

## Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on October 8, 2004 at 4:45 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

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

Members Absent: Member Kalapp and Rackauskas

Other Board Members Present: Member Bostic

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

Department Heads/  
Elected Officials  
Present: Mr. Phil Dick, Director, Building and Zoning

Others Present: Mr. Jeff Tracy, Project Manager, County Highway Department; Mr. Mike Behary, County Planner, Building and Zoning Department; Mr. John Hamann, Zoning Enforcement Officer, Building and Zoning Department, Ms. Christine Brauer, Regional Planning Commission; Mr. David Nesbit

Chairman Gordon called the meeting to order at 4:49 p.m.

Chairman Gordon stated that the first order of business is the approval of the September 2, 2004 minutes.

Motion by Cavallini/Ahart to recommend approval of the September 2, 2004 and the September 21, 2004 Minutes of the Land Use and Development Committee as presented. Motion carried.

Chairman Gordon presented the bills from September 30, 2004, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The total is \$28,951.43, with the prepaid total being the same.

Motion by Ahart/Cavallini to recommend approval of the September 30, 2004 bills as presented by the County Auditor. Motion carried.

Chairman Gordon stated that there are two items for Committee action this evening. The first item is the review of the FY '2005 Recommended Budget for the Department of Building and Zoning. Chairman Gordon asked if there were any questions or discussion on this matter.

Motion by Segobiano/Cavallini to tentatively recommend approval of the FY '2005 recommended budget for the Department of Building and Zoning. Chairman Gordon noted that the Chair will vote. Motion carried.

Chairman Gordon stated that the next item is the review of the FY '2005 Recommended Budget for the Solid Waste Management Program. Chairman Gordon asked if there were any questions or discussion on this matter. Mr. Segobiano stated that he would like to remind the Committee that there is a proposed landfill issue pending and that the Committee should be mindful of this fact. Ms. Ahart stated that the Committee should also remember that the Ecology Action Center's budget comes out of this Fund.

Motion by Segobiano/Ahart to recommend tentative approval of the Recommended Budget for the FY '2005 Solid Waste Management Program. Chairman Gordon announced that the Chair will vote. Motion carried.

Chairman Gordon stated that there are two items for information. The first item is the monthly progress report on the Prairieland Subdivision. Chairman Gordon stated that Mr. Jeff Tracy, Project Manager, County Highway Department is present to answer any questions that the Committee may have. Chairman Gordon stated that of the nine items listed on the progress report, three are listed as complete, the other six are currently in progress. Chairman Gordon asked if there was any additional information since the progress report was written. Mr. Tracy replied that most of the storm sewer is complete with minor details remaining. Chairman Gordon asked Ms. Bostic if she wanted to comment to the Committee at this time.

Ms. Bostic stated that she has had several phone calls from concerned citizens in the Apollo Acres and Dry Grove Township area complaining about the appearance of the jobsite, the inactivity, noise and dust. Ms. Bostic stated that if the Committee can do anything to ease the situation for these residents it would be much appreciated. Chairman Gordon thanked Ms. Bostic for her comments. Mr. Segobiano stated the he wanted to expound on what Ms. Bostic had said. Mr. Segobiano informed the Committee that he had been shown a number of photos of this jobsite that took him by surprise. The gentleman that took the photos does not want to make a public appearance, but Mr. Segobiano would like for the Committee to have the opportunity to view these photos. Mr. Segobiano stated that the gentleman has forwarded the photos on to the Illinois Environmental Protection Agency (IEPA). Mr. Segobiano stated the photos illustrate toxic waste and contaminated land at the proposed subdivision. Mr. Segobiano asked Mr. Zeunik if the Committee could hold a Stand-up Committee Meeting to view these photos. Mr. Zeunik stated that the photographer being present to explain exactly what the pictures are of and where they were shot, it would be difficult to show them as evidence. Mr. Segobiano replied that he could make the pictures available to Mr. Zeunik so he could make the judgment call. Mr. Zeunik stated that he would be happy to view the photos.

Chairman Gordon asked if anyone was aware of a status report regarding the current situation and expected progress in the near future. Mr. Dick stated that Mr. Nesbit gave him a letter just before the meeting began. In summary, Mr. Nesbit states that he is currently working on the large detention pond and it is 90% complete. Mr. Nesbit also noted that no water is leaving the site from that pond. The storm sewer for phase 1 is finished and the sanitary sewer lines have been certified. Stark is scheduled to pour the roads within two week. Mr. Dick added that he has also been in contact with Mr. Nesbit's banker,

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Mr. Richard Sieg. Mr. Sieg has been asking what work needs to be done before they will allocate the funds to Mr. Nesbit for the roads to be poured. The bank wants to be assured that the County Board is not going to halt construction before they provide the funds to Mr. Nesbit. Mr. Sieg wanted this Committee to know that they have been at Mr. Nesbit's jobsite almost daily for the last month.

Mr. Segobiano asked what Mr. Nesbit would be obligated to do if some contamination is found on his jobsite. Mr. Dick responded that the IEPA will have to make that determination because that is beyond the County's jurisdiction. Mr. Dick added that if he or any of the staff were aware of any contamination, it would be reported to the IEPA immediately.

Chairman Gordon asked if there were any further questions. Hearing none Chairman Gordon moved on to the next item for information which is to discuss "Administrative Adjudication" as a potential zoning enforcement tool. Chairman Gordon opened the floor for discussion. Mr. Segobiano asked what would such a program cost here in McLean County. Mr. Dick responded that is a question that he posed to Mr. Matthew Wahl, Director, Peoria County Planning and Zoning Department. Mr. Dick stated that Mr. Wahl has informed him that the program should fund itself through the fines that are assessed for zoning violations. Mr. Dick stated that it may take some initial funding, but should be self-sufficient in the future. Mr. Segobiano asked if there are employees in-house who can fill these positions. Mr. Zeunik responded that Peoria County has done just that. Mr. Segobiano asked if Mr. Zeunik or Mr. Dick could put together some preliminary figures as to initial cost estimates so that the Committee and the County Board could review this information.

Chairman Gordon asked what type of credentials would the hearing officer need to have. Mr. Zeunik replied that the hearing officer would have to be carefully selected because this is an administrative hearing. Even though it is not a court of law, it is a hearing that would need to be conducted in accordance with administrative law review. Therefore, the hearing officer could not be prejudice or representing one side or the other. Mr. Segobiano asked if the Committee could review Peoria County's flowchart. Mr. Dick responded that they have already obtained Peoria County's Ordinance establishing Administrative Adjudication. Mr. Dick stated that he would provide this information to the Committee. Mr. Dick stated that he could invite Mr. Wahl to come and speak to the Committee.

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Chairman Gordon asked if there were any other items to come before the Committee. Hearing none, Chairman Gordon adjourned the meeting at 5:17 p.m.

Respectfully submitted,

Christine Northcutt  
Recording Secretary  
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