restricted areas. A variety of alternatives are being discussed with the respective townships throughout the county.

Ms. Monte noted that public meetings need to be scheduled and the City of Champaign needs to be contacted in order for progress to continue on the Wilbur Heights project.

XII. Chair's Report

None

XIII. Semi-Annual Review of Closed Session Minutes

Mr. Esry noted that the State's Attorney's recommendation is to maintain the closed session minutes as closed.

MOTION by Mr. Weibel to maintain the closed session minutes as closed as recommended by the State's Attorney; seconded by Ms. Berkson. Upon vote, the **MOTION CARRIED** unanimously.

XIV. Designation of Items to be Placed on Consent Agenda

IX. A

XV. Adjournment

MOTION by Ms. Harper to adjourn; seconded by Ms. Berkson. Upon vote, the **MOTION CARRIED** unanimously. There being no further business, Mr. Esry adjourned the meeting at 7:35 p.m.