

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, February 7, 2008 at 4:45 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Ahart, Caisley, and Segobiano

Members Absent: Members Baggett and Sweeney

Other Board Members Present: None

Staff Present: Mr. John Zeunik, County Administrator, Ms. Diana Hospelhorn, Recording Secretary, County Administrator's Office

Department Heads/
Elected Officials
Present:

Mr. Phil Dick, Director, Building and Zoning, Mr. Brian Hug, Assistant State's Attorney, Mr. Eric Schmitt, Assistant County Engineer, Mr. Andy Scott, Zoning Enforcement Officer, Building and Zoning, and Mr. John Hendershott, Environmental Health Supervisor, Health Department

Others Present: Ms. Laurie Wollrab, Candidate for the County Board

Chairman Gordon called the meeting to order at 5:10 p.m. Chairman Gordon stated that the first order of business is consideration of the January 3, 2008 minutes.

Motion by Caisley / Ahart to recommend approval of the January 3, 2008 minutes as written in the County Board packet.
Motion carried.

Chairman Gordon presented the bills from December 31, 2007 and January 31, 2008 which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The prepaid total and fund total for December 31, 2007 is \$6,149.74 and the prepaid total and fund total for January 31, 2008 is \$38,568.36. He asked for a motion to approve the bills as presented by the County Auditor.

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Motion by Ahart / Caisley to recommend approval of the December 31, 2007 and January, 2008 bills as presented by the County Auditor.
Motion carried.

Chairman Gordon stated that the Committee has no items for action. The first item for information is the Committee's discussion of unsightly items in yards,

along rights-of-way, etc. He asked Mr. Phil Dick, Director, Building and Zoning, to present this item to the Committee.

Mr. Dick stated that Andy Scott, Building and Zoning Zoning Enforcement Officer, has prepared information concerning violations in the last three years. He asked Mr. Scott to present the prepared photos.

Mr. Scott presented before and after photos of various zoning violations throughout the County. Some violations were resolved, others required prosecution in Court, and some are still ongoing.

Chairman Gordon thanked Mr. Scott for the presentation and asked for questions and / or reactions.

Mr. Caisley asked if the nature of the problems is mainly junk cars. He questioned if the County has an Ordinance concerning junk cars

Mr. Dick referred the Committee to the Violation Summary 2005-2007. The results are as follows:

<u>Total violations:</u>	155	
Junk Cars:	45	(29%)
Trash/Debris:	14	(9%)
Domestic Animal Related:	11	(7%)
Evacuation/Filling In:	6	(4%)
Illegal Use of Land:	35	(23%)
Illegal Use of Building:	4	(3%)
No Permit:	40	(26%)

<u>Remaining Violations</u>		
<u>Open or Unverified:</u>	50	
Junk Cars:	13	(26%)
Trash/Debris:	3	(6%)
Domestic Animal Related:	2	(4%)
Evacuation/Filling In:	3	(6%)
Illegal Use of Land:	17	(34%)
Illegal Use of Building:	3	(6%)
No Permit:	9	(18%)

<u>Violations Referred to</u>		
<u>State's Attorney:</u>	8	

Mr. Dick stated that the County requires vehicles not in a building to be licensed and operable unless the vehicles are in the process of being repaired. If the vehicles are not licensed and operable, then the property owner is in violation of the Zoning Ordinance for operating a Junk Yard. One car can constitute a Junk Yard. Pursuant to State Statute, if a vehicle is over 25 years of age, it is considered an historic vehicle and cannot be towed. He stated that in the past the County has worked with the Legislative Committee to try to strength the County's authority in this area.

Mr. Caisley expressed that the County could pass an inoperable motor vehicle ordinance. He distributed a copy of the section of the Statute that gives the County authorization to pass such an ordinance.

Chairman Gordon stated that there have been efforts, both in 2004 and 2005, to strengthen the County's authority to deal with inoperable junk vehicles. In 2004, the County's proposal did not even make it into the form of a bill. In 2005, Representative Dan Brady introduced the bill. However, the bill died in Committee. The effort this year is being led by Lake County. He asked Mr. Zeunik to further add to the discussion.

Mr. Zeunik reiterated that we did try twice, once in 2004, and again in 2005. The Legislative initiative specifically addressed the information Judge Caisley handed out, in terms of amending that section of Illinois Law to provide more strength to County Boards. He referred the Committee to the last page of the handout. He stated that Lake County, like McLean County, is a member of Metro Counties. As one of their issues for 2008, Lake County is trying to amend the County Code section on inoperable vehicles. Their desire is to expand the definition of inoperable vehicles to include those vehicles otherwise requiring a license plate or current license tags which do not have license plates or current license tags affixed to them. He stated that Lake County's concern is very similar to the concern of Member Segobiano. The long term storage of such vehicles creates visual blight, an appearance of disorder, and as such is considered objectionable to most reasonable persons. The County is unable to declare such vehicles as a nuisance, subject to abatement, under the current statutory language. Mr. Zeunik noted that Lake County's initiative is the latest attempt to try to strengthen Illinois Law and to give the Counties more authority in this area.

Ms. Ahart asked if there is a definition for operable. Mr. Caisley answered the last paragraph does define inoperable.

Mr. Segobiano questioned the reason to adopt regulations and not hold violators in compliance with those regulations. He stated that the County needs an Intergovernmental Agreement with the City of Bloomington and the Town of Normal when blighted areas are annexed. He stated that we need to continue to have discussion meetings when there are no action items on the agenda.

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Mr. Caisley suggested that the Committee have Mr. Brian Hug, Assistant State's Attorney prepare an ordinance concerning junk cars and inoperable vehicles.

Chairman Gordon stated that, if we were to proceed by requesting preparation of an ordinance, at this time do we have the authority to do so. It is his understanding that we do not have the authority.

Mr. Caisley responded that we clearly do have the authority. He referred to 55 ILCS 5/5-1092, Inoperable Motor Vehicles. He stated that this section specifically gives non home rule counties the authorization to do this.

Mr. Hug asked the Committee exactly what they wanted to achieve. He noted that the Community is good about notifying us of problem areas and the Zoning Office does a good job handling these complaints. He referred to the slide presentation as examples of problems solved. He noted that there are some problems that can not be resolved, due to the fact that the problem cited pre-dates the Zoning Ordinance. He stated he would draw up any ordinance the Committee wanted, but if there are specific sites that need to be addressed, let us know what they are and we can determine if an ordinance is needed. He stated that the Zoning Office is aggressive on violations, but sometimes it just takes time.

Mr. Hug stated that the City of Bloomington and the Town of Normal view ordinance violations as a matter of making money. They make a lot of money on ordinance violations. The County does not make a lot of money on ordinance violations but we receive good compliance. This has been the County's practice in years past. He stated if the Committee wants that practice changed he needs to know that. He noted that the Zoning Office is usually very successful in getting compliance without going to Court.

Mr. Segobiano stated that he wanted to clarify that the actions of the Committee does, in no way, reflect any disrespect to the Zoning Office. The Zoning Office is very effective in what they do.

Mr. Caisley asked Mr. Schmitt how frequently the Highway Department meets with the Highway Commissioners from the Townships. Mr. Schmitt responded that the Highway Department meets with the Highway Commissioners once every two to three months.

Mr. Caisley requested that the Department survey the Highway Commissioners as to the seriousness of garbage on the public right of way. If it is a serious problem, then the Board should consider whether to appropriate additional funds to hire a Deputy. He stated that the other thing the Committee has the power to do, is to enact an ordinance on junk cars.

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Chairman Gordon referred to the Violation Summary 2005-2007. He stated that during a three year period over 2/3 of the violations have been closed and or verified. He asked if at the next meeting the Zoning Office could break down the categorizations of the 42 which have not yet been referred to the State's Attorney. He noted that looking at the total violations minus the remaining violations, a lot has been done. Chairman Gordon stated that Mr. Hug's question, what do we want to achieve, has to start with what already has been done.

Mr. Dick asked Mr. Hug to clarify whether or not the County can issue ordinance violations for junk cars. Mr. Dick asked if the County needs to bring Ordinance violations to court in order to levy a fine. Mr. Hug responded that other than voluntary compliance, any ordinance violation has to go to court,

Mr. Dick explained that this is the reason it takes the County longer to get compliance than it does the City of Bloomington. Of the 42 violation that remain open and have not been referred to the State's Attorney, there is progress, or they would have been referred to the State's Attorney.

Chairman Gordon asked for further discussion.

Mr. Caisley stated that to enact an ordinance is one action to be taken and the other is asking the Legislative Committee to go forward with the Legislation with respect to antique vehicles.

Chairman Gordon asked if the Committee would consider recommending to the County Board that McLean County join the effort being lead by Lake County.

Mr. Segobiano requested that Mr. Zeunik look at the Legislation, see if it covers the needs of McLean County, and make any changes he sees necessary before we endorse the efforts of Lake County.

Mr. Zeunik responded that he would meet with Mr. Dick and Mr. Hug and review the language in Lake County's proposed legislation. He stated that he would talk with Lake County to see if they have been successful in finding a sponsor to carry the bill. He will then get back with the Committee.

Chairman Gordon suggested that Mr. Zeunik proceed to contact Lake County to see where things stand before we entertain the recommendation to join efforts with Lake County.

Mr. Caisley stated that the proposed amendment is a simple amendment. Chairman Gordon asked Mr. Zeunik if the Committee needed to be concerned with the language. Mr. Zeunik answered that, at this time, he did not know.

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Mr. Segobiano stated that we need to initiate an agreement with the City of Bloomington and the Town of Normal to join efforts with McLean County in supporting this Legislation.

Mr. Caisley noted that Bloomington and Normal do not need to be in support of the Amendment. They are home rule entities. They do not need to look for authority in State Law. McLean County is not a home rule entity and therefore we have to find authority to do these things under the State Law.

Chairman Gordon continued with other items of Information.

Mr. Dick informed the Committee that there is a Public Meeting for the East Side Highway Corridor Study on February 12, at 6:30 p.m. at Normal Community High School. He also stated that there is a Spores and More Festival at Lake Shelbyville on April 18, 19, 2008. He noted that the Resource and Conservation Development Areas provided the Landowner's Guide to Stream Protection and Preservation booklet.

Chairman Gordon asked if there were any further questions or comments. Hearing none he asked for a motion to adjourn.

Motion by Segobiano / Caisley to adjourn the meeting.
Motion carried

Chairman Gordon adjourned the meeting at 5:50 p.m.

Respectfully Submitted

Diana Hospelhorn
Recording Secretary