



**Champaign County Board
Highway & Transportation Committee
County of Champaign, Urbana, Illinois**

MINUTES – Approved 4/8/2016

DATE: Friday, February 5, 2016
TIME: 9:00 a.m.
PLACE: Highway Building Conference Room
1605 East Main, Urbana, IL

Committee Members

Present: Lorraine Cowart (Chair), Lloyd Carter (Vice Chair), Chris Alix, John Jay, Jim McGuire, Diane Michaels, Max Mitchell

Absent: Shana Harrison

County Staff: Jeff Blue (County Engineer), Deb Busey (County Administrator), Linda Lane (Recording Secretary)

Others Present: Patti Petrie (County Board Chair), Gary Maxwell (Board member), Bill Gray (City of Urbana)

MINUTES

I. Call to Order

Committee Chair Cowart called the meeting to order at 9:00 a.m.

II. Roll Call

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

III. Approval of Agenda/Addendum

MOTION by Ms. Michaels to approve the agenda; seconded by Mr. Alix. Upon vote, the **MOTION CARRIED unanimously.**

IV. Approval of Minutes – January 8, 2016

MOTION by Mr. Alix to approve the minutes of the January 8, 2016 meeting; seconded by Mr. McGuire. Upon vote, the **MOTION CARRIED unanimously.**

V. Public Participation

None

VI. Communications

None

VII. County & Township Motor Fuel Tax Claims – January 2016

MOTION by Mr. Jay to receive and place on file the County and Township Motor Fuel Tax Claims for January 2016; seconded by Ms. Michaels. Upon vote, the **MOTION CARRIED unanimously.**

VIII. Resolution Appropriating MFT Funds Section #15-00000-00-GM

Mr. Blue said this resolution is to catch up with the estimated cost of maintenance for FY2015. He said they overshot their estimate by \$64,460 due to higher costs of salt and other items. He noted that all bills are paid and that this is just to appropriate the funds properly. **MOTION** by Mr. Alix to approve; seconded by Mr. McGuire.

Mr. McGuire asked if the State was going to send the money. Mr. Blue replied they already have the money. Mr. Maxwell commented that they normally over-appropriate a bit and asked if they had done that and still needed to appropriate additional money. Mr. Blue said he tries to stay close to the line, saying sometime they run over and sometimes they run under, but they went over for FY15.

Mr. Carter entered at 9:04 am.

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

IX. Lincoln Avenue Right-of-Way

Mr. Blue suggested they go into closed session to discuss. **MOTION** by Mr. Jay at 9:06 a.m. to enter into executive session pursuant to 5 ILCS 120/2 (c) (5) to consider the purchase of real property for use by Champaign County. He further moved that the following individuals remain present: County Engineer, County Administrator, Bill Gray from the City of Urbana, and Recording Secretary; seconded by Mr. Alix. **MOTION CARRIED by roll call vote with Alix, Carter, Jay, McGuire, Michaels, and Cowart voting yes.**

Mr. Mitchell entered at 9:13 am.

The meeting returned to open session at 9:37 am. A roll call was taken with Alix, Carter, Jay, McGuire, Michaels, Mitchell, and Cowart present establishing a quorum.

Mr. Blue passed out a draft resolution authorizing acquisition of property along Lincoln Avenue to be acquired through eminent domain. He said he used the Curtis Road resolution as a reference, and he will send it to the State's Attorney for review. He asked that once the State's Attorney reviews it, the resolution go to the Full Board for approval. He summarized the resolution.

Mr. Blue said they will send a 60 day notice to the landowners that states they will continue negotiations in good faith for 60 days before it goes to court proceedings and eminent domain. He said they are still looking at the middle of April before starting main proceedings. Ms. Michaels asked if there was a name, for the group of landowners, that should be added to the resolution. Mr. Blue answered no.

Ms. Busey suggested not using the draft resolution handed out and approve a motion to draft a new one to send to the Full Board. **MOTION** by Mr. McGuire that to ensure the Lincoln Avenue project continues to move forward, the Highway Committee recommends an Eminent Domain Resolution be prepared and sent to the February County Board Meeting; seconded by Ms. Michaels.

Mr. Jay commented that it's important that people need to understand there are limits for everyone, and they feel as a committee that they have done the best they can, up to this point, for the betterment of Champaign and Urbana.

Mr. Maxwell asked what the State would do if they had this appraisal and had made an offer. Mr. Blue said the State typically settles very, very close to the appraised value. Upon vote, the **MOTION CARRIED unanimously.**

X. Other Business

Mr. Blue said he was asked to give an update on the Tuskegee Airmen signs. He said the seven for the non-interstate roads have permits completed and the signs are ordered. He asked Ms. Busey where they stood with the resolution that was passed at the last Board meeting regarding the interstate signs. Ms. Busey reported that a certified letter was sent to all the legislators. Mr. McGuire asked if Mr. Blue was going to work with Rodney Davis's office to try to put up one of the signs and do a presentation. Mr. McGuire also commented that Mr. Davis's office is working with Mr. Gorham, who gave the presentation to the committee. He wanted to know if when putting one of the signs up if that is going to be part of the event or if they would just have a sign available. Mr. Blue said the signs that go on the interstate are going to be much larger than the non-interstate signs. Mr. McGuire said he was thinking about the County signs for a presentation.

Mr. Maxwell commented that he is very supportive of this and would like to see the signs look good over time. He asked if there was something in place to make sure the signs are maintained. Mr. Blue said once the non-interstate signs go up it is the County's responsibility to maintain them forever. He said he didn't know how it plays out for the interstate signs. Mr. Blue said he thought the interstate signs were more of a political issue, so he hasn't done any more with those.

Mr. Blue asked if they would like some kind of ribbon cutting ceremony when the County signs go up. Mr. McGuire felt it was important to do that. The others agreed.

XI. Approval of Closed Session Minutes – January 8, 2016

MOTION by Mr. Mitchell to approve; seconded by Mr. Carter. Upon vote, the **MOTION CARRIED unanimously**.

XII. Chair's Report

None

XIII. Designation of Items to be Placed on Consent Agenda

Ms. Cowart stated that item VIII is to be placed on the consent agenda.

XIV. Adjournment

There being no further business, Ms. Cowart adjourned the meeting at 9:55 am.

***Please note the minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*

CHAMPAIGN COUNTY
Highway & Transportation Committee
Closed Session Minutes

Friday, February 5, 2016 – 9:00 am
Highway Building Conference Room
1605 E. Main St. St., Urbana, IL

MEMBERS PRESENT: Chris Alix, Lorraine Cowart, Lloyd Carter, John Jay, Jim McGuire, Diane Michaels, Max Mitchell

MEMBERS ABSENT: Shana Harrison

OTHERS PRESENT: Pattsy Petrie (County Board Chair), Gary Maxwell (Board member), Jeff Blue (County Engineer), Deb Busey (County Administrator), Bill Gray (City of Urbana), Linda Lane (Administrative Assistant)

MOTION by Mr. Jay at 9:06 a.m. to enter into executive session pursuant to 5 ILCS 120/2 (c) (5) to consider the purchase of real property for use by Champaign County. He further moved that the following individuals remain present: County Engineer, County Administrator, Bill Gray from the City of Urbana, and Recording Secretary; seconded by Mr. Alix. **MOTION CARRIED by roll call vote with Alix, Carter, Jay, McGuire, Michaels, and Cowart voting yes.**

Mr. Blue said negotiations for right-of-way on Lincoln Avenue had begun. He said he and Bill Gray from the City of Urbana had multiple phone conversations and met on January 15 with the group. He said an original offer at the appraised value, between \$19,000-\$22,000, was sent. Mr. Blue stated the group said that amount wasn't anywhere near where they were. He said instead of going back and forth he offered the \$35,000 he was authorized to. He noted that it appears Mr. Cope is speaking on behalf of the group. Mr. Blue said the group noted the school district sale of \$40,000/acre and another nearby sale of \$52,000/acre that is on the south end of this project. He reported the group countered with \$50,000/acre in addition to the offers of compensation for damage. Mr. Blue said the appraiser gave damages on top of land value for the south end of the Squire's property as well as the Corum property. He said those damages were included in the County's offer.

Mr. Mitchell entered at 9:13 am.

Mr. Blue stated that after the group's offer was received, he and Mr. Gray sent a letter on January 26 thanking them for their response, and came back stating the appraised values per acre for the properties, excluding damages, range from \$18,000-\$22,000, and the offer of \$35,000/acre is 60-90% higher than the appraised value. He said the letter stated they were sticking to the \$35,000/acre offered. He said they received an email from the group on February 2 that they continue to feel the \$52,000/acre comp is viable, but in the interest of coming to an agreement, they would accept \$42,500/acre plus the agreed compensation in damages.

Mr. Blue said the Squires are taking issue with the fact that Mr. Corum getting more for damages than they are. He said he met with Shirley Squire, one-third of the Squire farm, and Christine Pearson, another third of the Squire farm, and explained the appraisal report. He also told them that with the Squire property they are purchasing, the road runs through the flood plain. Mr. Blue said that Shirley Squire has signed papers to sell her own 0.18 acres at \$35,000/acre. He said the Squires aren't holding up and agreement, but rather Ms. Sharloh and Mr. Cope.

Mr. Blue read a section from the original intergovernmental agreement about eminent domain. Ms. Michaels agreed they should compensate for damages and asked if the amount was per acre or total. Mr. Blue replied total for the parcel and said that Mr. Corum's amount is \$17,000 while the Squire's amount is \$10,000. Mr. Alix asked if that number came from the appraiser. Mr. Blue replied yes. Mr. Alix asked if it goes to court does their offer of \$35,000 come into play. Mr. Blue replied that if it does go to court he expects to pay between the appraised value and \$35,000. Mr. Alix noted someone has taken the offer of \$35,000 and asked if they would be better to complete the sale before going to court, to establish property value in the area. Mr. Blue said they established one three years ago on the Olympian Drive project. Mr. Blue asked Mr. Gray what the Mack property is. Mr. Gray said around \$30,000. Mr. Alix asked if that was already purchased. Mr. Gray said they are very close to closing with Mack, which is a less desirable property in a flood plain.

Mr. Blue mentioned that if it does go to condemnation it could split the group. Mr. Alix wondered if there is a legal basis for them to continue as a group in court. Mr. Blue replied he thought they could. Mr. Alix wondered that would help or hurt the County.

Mr. Carter asked Mr. Gray when the property would be annexed after the sale. Mr. Gray replied that typically happens when the property owner wants to develop or sell it to a developer. Mr. Blue and Mr. Gray summarized the present utility situation as well as plans for the future. Mr. Gray said there is no plan for immediate annexation of any of the parcels. He stated the main reason for Lincoln and Olympian is that Urbana and the County are hopeful for developments to bring in more taxes. Mr. Gray also noted that they've been successful getting additional Federal dollars to reduce the County and City of Urbana's financial commitment.

Mr. Maxwell wanted to know what was wrong with their appraisals. Mr. Blue replied nothing. Mr. Maxwell noted this will need to come back to the Board to go to condemnation. He thought that they would rather not do that, but have shown they will. Mr. Blue said they have passed resolutions to use the force of condemnation in the past, though they've never made it to court.

Mr. McGuire thought some of the land was mostly trees and not farmland. Mr. Blue said the Cope property is all trees. Mr. Gray noted they have to replace those acres of trees. Mr. McGuire said he has an issue with driving the property prices up, and wants to protect the taxpayers. He said he doesn't like eminent domain and feels private property rights are very important. Mr. Blue agreed as long as they are being reasonable. Mr. McGuire commented that the group isn't being reasonable and the project needs to move forward. Mr. Blue said the group wants to use the \$52,000 and read a paragraph from the condemnation statute explaining that appreciation in value caused by improvement is excluded. He said they are trying to use the development as an argument for what the property is worth. Mr. Gray noted that when land is developed, the developer usually pays for the road, but the City of Urbana and the County are paying for this road, which is a huge avoided cost. He noted that what they pay for the values impacts all road related work in the whole County. He said taxpayers are paying more dollars per acre and they are not getting any more dollars for roads.

Ms. Petrie said she made the same comments as Mr. McGuire and Mr. Gray to Unit 4 when they paid \$40,000 and told them they need to think about the other elected bodies. She hopes when the committee makes their decision, they keep some of that in mind because of the fallout. Mr. Mitchell asked if the court could award less than \$35,000. Mr. Blue replied there is a very good chance. Mr. Mitchell suggested they not move forward on any transaction until they get the total.

Ms. Michaels commented that there is a lot of land out there that has been improved but not developed, so they shouldn't pay for what might be. Mr. Blue stated that the group used very good comps and not farmland that is in the middle of nowhere. Mr. Maxwell asked if the State did the appraisals. Mr. Blue replied they have to hire State certified appraisers. He said the original appraisals then have to go to a review appraiser. He noted that one of the review appraisals had a lower property value from the original appraisal for the Squire property.

Mr. Jay asked where Mr. Gray and Mr. Blue stood with this now. Mr. Gray replied that he and Mr. Blue are planning to meet with an eminent domain attorney to go over the process. Mr. Blue said he took the time to draft a preliminary eminent domain resolution, indicating his stand on this. Mr. Jay commented that he doesn't like eminent domain, but there is a time and place to use it, and felt this might be the time.

Mr. Alix commented, with regards to the negotiating dynamics, if they are negotiating as a group and they think Mr. Cope is the leader, he has the smallest property. He felt if it splits the group and Mr. Cope is awarded \$42,500, as long as they get less for everyone else, they will still save money. He also felt Mr. Cope has the weakest argument since he didn't build a house until the road was already in the comprehensive plan, and he has done everything to stop this project from happening. Mr. Alix also said he doesn't like to use eminent domain, but the appraisal shows the land value at \$22,000/acre so they shouldn't pay double for it.

Mr. Jay wanted to know what needed to be done to move this forward. Mr. Blue said he drafted a resolution, but since it's not on the agenda didn't think they could vote. Ms. Busey noted it is on the agenda and the committee could vote to send a resolution for eminent domain to the County Board.

Mr. Alix asked about the timing on the project. Mr. Blue said they will lose a whole year if it goes to court. Mr. Alix wanted to know if they needed to do this immediately or let the landowners think for a month. Mr. Blue felt this could push the Squires to settle at \$35,000. He thought Mr. Corum would settle at \$35,000 as he does not want to go court. Mr. Blue thought Mr. Cope could be the only holdout.

Ms. Michaels suggested the sooner the County starts the better. Mr. Alix asked Mr. Gray where his council stands on this issue. Mr. Gray replied that he hasn't had a closed session yet for them to be able to hear what is being presented to this committee today, but feels they will be supportive because everyone wants to move forward with the project.

Mr. Alix asked Ms. Busey if this really qualified as on the agenda. Ms. Busey said yes because Lincoln Avenue right-of-way is on the highway agenda, and the highway committee is going to be recommending sending a resolution for eminent domain to the County Board. She said that frequently they don't have the actual resolution at committee for action being taken at the committee level. Ms. Busey noted the agenda didn't say discussion or information only, just Lincoln Avenue right-of-way.

Ms. Cowart asked for any other discussion. As there was none, she declared the meeting re-opened at 9:37 a.m.

Respectfully submitted,

Linda Lane
Administrative Assistant