

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, June 7, 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. Terry Lindberg, Assistant County Administrator; Mrs. Carmen I. Zielinski, County Administrator's Office

Department Heads/
Elected Officials

Present: Mr. Charles Wunder, Director, Building and Zoning; Mr. Jeff Tracy, Highway Department

Others Present: Ms. Christine Brauer; Mr. Mark Dravillas, Community Planner, McLean County Regional Planning Commission; Mr. Craig Solvie, Lake Bloomington Estates representative

Chairman Gordon called the meeting to order at 5:46 p.m. Hearing no objections, the minutes of the May 3, 2001 Land Use and Development Committee 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 May 2001.

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

Chairman Gordon noted that Item 4-a of the Agenda, Request of TomCin, Inc., to vacate a portion of Cloverhill Circle, Clover Hills Subdivision, DryGrove Township Public Hearing will be carried over to the July 5, 2001 meeting. Parties representing this matter were unable to attend tonight's meeting.

Chairman Gordon noted that Item 4-b of the agenda, Request for Approval of an Amendment to the County Raffle Ordinance, will be carried over to the July 5, 2001 meeting. Representatives from St. Jude's Children's Hospital were not able to attend tonight's meeting.

Mr. Segobiano commented that the gentleman from Memphis, Tennessee, who wishes to change the raffle ordinance can't seem to make ends meet and this issue keeps getting postponed.

Mr. Segobiano commented that since St. Jude is a national organization, he is not certain that the County should change of the raffle permit ordinance for their benefit. Mr. Segobiano would like further consideration of the legalities of the County to change raffle licenses as they pertain to McLean County organizations. Presently, the license allows anyone to request a license application for raffles.

Mr. Hoselton asked what is the raffle application and change of ordinance about. Mr. Segobiano explained that this organization would like to have the raffle license ordinance changed by deleting the stipulation in the Class "D" provisions limiting the number of chances sold to 3,000 raffle tickets so they can sell 10,000 raffle tickets. Mr. Segobiano stated that there are 40 to 50 organizations in McLean County that have abided by the ordinance throughout the years and no one has requested this type of change.

Chairman Gordon asked Mr. Zeunik if the Committee has any legal basis for making a distinction between in-county and out-of-county organizations that may apply for raffle permits. Mr. Zeunik noted that this issue should be referred to the State's Attorney. Mr. Zeunik will ask Mr. Ruud, Chief Civil Assistant State's Attorney, to provide the Committee with a written opinion by the next Land Use Committee.

Chairman Gordon opened discussion regarding Item 4-c – Request from "Gateway to the Cure" for the approval of a Class C Raffle

Permit. For the purposes of discussion, a motion will be considered a motion to approve.

Motion by Bostic\Rodman to recommend approval of the request of "Gateway to the Cure" for a Class C Raffle permit.

Mr. Segobiano noted that the mailing address of this request is from St. Louis, Missouri. McLean County is a very giving county and most of these causes have local organizations that provide for those charities. Mr. Segobiano would like to know how the money these organizations make from these raffles is distributed after the raffle event is concluded.

Chairman Gordon stated that since they are a private organization, the County has no ability to request the review of their books. Mr. Segobiano understands this point, but as elected officials, there is an obligation to ask these types of questions. Perhaps, this question can also be referred to Mr. Ruud.

Mr. Hoselton stated that this request would open doors to out-of-town organizations. If the money they raise does not stay in McLean County, they should ask a local organization to sponsor the cause. Chairman Gordon pointed out that on this request and on the two that will follow, Mr. Ruud has advised the Chair that these organizations have complied with all applicable laws.

Mr. Segobiano recommended that these requests be tabled till the Committee receives some direction from the State's Attorney. Maybe the Committee needs to search further into the meaning of the raffle resolutions regarding the explanation of what these raffles pertain to. Chairman Gordon expressed concern that as noted on page two of the request for the permit, if this request was to be tabled, the dates

of this event would coincide with the County Board meeting. Unless a stand-up meeting was scheduled prior to the County Board meeting on the 19th of June, this request would be virtually rejected. The time period for the selling of tickets being June 20 through June 24, 2001, with the determination of the winning ticket scheduled for July 4, 2001. This raffle license request is the only request at this meeting that has a time constriction.

Ms. Bostic noted that the "Colonel Crawford Eagles All-Sports Booster Club" has a selling date of April 20, 2001 to April 20, 2002. Ms. Bostic asked if tickets are being sold without the permission of the Committee. Chairman Gordon hopes that they are not.

Mr. Rodman noted that the "Gateway for the Cure" would like to sell tickets between June 20th and June 24th, 2001. The audience at this event would primarily be attendees at the Bloomington Gold Show. A great deal of revenue would be generated at this event. Mr. Rodman stated that he does not foresee these raffle tickets being sold on the streets of Bloomington-Normal, but at the show only.

Mr. Zeunik advised the Committee that the "St. Anthony of Padua" raffle license has been presented to the Committee in prior years.

Mr. Segobiano asked if these organizations are also selling raffle tickets in other counties. Mr. Zeunik stated that when the representative of St. Anthony was present at a former Land Use Committee Meeting, he stated that tickets would be sold at other counties.

Mr. Nuckolls asked if St. Anthony is requesting approval of raffle as in previous years. Mr. Zeunik stated that St. Anthony of Padua's raffle request had been approved in previous years. The two other raffle requests are new requests to the Committee.

Chairman Gordon reminded the Committee that there is a motion on the floor to approve the request from "Gateway to the Cure."

Motion by Hoselton\Segobiano to table the Request from "Gateway for the Cure" for a Class C Raffle License.

Chairman Gordon stated that a motion to table the "Gateway for the Cure" request had been made. This motion is not debatable. Chairman Gordon announced that the Chair will vote on the motion.

Motion carried by a vote of 5-1.

Mr. Zeunik clarified that the motion to table was to a time indefinite. Chairman Gordon explained that the item can be removed from the table at the next meeting, whether the next meeting was a "stand-up" meeting or the July Land Use Committee meeting.

Chairman Gordon asked if the Committee would like to delay action on the additional two requests for raffle licenses pending on the agenda, subject to the receipt of information from the State's Attorney.

Ms. Bostic stated that the Committee has to delay action because one raffle license application can't be denied and others passed when the same issues are involved.

Motion by Bostic\Segobiano to table Items 4-d, Request of St. Anthony of Padua Church and High School, and 4-e, request of Colonel Crawford Eagles All Sports Booster Club, for Class C Raffle Licenses until further information has been received from the State's Attorney's Office. Chairman Gordon announced that he will vote on the motion.

Motion carried.

Chairman Gordon opened the discussion on Item 4-f, Request of Craig Solvie for Approval of a Re-subdivision of Lot 1 of Lake Bloomington Estates in Section 18 of the Money Creek Township. Mr. Wunder distributed maps of the subdivision to members of the Committee.

Mr. Wunder stated that the applicant is requesting a waiver of the Preliminary Plan requirement and the staff is recommending that the request be approved. The proposed subdivision is located in the northwest quarter of Section 18 of Money Creek Township. It is located on the westside of County Highway 63. The Lake Bloomington Estates Subdivision was approved by the McLean County Board at the June 1999 meeting. It consisted of two lots, one lot at .56 acre and the other at 5.37 acres. The applicant proposes to divide the largest lot (Lot 1) into two lots that will be renamed Lots 3 and 4. The Highway Department is recommending approval contingent on the re-grading of the proposed Lot 3 so that adequate site distance be provided for the access to the proposed Lot 4. The staff would recommend that the plat not be recorded until the re-grading has been completed, inspected and approved by the County Engineer. A front yard setback line will also need to be added to Lot 4. If those conditions are met, the Building and Zoning Department recommends approval.

Motion by Segobiano\Bostic to approve the request of Craig Solvie of a Re-subdivision of Lot 1 of Lake Bloomington Estates, contingent on approval from the Highway Department and Building and Zoning Departments.
Motion carried.

Chairman Gordon opened discussions on Item 4-g, Request of Wesley Dean and Barbara Weber for Approval of a Renee Donaldson Subdivision, a one lot subdivision in Section 20 of White Oak Township.

Mr. Wunder stated that the applicant was requesting a waiver of the Preliminary Plan requirement and the staff is recommending that the request be approved. The proposed subdivision is a one-lot subdivision that will act as a "drive" to the Addison Subdivision located in the southern Woodford County. It is only 25' wide and approximately 887' deep, encompassing approximately 44,350 square feet or slightly one acre. It would require a waiver of the lot width requirement. This drive will access Tract 1 in the Addison Subdivision only. The County Line is the southern boundary of Tract 1 of the Addison Subdivision. The Highway Department may have some concerns because there is a similar "drive" in the immediate area. The Building and Zoning staff recommended that if the Highway Department has no objections, a note needs to be added to the plat noting that this is "not a buildable lot."

Ms. Bostic asked who had the responsibility of maintaining the "driveway." Mr. Jeff Tracy, Highway Department, stated that the "drive" is not considered a road, rather, it is a private "driveway."

Mr. Wunder commented that the Building and Zoning Department recommends approval with the stipulation noted on the plat specifying that this portion of land is "not a buildable lot", the driveway "not a buildable driveway."

Motion by Hoselton\Segobiano to approve the Request of Wesley Dean and Barbara Weber for approval of a Renee Donaldson Subdivision, a one-lot subdivision in Section 20 of White Oak Township, with a

“Not a Buildable Lot” stipulation added.

Chairman Gordon announced that he will vote on the motion.

Motion carried by a vote of 6-0.

Chairman Gordon invited Mr. Mark Dravillas to approach the Committee with regards to agenda Item 4-h – Request for Recommendation of an Intergovernmental Agreement for the Administration of a Solid Waste and Waste Reduction Education Program for McLean County, City of Bloomington and Town of Normal.

Mr. Dravillas informed the Committee that the agreement is a continuation of a jointly funded effort that has been in place since August, 1998 and will expire on July 31, 2001. The agreement was formed in 1998 in order to continue the long-standing intergovernmental cooperation in support of the McLean County Integrated Solid Waste Management Plan that was adopted in 1992. Mr. Dravillas stated that this agreement relates to the administration of the County’s Solid Waste program. The Solid Waste Program was required by the Illinois Solid Waste Management Planning and Recycling Act. This Act requires counties to have and administer a plan that meets and maintains a 25% recycling rate. When the funding for the solid waste program ran out, this Intergovernmental Agreement was approved so that the City of Bloomington, Town of Normal and McLean County would equally commit funds to continue the program. The Regional Planning Commission contracts with Ecology Action Center in Normal, not-for-profit environmental education group to provide specific services.

Mr. Hoselton asked for explanation of the involvement of the rural area of McLean County within this program. Mr. Dravillas stated the Ecology Action Center makes presentations at schools, prepares and mails a newsletter to all the schools in the County, provides information on recycling grants, and secures grant moneys to establish new programs. The America Recycle Day Event has become a major part of their program. The business material exchange program has earned state recognition.

Mr. Dravillas explained that the recycling program for smaller towns was partially subsidized by the County when the solid waste program was financially healthy. The tipping fee revenue ended when the local landfill stopped taking municipal solid waste. This contract does not provide any support for any recycling program in Bloomington, Normal or the McLean County. It is expected that these recycling programs should be self-sustaining or supported by the Public Works program in a municipality.

Mr. Rodman wondered if the three-year term was the correct direction to take with this agreement. Initially, tipping fees provided funding for this program. If the County is starting to receive revenue from tipping fees, Mr. Rodman asked why are the monies coming out of the general fund. Mr. Rodman suggested that the language of the agreement be changed to clearly dictate which funds pay for what program. Mr. Zeunik explained that the funding could come out of the Solid Waste Management Fund #159. Now that the landfill is open and accepting municipal solid waste again, all of the tipping fees are deposited into Fund #159.

Mr. Zeunik stated that he is not aware of any problem upon his review of this agreement that would prohibit the budgeting of the County's share from Fund #159.

Motion by Rodman\Bostic to approve the Intergovernmental Agreement for the Administration of a Solid Waste and Waste Reduction Education Program for the County of McLean, Town of Normal and City of Bloomington, with the stipulation that the funding for this agreement comes from Fund #159 and the balance from the General Fund.

Mr. Zeunik noted that after the landfill re-opened last year, McLean County netted \$63,602.98. Most of this revenue was paid in December as a catch up for the period of time that the landfill was open. In 2001, payments have been made on a quarterly basis. Once the amount of waste entering the landfill goes beyond a certain point, the payments will be remitted on a monthly basis. Mr. Zeunik confirmed that two quarterly payments, for a year-to-date balance of \$78,087.81, have been received. If this trend continues, \$150,000.00 balance will be reached.

Mr. Segobiano asked where would the excess tipping funds go. Mr. Zeunik answered that the tipping fee revenue stays in the Solid Waste Management Fund. Mr. Segobiano asked what is the projected life span of the landfill facility was. Mr. Dravillas explained that it would be easier to talk about the tonnage. The projection of tonnage is 500 tons capacity or an elevation increase that would allow for more than 500 tons. At a \$1.27 per ton, \$80,000.00 revenue has been received since April. Mr. Dravillas expects the County to generate upwards of 100,000 tons per year. Mr. Zeunik noted that the Committee and the Board approved American Disposal's request to fill-in what had previously been a drainage easement. Where the landfill was cited to have two hills, this modification will result in one continuous hill. It is anticipated that this would not increase the footprint of the landfill, but the way the space would be used may increase the amount of waste that the landfill may be able to hold.

Mr. Dravillas stated that discussion occurred at the Solid Waste Technical Committee regarding the revenue and funding. The Intergovernmental Agreement would be set-up so the funding could come from any source. Even though the Intergovernmental Agreement is for three years, the Committee will review this agreement next January.

Mr. Zeunik explained that the rationale behind this specific wording in the Agreement was to permit tipping fees revenue to cover the costs of the contract with the Ecology Activity Center. The City of Bloomington and the Town of Normal generate most of the municipal landfill waste. The City of Bloomington and the Town of Normal are paying the tipping fees.

Mr. Dravillas mentioned that rather than initiating a new program, the Solid Waste Technical Committee suggested that the agreement be reviewed in a year and see what the revenue cycle produced. The City of Bloomington and the Town of Normal have the same goal as the County does, that the entire program be funded from the waste management fees and the City and Town not have to fund this program with general corporate fund monies. Mr. Zeunik believes that the verbiage of the agreement reads " City, Town and County General Revenue Funds and/or the County Waste Management Fund." The reference to the County Waste Management Fund was not intended to be exclusive for the County, but possibly at some future date, if the revenue is sufficient, the Waste Management Fund would cover all of the program's expenses.

Motion carried.

Mr. Dravillas informed the Committee of his future relocation to Columbus, Ohio. He thanked the Board and Mr. Zeunik for the excellent experience he will be taking with him. Those present wished him well.

Mr. Wunder distributed the May Building and Zoning Activity Reports.

Mr. Wunder discussed the Building Code Study for the Building and Zoning Department. Mr. Wunder stated that the study confirms that this project would be an expensive one. In terms of numbers, Mr. Wunder asked for the opinions of Building Code Officials and Contractors from around the area. Their comments mostly referred to the inspection trips issue. With a single-house residence, inspections may average anywhere between 14-18 inspections of the proposed residence. The number of inspections may be lessened if contractors follow codes and no corrections, and re-inspections are needed. Another issue discussed was the addition of a Building Inspector. With McLean County being the largest county in Illinois, traveling to the east area of the County would require a lot of driving for a 15-minute inspection, not to mention the gas and car expenses.

Mr. Wunder noted that in the year 2000, Building and Zoning approved slightly less than 500 permits. Iroquois County, which is also a large area County, did about 131 permits last year. Iroquois County uses four part-time inspectors that get paid \$45.00 per trip. Will County distributed about 3,600 permits last year. Will County has ten building inspectors, three plan reviewers, 3 counter staff, and five administrative assistants. Because of the number of permits Will County does, the inspectors are assigned to specific townships. By localizing the inspection crews, they save money.

Mr. Wunder researched building permit fees from other counties. Will County charges \$8.00 per \$1,000 evaluation. McLean County charges

a flat \$200.00 for a single-family residence. DuPage County charges \$12.00 per square foot. DuPage County charges a fee for plan reviews, \$7.00 per electrical outlet, per plumbing fixture fee, etc.

The Committee needs to provide some direction to the Building and Zoning Department regarding this building code project. Mr. Wunder suggested that representatives from B.O.C.A. and other Counties be asked to visit with the Committee in order to answer any questions.

Mr. Rodman wondered what Peoria County decided to do with this issue. Mr. Wunder stated that Peoria County decided to hire a consultant to research this issue and present options to the Board in the future.

Mr. Segobiano commented that there are counties that contract out these types of services. Mr. Segobiano suggested that a representative from these counties be invited to meet with the Committee and Staff.

Mr. Hoselton feels that McLean County needs to take the time to indoctrinate, through the McLean County Mayor's Association, each community. B.O.C.A. Code Books are used by businesses presently. Mr. Hoselton deems it advantageous to advise the small communities, through the Building and Zoning Department, of this project since it's being considered by McLean County. Perhaps, a public hearing could be scheduled on a future date to gauge public sentiment for a Building Code..

Mr. Wunder noted that B.O.C.A. officials would like for the McLean County to adopt the B.O.C.A. Code Book. Mr. Wunder has some concerns with the B.O.C.A. Code Book regarding fire protection codes. Mr. Wunder commented that the County needs to research the codes to see if they need to be severely curtailed for commercial and industrial building codes because the water wells in the rural areas do not provide adequate water for fire protection equipment.

Mr. Rodman agrees with Mr. Hoselton's comments. A public hearing where interested parties, including the mayors, can discuss this matter openly. There is a need for community feedback.

Mr. Zeunik suggested that this issue is an ideal business "pro-forma" case. Working with 3,4 or more years of permit activity history, a fee schedule from Bloomington or Normal, it is possible to cost-out the estimated revenue, look at annual operating cost and prepare a projection or a "pro-forma." It is a simple business situation. Ms. Bostic asked if an intern would be able to work on this project. Mr. Zeunik stated that the Administrator's Office presently has two summer interns that would be able to work on this issue. Mr. Zeunik stated that before the Committee continues forward with this project they need to understand what it is they are looking at.

Ms. Bostic noted that any code that the County implements would not extend to the villages. New codes would only dictate building standards in unincorporated areas.

By consensus, Mr. Zeunik and Mr. Wunder will consult further on how to implement this data-gathering effort recommended by Mr. Zeunik.

When the information is available for the Committee's review and discussion they will present it.

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There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 7:10 p.m.

Respectfully submitted,

Carmen I. Zielinski
Recording Secretary

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