

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, November 8, 2001 at 5:30 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Rodman, Hoselton, Bostic, Segobiano and Nuckolls

Members Absent: None

Staff Present: Mr. Terry Lindberg, Assistant County Administrator; Mr. Brian Hug, Assistant State's Attorney, State's Attorney's Office; Mrs. Carmen I. Zielinski, County Administrator's Office

Department Heads/
Elected Officials

Present: Mr. Phil Dick, Director Building and Zoning;
Mr. Jeff Tracy, Highway Department

Others Present: Ms. Michelle Covi, Ecology Action Center;
Mr. Frank Miles, Attorney representing
Mr. and Mrs. Eckols; Mr. Thomas Eckols

Chairman Gordon called the meeting to order at 5:30 p.m. Hearing no objections, the minutes of the October 4, 2001 Land Use and Development Committee meeting were approved and placed on file as presented.

Chairman Gordon presented the bills, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. These bills are for October 2001.

Land Use and Development Committee Minutes
November 8, 2001
Page Two

Land Use and Development Committee Minutes
November 8, 2001
Page Three

Motion by Hoselton/Renner to recommended approval of the bills as presented by the County Auditor. Motion carried.

Chairman Gordon referred to a request to approve an intergovernmental agreement between the County and the Illinois Department of Transportation for an Illinois Tomorrow Grant for a County Land Development Guide. This agenda item will be visited later in the meeting.

Chairman Gordon reopened the public hearing continued from September 27, 2001 on the request of TomCin Inc. to vacate a portion of Cloverhill Circle, Clover Hills Subdivision, Dry Grove Township. The Applicant is requesting to continue this hearing due to a family medical problem.

Chairman Gordon commented on the a letter received from Mr. Frank Miles, attorney for Mr. and Mrs. Eckols asking the Committee for a "continuance" of the public hearing until the December 6th Land Use and Development Meeting.

Land Use and Development Committee Minutes
November 8, 2001
Page Four

Mr. Hoselton commented that he did stop and check out the site being discussed and he feels that this issue is frivolous. The sign and its surroundings accentuate the surroundings. Mr. Hoselton stated that as long as the Eckols hold McLean County harmless, this issue should be resolved from the County's point of view.

Mr. Jeff Tracy, McLean County Highway Department, clarified that the Eckols have an agreement with the Township Road Commissioner regarding the encroachment, that states that if the right-of-way is ever needed in the future by the Township, the sign would be moved at the Eckols' expense. Mr. Tracy stated that the Highway Department is not in favor of vacating the right-of-way even though this is a small piece of land. It might be more feasible, to allow the sign to stay where it is and have it moved when the situation demands that it be moved.

Mr. Eckols stated that keeping the sign where it is until the Township requests that it be moved is the solution he was hoping the County would decide upon at this time. Mr. Eckols noted that the sign would be moved once they were notified by the Township and it would be moved, at their expense or at the expense of their predecessors.

Mr. Nuckolls stated that he has visited the site and concurs with Mr. Hoselton's view.

Ms. Bostic stated that this is not a big deal. She feels that the Township Road Commission should not have any problems maneuvering their equipment through the entrance. Ms. Bostic stated that McLean County was part of the problem by not making it clear that a permit was needed for the sign from the beginning.

Chairman Gordon stated that these discussions are not considered to be a public hearing. The Committee would have to legally enter into

Land Use and Development Committee Minutes
November 8, 2001
Page Five

a public hearing status. Chairman Gordon wondered if there are any safety issues involved with the sign sitting where it is presently sitting. Mr. Tracy stated that in a residential setting where there are curbs and gutters, the "clear zone" is two feet behind the curb, so this situation does not encroach into the clear zone. There may be some liability to the Township that legal counsel would have to answer.

Mr. Segobiano wanted to state for the record that the County should abide by the rules and regulations already set for sign permits and variances. The overlooking of this violation may cause a larger legal battle in the future. They could use this case as precedence and then McLean County would be in for a large legal battle.

Mr. Hoselton noted that McLean County has not always performed under the "no exception to the rules" ruling.

Mr. Dick's concern is of a situation where someone wants to place a sign in their subdivision and they are informed that a permit is required with certain specified requirements followed, and due to their measurements, are advised by the Building and Zoning Department that a variance would also be needed, and it is disputed. Following the rules of the ordinance allows Building and Zoning to do the job they are mandated to perform. As far as Mr. Dick knows, the County has not allowed a sign to be built in a right-of-way. In this situation, how can the sign stay without the vacation of the right-of-way? A permit for a sign cannot be issued if it is in the right-of-way per the wording of the ordinance at this time. Developers are aware of this ordinance and this developer admitted that they overlooked this issue. Mr. Dick suggested that the ordinance could be rewritten to specify that a permit is no longer needed for signs or that zoning regulations are not to be enforced regarding certain people or circumstances.

Mr. Dick commented that school buses, trucks and snow removal equipment may have problems maneuvering the entering and exiting through that entrance. Township Road Commissioner Boitnott has made verbal reference of this issue to Mr. Tracy. A compromise that the County may want to consider would be to vacate the right-of-way and remove the median down the middle. This way the County has achieved a safer entrance to the subdivision in return for the County making this "special exception" to their oversight of the sign permit.

Mr. Hoselton asked who made the mistake of not acquiring a sign permit and placing the sign in place to begin with. Mr. Dick stated that the developer admitted at one of the past public hearing that they failed to apply for the permit.

Mr. Segobiano commented on a letter from Mr. Frank Miles was handed out that stated that "they had found another instance where right-of-way was adjusted due to encroachment" and they would like time to discuss this with the zoning board before the public hearing was held. Mr. Dick stated that the information being referred to in that letter is available to the Committee at this time. Mr. Dick is not sure if this meeting would be the appropriate time to review this information.

Mr. Segobiano acknowledged that this may not be the appropriate time for the review of the new information but he would like to be provided with the information. Mr. Segobiano also stated that if the County is going to make an exception in this case, then the County should make an exception on certain cases from now on because the developer did violate the ordinance.

Chairman Gordon read from a memo he received from Mr. Brian Hug, Assistant States Attorney, which states that the signs currently in

Land Use and Development Committee Minutes
November 8, 2001
Page Seven

place violate the County Subdivision Code and Zoning Code. The County is not obligated to enforce the code, however, failure to enforce the code may spawn additional violations and make future enforcement actions tougher.

Chairman Gordon asked Mr. Hug if it would be appropriate to reconvene the public hearing. Mr. Hug stated that the Committee has a motion to continue in front of them, so they can consider opening the public hearing or not.

Chairman Gordon asked what was the wish of the Committee regarding the request for another continuance for the December 6, 2002 Land Use and Development Committee?

Motion by Bostic\Segobiano to continue the public hearing for a request of TimCom Inc. to vacate a portion of Cloverhill Circle, Clover Hills Subdivision, Dry Grove Township until 5:30 p.m., Thursday, December 6, 2001.

Mr. Segobiano noted that he supported the above motion provided that written information be presented to the Committee regarding the Township Road Commissioner discussions with the Highway Department regarding their interest in this issue, and any other information pertaining to this case.

The Chair voted on this motion. Motion carried.

Chairman Gordon referred to a request to approve an intergovernmental agreement between the County and the Illinois Department of Transportation for an Illinois Tomorrow Grant for a County Land Development Guide. This agenda item will be visited later in the meeting. Included is a request to approve a contract with

Land Use and Development Committee Minutes
November 8, 2001
Page Eight

the McLean County Regional Planning Commission to coordinate production of this Guide. Mr. Dick will discuss this issue with the Committee.

Mr. Phil Dick, Director, Building and Zoning, stated that the County Board approved the application of this grant in August of 2000. Mr. Dick distributed a revised agreement. The revised agreement was reviewed and approved by Mr. Eric Ruud, Chief Assistant State Attorney. Mr. Dick noted that as part of the Illinois Tomorrow initiative, the Corridor Planning Grant Program is being implemented by the Illinois Department of Transportation to help local governments develop land use and infrastructure plans that promote the efficient use of transportation facilities and enhance the quality of

life. Mr. Dick noted that the grant is for \$54,000.00 and the County is matching some of the funds with \$6,000.00 included in the original services agreement that is expensed from the Building and Zoning budget.

Mr. Segobiano wondered if property or developers have been identified to begin this project. Mr. Dick stated that his office has been in touch with two developers and may have a third that is interested. Mr. Dick explained that a committee from Regional Planning that has started action on this program. No payment has been made as of yet, because the County Board had not approved this agreement.

Mr. Hoselton noted that the original letter was dated January 17, 2001. Mr. Dick explained that it has taken a very long time to get these contracts from the State for presentation to the Committee.

Land Use and Development Committee Minutes

November 8, 2001

Page Nine

Motion by Rodman/Bostic to approve a request for an Intergovernmental Agreement between McLean County and the Department of Transportation for an Illinois Tomorrow Grant for a County Land Development Guide. Chairman voted. Motion carried.

Ms. Michelle Covi, Ecology Action Center, discussed the Quarterly Report on Solid Waste and Waste Reduction Education Program. Ms. Reynolds noted that the Committee's packets contained a report from the Ecology Action Center (EAC). The EAC overviews activities conducted pertaining to the fulfillment of the Solid Waste and Waste Reduction Education intergovernmental agreement between the Regional Planning Commission, County of McLean, City of Bloomington and Town of Normal. Ms. Reynolds stated that the McLean County Treasurer's Office reports that the third quarter solid waste Tipping Fee surcharge, in the amount of \$44,027.55, was received from American Disposal Service on October 16th.

Mr. Rodman noted that the \$44,027.55 received from the Tipping Fee is being deposited into a bank account. If this is the case, when the County had a Waste Management Director, the County paid for his salary out of the fees collected. The fees did not provide enough money to pay for the Director after some time, so the County used some of the General Fund money to compensate the shortage. Is the General Fund being reimbursed for that money used to compensate for the shortage? Mr. Lindberg commented that this issue could be researched. He will look into it and let the Committee know.

Chairman Gordon wondered what the total Tipping Fee balance is at the present time. Mr. Lindberg stated that the tipping fee is recorded for the past quarter and the balance for the Fiscal Year 2002 was \$170,000.00 total. Revenue is close to the projected amount.

Ms. Covi commented that the new contract did have some programmatic changes but nothing that was substantial. The Earth School program has been extended, due to its success, where a teacher visits every 4th grade classroom and promotes the program. The objective for the future is to expand this program to high school students.

Chairman Gordon asked what the percentage of recycling was for the County this year? Ms. Covi explained that the figures on recycling are not calculated in the February-March time period, because at that time the complete figures of the entire year are available then. Last year was 35%. We hope for an increase on this number this year because the 35% figure was not based on a full year of curbside recycling. The State's benchmark figure was 25%.

Mr. Segobiano wondered if there were any communities in the State of Illinois that demand or mandate recycling. Ms. Covi stated that is handle through a program "Pay as you throw." In this program, you pay for the amount of waste that you produce and the recycling is provided at no charge. Mr. Lindberg commented that back east they do have programs where the community only picked up garbage that was in a town bag. The price for a 30-gallon bag was \$0.65 cents and a 15-gallon bag was \$0.35 cents. The bags were printed with the Town logo and recycling was at no charge. Recycling percentage was around 45%.

Chairman Gordon discussed the fees for the Department of Building and Zoning. The proposed fee schedule would facilitate the reduction of fees charged to public entities for zoning cases and building permits to an amount consistent with the cost of the plan review and inspections. Based on this premise, the Director of Building and Zoning would recommend approval of an amendment for fees for

public entities. Chairman Gordon suggested the Committee pay Land Use and Development Committee Minutes
November 8, 2001
Page Ten

particular attention to two possibilities for fee structures. One option would focus separately on fees that may be assessed against other public entities in their building permit process. Another option that may include the first option but it is broader, is the use of a sliding scale.

Mr. Dick commented that the Committee had given him the direction to discuss a policy regarding the fees assessed to public entities rather than having Building and Zoning approach the Committee with each particular case. Mr. Dick stated that he researched the fee structures of the City of Bloomington and the Town of Normal and they don't charge any fees to public entities. Mr. Dick commented that in his conversation with the Planner for the Town of Normal, the Town does have some kind of procedure where they don't charge the standard fee to public entities. As an example, Mr. Dick explained, McLean County was involved with permit fees in a project regarding Fairview Park and the Juvenile Detention Center, where the Town of Normal estimated their cost of inspections, material and expenses and charged that fee. This is essentially what Mr. Dick is proposing the County do. Mr. Dick explained that he would make an evaluation of the fee and clear this fee with Mr. Zeunik. This information is just for the Committee to review. This information is not for the County Board to decide on at this time. Mr. Dick stated that fees for certain building permits figured at \$2.50 per thousand, proposed to taper off above a certain value for a proposed structure. For example, the permit cost for a \$10 million church is currently \$25,000.00. There should be some kind of relationship between the fees charged and the cost of doing business.

Mr. Rodman commented on the calculation to charge for the cost which would have to be calculated with every request. This would entail some overhead and this could lead to some inconsistencies.

Land Use and Development Committee Minutes
November 8, 2001
Page Twelve

Mr. Rodman is favoring some form of sliding fee where there is a maximum fee for a project that is \$10 million or more, or a sliding fee where, as the price of the project increases, the fees increase a little bit. Chairman Gordon clarified that Mr. Rodman is floating the idea of a sliding scale with a maximum dollar limit for the permits.

Mr. Segobiano noted that it would also have to depend on the type of facility being negotiated. Should a nuclear power plant should be charged a higher fee than a church? The purpose of the permit fees is to cover the expense incurred by the County for the personnel to travel and spend time inspecting the project to make sure it follows the codes and regulations. What is the difference what the size of the structure is if you are going to charge the same type of recovery of expenses, based on the number of inspections rather than based on the size of the project?

Mr. Rodman stated that he was trying to avoid having to go through the process of evaluating a case every single time. The sliding fee would have fee limits already set.

Ms. Bostic asked how many permits the County writes for public entities in a year's time. Mr. Dick stated that very few are written in a year's time. The issue is that the ones that have been requested and allowed have been expensive projects. Some of the public entities don't have the financial capability to afford the permit fee. The County has used their judgement to help these special cases.

Chairman Gordon reminded the Committee that the documents presented today on the permit fees is just as information only. Further discussion and review will follow.

Land Use and Development Committee Minutes
November 8, 2001
Page Thirteen

Mr. Dick briefly discussed the October 2001 Construction Permit Activity Report. Mr. Dick noted that only two dwelling permits were issued for the month of October.

Mr. Nuckolls wondered if the Building and Zoning Department had seen any increases for new homes due to the low interest rates. Mr. Dick answered that the Building and Zoning Department has not seen an increase in new home permits.

Mr. Lindberg stated that he checked and the Solid Waste Fund agreement that has been in place since the beginning of 2001 has a present balance of \$129,000.00, after three quarterly payments. The projected \$170,000.00 should be reached for this year.

There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Carmen I. Zielinski
Recording Secretary