

## **Minutes of the Land Use and Development Committee**

The Land Use and Development Committee of the McLean County Board met on Thursday, July 5, 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, Bostic, Nuckolls, Segobiano and Hoselton

Members Absent: None

Staff Present: Mr. John Zeunik, County Administrator;  
Mr. Eric Ruud, Chief Civil Assistant State's Attorney; Mrs. Carmen I. Zielinski, County Administrator's Office

Department Heads/  
Elected Officials

Present: Mr. Phil Dick, County Planner, Building and Zoning.

Others Present: Ms. Christine Brauer; Mr. Glenn Keese, Director, Western Field Operations – St. Jude Children's Research Hospital;  
Mr. Chris Boysen, Director – Southern Region - St. Jude Children's Research Hospital;  
Mr. Denver Johnson, Parent of a child served by the St. Jude Children's Research Hospital;  
Mr. and Mrs. Chris Seifert, Parents of a child served by the St. Jude Children's Research Hospital; Mr. Chuck Schanaberger, Director of Development, Central Catholic High School.

Chairman Gordon called the meeting to order at 5:55 p.m. Hearing no objections, the minutes of the June 6, 2001 Land Use and Development Committee were approved and placed on file as presented.

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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 June 2001.

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Motion by Bostic\Rodman to recommend approval of the bills as presented by the County Auditor. Motion carried.

Chairman Gordon informed those present that item 4-a of the Land Use Committee meeting agenda would be rescheduled. The public hearing regarding a request by TomCin, Inc. to vacate a portion of Clover Hills Subdivision, Dry Grove Township that was continued at last month's Committee meeting will be re-scheduled until September 6, 2001.

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Mr. Dick advised the Committee that he received a fax on June 28, 2001 from Mr. Frank Miles, Attorney for the Eckols, stating that Mr. and Mrs. Eckols would like to continue the Land Use consideration of their subdivision\sign problem until September 6, 2001. Mr. Dick informed the Committee that Mr. Brian Hug, Assistant State's Attorney will be present at the September 6<sup>th</sup> meeting to represent the County.

Chairman Gordon declared the TomCin, Inc. request continued until the September 6, 2001 Land Use Committee meeting.

Chairman Gordon addressed the request for approval of a waiver of a preliminary plan and a one-lot subdivision for the First Addition to William C. Brewer Subdivision, File No. S-01-06.

Mr. Dick illustrated on the Sidwell maps and made note of the area being discussed. Mr. Dick stated that it is immediately east of the West Twin Grove Church Road, approximately  $\frac{3}{4}$  mile north of Illinois Route 9. The property is located along the West Twin Grove Church Road where it makes a 90-degree bend from north to east. The applicant is dedicating right-of-way along both of these property lines.

Mr. Dick stated that the Building and Zoning staff is recommending that the request be approved. A single-family residence is located on the property. It is being set aside from 30 acres of land that is mostly tillable. There are no representatives present for the applicant.

Motion by Hoselton\Bostic to approve the waiver of a preliminary plan for a one-lot subdivision for the First Addition to William C. Brewer Subdivision.  
Motion carried.

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Chairman Gordon addressed Item 4-c of the agenda, Request for Approval of an Amendment to the County Raffle Ordinance. Chairman Gordon referred the Committee to the documentation provided with the Agenda regarding this matter.

Motion by Segobiano\Rodman to deny the request for an Amendment to the County Raffle Ordinance.

Mr. Hoselton asked for the reasons behind the motion to deny this request.

Mr. Segobiano explained that when the 3,000-ticket limit was adopted, a lot of research and consideration was given to the why, where and when. Central Catholic High School decided that the raffling of a house would be a beneficial means of raising money. The 3,000-ticket limit was achieved by the school the first year. Mr. Segobiano provided the Committee with a list of 71 non-profit organizations from within McLean County which have requested raffle permits at one time or another and have abided by the requirements of the County ordinance. Mr. Segobiano is not opposed to approving a raffle license for the St. Jude organization, so long as they abide by the 3,000-ticket limit requirement of the ordinance.

Chairman Gordon stated that he had a parliamentary concern with the idea that a motion would be in order to deny an amendment that has not yet been formally proposed. The proposal may need to be rephrased in a positive manner. A motion to deny at this time would represent a "yes" vote meaning "no" and a "no" vote meaning "yes."

Motion by Segobiano\Rodman to change the word "deny" to "disapprove" in the earlier motion. The motion now pending is "to disapprove the request for an amendment, etc."

Mr. Hoselton asked if this motion would eliminate this type of raffle used by Central Catholic or any other applicant. Mr. Ruud, Chief Civil Assistant State's Attorney, explained that if the Committee votes to disapprove the proposed amendment, then the 3,000-ticket limit would stand as is.

Mr. Hoselton asked the Chair to invite members of the public to participate in this discussion.

Chairman Gordon recognized Mr. Glenn Keese, Senior Director, Western Field Operations, St. Jude Children's Research Hospital. Mr. Keese introduced Mr. Chris Boysen, Director – Southern Region – St. Jude Children's Research Hospital, Mr. & Mrs. Chris Siefert, Bloomington, Illinois, and Mr. Denver Johnson, Bloomington, Illinois. The Siefert's and Mr. Johnson have children that have benefited from the services St. Jude provides. Mr. Keese explained that they have attended this meeting to find out the reasoning behind the ticket caps. Mr. Boysen stated that St. Jude has an affiliate clinic in Peoria.

Mr. Boysen explained that the Dream Home Concept proposes to sell \$100.00 raffle tickets with a first year sale of 5,000 to 6,000 tickets. This level was set because it offers the revenue to cover the fund-raising cost and still provides for marketing and construction of the home. St. Jude's advertises through TV, radio and mass mailings.

Mr. Segobiano noted that the Illinois State University Athletic Department has declined, for the first time, to participate in the MARC Center Annual Fundraiser. This annual event benefits McLean

County and the services provided by MARC Center in McLean County.

Mr. Johnson clarified that Mr. Wisenberger has taken the stand that the Illinois State University Athletic Department, as a department, will not pick or choose charities to support. The ISU Athletic Department will focus its energies on raising money for ISU. Mr. Johnson advised the Committee that he is attending this meeting as a resident of Bloomington, as a citizen of McLean County and as a parent of a St. Jude child. He is not here to represent Illinois State University. Mr. Johnson stated that many, many people have benefited from the work going on at St. Jude Hospital. He stated this cause is worth promoting because: 1) the quality of care that the patients receive is unsurpassed; 2) the benevolent nature of St. Jude, the mission from the very start with Danny Thomas was that regardless of the ability to pay the patients will receive treatment; and 3) the research being done at St. Jude Children's Research Hospital. The survival rate of childhood cancer has risen from below 20% to above 70%.

Mr. Keesee introduced Mr. and Mrs. Chris Seiffert. Mrs. Seiffert stated that they, as parents of a child who has received services from St. Jude, will respond to any request from St. Jude to promote the research and services the organization provides. Mr. Seiffert informed the Committee that they are very involved in the coordination of a local telethon and have become very familiar with other members of the Community who have benefited from the services provided by St. Jude.

Mr. Hoselton asked if St. Jude is a non-denominational service organization. Mr. Johnson responded that St. Jude is a non-denominational hospital. He commented that on the morning that his

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daughter was diagnosed with leukemia, in her room there were patients of different color skin, accents, and eye shapes. Not only are the patients from all over the world, but the doctors, scientists and researchers come from all over the world as well. St. Jude is very graceful about sharing and disseminating knowledge with other organizations.

Mr. Hoselton asked the representative from Central Catholic High School to address the Committee. Mr. Hoselton asked if the raffle from St. Jude would interfere with the Central Catholic raffle. Mr. Chuck Schanaberger, Director of Development, Central Catholic High School, stated that the St. Jude's raffle would definitely interfere with the sale of tickets for Central Catholic's raffle.

Mr. Schanaberger distributed a sheet illustrating the history of the Central Catholic Dream House. Mr. Schanaberger explained that Central Catholic is a private, parochial school that charges tuition to every student. The same people who pay tuition to Central Catholic High School also pay taxes in McLean County. The fee for educating a student in Unit 5 is \$4,400.00. Presently, Central Catholic has 312 students. If some calculation is done based on the number of students paying tuition at Central Catholic and the fee the school district estimates for educating a student, there is an estimated savings of \$1.4 million to the school districts. In 1995, Central Catholic started raffling a Dream House. In 1995 and 1996, the dream house raffle sold out with tickets being sold at \$100.00. In 1997, 99 tickets went unsold at \$100.00. In 1998, 260 tickets went unsold. In 1999, the number of tickets to be sold was dropped to 2,000 and the price per ticket went up to \$150.00 each and the raffle was a sell out. In 2000, with the tickets at \$150.00 each, the last 100

tickets were sold the night before the drawing. In 2001, with the tickets still at \$150.00 each, the last 80 tickets were sold two days before the drawing. It is getting tougher to sell the tickets every

year. Advertising is also more expensive.

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Mr. Nuckolls asked the St. Jude representative if all of the raffle tickets would be sold in McLean County. Mr. Keesee explained that there would be secondary prizes, such as cars, trips and jewelry that would appeal to people in Peoria and other Illinois counties.

Mr. Keesee stated that St. Jude is willing to conduct the raffle within the 3,000-ticket cap requirement. However, Mr. Keesee noted that the 3,000-ticket cap limit is unique among Illinois counties.

Ms. Bostic asked what will be the cost per ticket of the raffle tickets? Mr. Keesee stated that if the 3,000-ticket cap was not removed, the tickets would cost \$200.00. If the cap is lifted or changed, the tickets would cost \$100.00. Ms. Bostic asked if the house would be built in McLean County. Mr. Keesee stated that the lot would be donated in McLean County. From past experience, Mr. Keesee explained, tickets have been successfully sold in a large geographical area by promoting a toll free number to call to purchase tickets.

Mr. Nuckolls asked if the house was the only prize someone can win or can the winner choose the cash value instead. Mr. Boysen explained that St. Jude's policy is to have a prize for every 500 tickets sold. There is no cash prize in lieu of the house. If the winner of the house does not wish to keep the house, they have clear title to sell the house and keep the proceeds from the sale.

Mr. Rodman clarified that St. Jude can sell up to 3,000 tickets in McLean County per the County Raffle Ordinance but may sell other tickets outside of McLean County. Mr. Ruud stated that it is common for statewide organizations to obtain raffle licenses in several counties in Illinois. Mr. Ruud explained that, under Illinois Law, every city, town and village can enact their own raffle ordinance, but McLean County has entered into intergovernmental agreements to allow the County to license all raffles held in the County. St. Jude is

not prohibited from going to Peoria County and obtaining a license to sell raffle tickets there. If they have a cap limit in Peoria County, they will have to abide by that limit. They can apply for as many licenses as they want in as many counties as they choose.

Ms. Bostic asked Mr. Ruud what mechanism McLean County has to insure that home raffles and the 3,000 ticket limit are complied with by the sponsoring organization. Mr. Ruud read from the raffle ordinance which states, the organization must file " a copy of a ruling or determination letter issued to, or for the benefit of, the applicant by the U. S. Internal Revenue Service providing that the applicant meets the requirements of 101 (6) of the Internal Revenue Code of 1939, or of Section 501 (c) (3) of the Internal Revenue Code of 1954." Mr. Ruud further read, "a narrative statement describing the purpose of the proposed raffle and, in figures and numbers, the estimated gross proceeds of the sale of the raffle chances, the administrative cost of the raffle, and the intended use of the net proceeds derived from the proposed raffle." As far as verifying how many tickets are sold, there is nothing specifically in Class "D" license requirements that state they have to prove they sold a specific amount of tickets. Mr. Ruud also stated that the ordinance requires the organization to file "a written agreement, signed by an authorized officer of the applicant holding the County of McLean, its Board members, officers, employees and attorneys harmless from any claim or cause of action (whether State or Federal) for injury or damages arising out of, or in any way related to, the subject raffle or to any property (real and/or personal) conveyed by the applicant."

Mr. Ruud commented that the raffle applications are scrutinized very carefully. In addition, the raffle manager shall give a fidelity bond in a sum equal to the aggregate retail value of all prizes and merchandise

to be awarded in the raffle with a solvent surety bond company licensed to do business in the State of Illinois.

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Mr. Segobiano asked why St. Jude was targeting the Bloomington-Normal area when St. Jude has an affiliate located in Peoria.

Mr. Keesee answered that St. Jude has targeted Bloomington-Normal because of the high level of support received through telethons, mailings, bike-a-thons, etc. Developers in McLean County have also expressed interest in this project.

Chairman Gordon discussed some concerns. Chairman Gordon identified those concerns as: 1) the amendment as originally presented involves a County policy question. Chairman Gordon feels that the issue at hand has progressed to the point where it is being reviewed as St. Jude Children's Research Hospital vs. Central Catholic High School or any other of the organizations that have applied for a raffle application. Chairman Gordon felt that the County policy issue goes back to the question raised regarding the maximum limit established on the number of tickets sold for a Class "D" raffle.

Chairman Gordon asked Mr. Zeunik if he could shed some light on the County's policy. Mr. Zeunik deferred this request to Mr. Ruud since he was the person who wrote the ordinance. Mr. Ruud referred to paragraph 3 of his memo to the Committee. Mr. Ruud stated that under State law, the Board is permitted to set, raise or remove limits on the number of raffle tickets sold. The proposed amendment simply removes the 3,000 ticket sales limit. Parenthetically, the 3,000 figure is in the McLean County ordinance because Central Catholic asked the County Board to set that limit when Class "D" licenses were created at the request of Central Catholic in December, 1994. Mr. Ruud explained that in 1994, he received a phone call from attorney Mark Dunn, who was representing Central Catholic's interest in having a dream home type raffle. Mr. Dunn asked if it was legal to have this type of raffle. Mr. Ruud informed him that it was not legal

because there was no provision in the County's raffle ordinance that allowed for a raffle of this magnitude. The limit at that time was a

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Class "C" raffle, with a value of up to \$40,000. Mr. Dunn asked what was needed in order to change the raffle ordinance. Mr. Ruud stated that the Land Use Committee and the McLean County Board would need to approve an amendment to the ordinance. Since this type of prize was not what the Board was accustomed to approving, Mr. Dunn was concerned with the request, and asked to meet with Mr. Ruud. Mr. Ruud noted that most of the language and conditions in the Class "D" raffle ordinance sections were drafted by Mr. Dunn. Mr. Ruud stated that Mr. Dunn recommended the IRS ruling and statement requirement. Mr. Dunn suggested that a limit of 3,000 tickets be set as the number of raffle tickets to be sold. Mr. Dunn felt this would add to the comfort level the County Board may need to approve this change in the raffle ordinance. Mr. Ruud said he asked Mr. Dunn why he chose 3,000 as the limit on raffle tickets. Mr. Dunn answered that was the number of tickets Central Catholic intended to sell if the amendment to the raffle ordinance was approved.

Mr. Segobiano explained that Mr. Dunn based the 3,000-ticket limit on the intended number of tickets to be sold and the value of the house.

Chairman Gordon stated his third concern. He was concerned that the enforceability of limits on the number of raffle tickets may not be achievable. Chairman Gordon further explained that Mr. Ruud researched the history of raffle licenses as far back as 1988.

Chairman Gordon discussed the document prepared by Mr. Ruud regarding the number of raffle licenses issued. Chairman Gordon stated that the numbers are in double figures in the years 1988 through 1995, but increased into the triple figures from 1996 to the present. Chairman Gordon questioned what the role of the County is

or may have to be if the County had to enforce this ordinance. Chairman Gordon explained that if someone sold 3,001 tickets, would

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the County prosecute someone for exceeding a specified amount of dollars or tickets. Chairman Gordon expressed support for lifting the 3,000-ticket limit partly because the County could face some difficulties with the enforcement of this ordinance. Chairman Gordon informed the Committee that the chair would vote on the motion regarding this issue.

Mr. Segobiano asked that the figures presented regarding the number of raffle licenses issued be broken down further by classifications. Mr. Ruud stated that most of the licenses are classified under A's and B's, there are a few C's and one D per year.

Chairman Gordon stated for the record that St. Jude has not applied for a raffle license application at this time.

Mr. Nuckolls wanted clarification on the determination of the revenues of this raffle. Mr. Nuckolls asked who will specifically benefit from the revenue generated by this raffle. Mr. Boysen stated the profit from this raffle goes to the treatment and research program of St. Jude Children's Research Hospital, minus administrative costs. Mr. Keesee explained that all of the net proceeds go to St. Jude Hospital. Mr. Keesee explained that the fund raising\administrative costs are less than 4% of the proceeds.

Mr. Rodman asked if approval is given by this Committee to change the ordinance, would the County Board also need to approve the change. Mr. Ruud stated that the Committee would make the recommendation to the Board and the Board have to approve the Committee's recommendation.

Mr. Rodman asked if the Land Use Committee approved a Class "D" raffle for St. Jude, would the Committee send it to the County Board for approval. Mr. Ruud clarified that any Class "D" raffle is

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recommended for approval to the Board by the Land Use Committee. The County Ordinance requires Board approval of all Class "D" raffle licenses. Class "C" are approved by the Land Use Committee and Class "A's and B's" are approved administratively.

Chairman Gordon explained that a "yes" vote keeps the ordinance at the 3,000-ticket limit, because of the way the motion was previously stated.

Chairman Gordon called for the vote on the motion to disapprove the request to change the ticket limit incorporated in the McLean County Raffle Ordinance.

Chairman Gordon asked for a roll call vote on the motion.

Bostic voted "Yes"  
Hoselton voted "No"  
Nuckolls voted "Yes"  
Rodman voted "Yes"  
Segobiano voted "Yes"  
Chairman Gordon voted "No"  
Motion carried by a vote of 4-2.

There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Carmen I. Zielinski  
Recording Secretary

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