

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday October 4, 2012 at 5:00 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Members Gordon, Segobiano, Cavallini and Soeldner

Members Absent: Member Wendt

Other Board Members Present:

Staff Present: Mr. Bill Wasson, County Administrator and Ms. Hannah Eisner, Assistant County Administrator, Diana Hospelhorn Recording Secretary

Department Heads/
Elected Officials
Present: Mr. Phil Dick, Director, Building and Zoning, Mr. John Hendershott, Environmental Protection Programs Supervisor

Others Present: None

Chairman Gordon called the meeting to order at 5:02 p.m.

Chairman Gordon presented the Minutes of the September 6, 2012 Land Use and Development Meeting to the Committee for approval. He asked for any additions or corrections, hearing none he declared the Minutes approved as presented.

Chairman Gordon presented the bills from September 30, 2012 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 September 30, 2012 is \$950.06.

Motion by Segobiano/Cavallini to recommend approval of the September 30, 2012 bills as presented by the County Auditor.
Motion carried.

Chairman Gordon stated that the first Item for Action is the approval of the Proclamation for McLean County, along with the City of Bloomington, Town of Normal, Illinois Wesleyan University and Illinois State University, declaring Wednesday the 14th of November, 2012 as GIS Day.

Mr. Phil Dick, Director of Building and Zoning, presented the Proclamation to the Committee.

Motion by Segobiano/Soeldner to recommend approval of the Proclamation for McLean County, along with the City of Bloomington, Town of Normal, Illinois Wesleyan University and Illinois State University, declaring Wednesday the 14th of November, 2012 as GIS Day.
Motion carried.

Chairman Gordon noted that the next Item for Action is the Review of the Fiscal Year 2013 Recommended Budget for the Department of Building and Zoning.

Building and Zoning Fund 0001-0038

Highlights of the Recommended Budget:

REVENUE:

401.0016 Filing Fees/Subdivisions: This line item is budgeted at \$3,500 in the FY 2012 Recommended Budget, the same as was budgeted in the FY 2011 Adopted Budget.

401.0017 Filing Fees/Zoning: This line item is budgeted at \$15,000 in the FY 2013 Recommended Budget, which is \$7,000 lower than was budgeted in the FY 2012 Adopted Budget. Filing fees of \$15,000 are consistent with zoning fees that we have received in 2011 and 2012.

401.0027 Permit Fees: This line item is budgeted at \$46,000 in the FY 2013 Recommended Budget, which is \$214,000 lower than was budgeted in the FY 2012 Adopted Budget. We estimate \$20,000 in permit fees for wind turbines in the FY 2013 Recommended Budget, which is \$194,000 less than the \$222,000 estimated in permit fees from wind turbines in the FY 2012 Adopted Budget.

EXPENDITURES:

Personnel:

The full-time Office Support Specialist II position was eliminated in the 2009. There are no Full-Time Equivalent staffing changes from the FY 2011 Adopted Budget to the FY 2012 Recommended Budget.

Materials and Supplies:

Materials and supplies are budgeted at \$8,151 in the FY 2013 Recommended Budget; \$8,991 was budgeted in the FY 2012 Budget. It is estimated that the following changes can be made to supplies without significantly impacting service: \$694 is subtracted from postage, and each of the other accounts were reduced by 2%.

Services:

Services are budgeted at \$48,065 in the FY 2013 Recommended Budget; \$51,644 was budgeted in the FY 2012 Budget. It is estimated that the following changes can be made to services without significant impact: \$190 is added to Equipment Maintenance and \$300 is subtracted from interest as an adjustment for the leased copier/printer for the Department. Telephone Service has been reduced from the 2012 Amended Amount of \$2769 to \$500, due to phone cost savings experienced through the County's VOIP telephone system and associated elimination of direct long distance telephone cost.

Capital Assets:

\$960 is added to Lease/Purchase Office Equipment as an adjustment for the leased copier/printer for the Department.

Mr. Wendt is not in agreement with the County tax rate being increased. He believes salaries should be frozen instead of the taxpayers seeing an increase in their taxes. He noted that he will be voting no on any increase to County Employees that increases the tax rate.

Mr. Segobiano responded that he will not support anything Mr. Wendt recommends when it comes to cutting the County employees salaries. 1.5% increase in County employees salary is a small sum for what the employees do for the County.

Mr. Wendt advised that other people are not receiving salary increases. Many are getting salary decreases. Many are suffering from the economy. Revenues are

down everywhere. The County has \$1,100,000 more to spend than last year. We are asking the taxpayers for another \$350,000. .

Mr. Segobiano responded that Department Heads are doing their job trying to save taxpayers money. The County is making an effort to save taxpayers' dollars. Mr. Wendt responded that if it can be found elsewhere he is in support of it.

Chairman Gordon stated that Mr. Wendt indicated that he would like to see the budget reduced by the \$350,000. He asked Mr. Wendt if he was making a motion to this affect for purposes of the Committee approving this budget. Mr. Wendt responded that he is not. He will be voting against any line item that increases salaries. He is hoping the additional \$350,000 can be found in other areas. He will not vote to take money from those already having difficulties balancing their budget.

Mr. Cavallini stated that if you just look at the overall percent change of Capital Outlay it is dramatic, 150%, but if you look at the actual dollar amount it is only \$960. He asked what we are actually spending additional dollars on. Mr. Dick responded that the only thing in the Capital Outlay is the copy machine. Previously the Department has used this copy machine since 1998.

Chairman Gordon pointed out that if you look at the change from 2012 to 2013 in Capital Outlay. This is where the 150% is. If you compare 2013 Recommended Budget to 2011 Adopted it is only \$76.00 an approximate 2% increase.

Mr. Soeldner asked Mr. Dick how many people are in his Department. Mr. Dick responded that Building and Zoning has a staff of four. Mr. Soeldner pointed out that this \$2,256 is the increase for those four employees. In 2009 one FTE was eliminated from the Department. Since 2009 those four employees and Mr. Dick have picked up the slack for the reduction in staff. To make things equal to the employee lost in 2009 you would be spending several thousand dollars more than the 1.5 % increase in the FY'2013 budget.

Mr. Soeldner noted that it is difficult to justify a major increase in the FY'2013 Recommended Budget. 1.5% increase is not a major increase. He stated that Mr. Dick's staff has been doing the extra work of the employee lost in 2009. He does not feel this to be an issue in Building and Zoning.

Mr. Erickson is not opposed to the idea of a salary increase; however he would like to see the FY'2013 budget decreased by \$350,000. He noted that the vote against the FY'2013 Recommended Budget is not saying he opposes salary increases.

Mr. Segobiano called for the question.

Motion by Segobiano/Soeldner to recommend tentative approval of the Fiscal Year 2013 Recommended Budget for the Department of Building and Zoning.

Roll Call:

Mr. Segobiano	yes
Mr. Cavallini	yes
Mr. Wendt	no
Mr. Soeldner	yes
Mr. Erickson	no
Chairman Gordon	yes

Motion carried.

Chairman Gordon continued with the review of the FY' 2013 Recommended Budget for the Solid Waste Management Program.

Mr. Soeldner noted the lower expected revenue from the host fees. Recycling is saving the land fill, however the host fees are down. Mr. Wasson agreed. Revenues have been reduced based upon reduced expectation of tipping fees. He pointed out the success of the Household Hazardous Waste Event. It has been five years since the last event. The State had previously funded the Household Hazardous Waste; however the funds for this event came from local sources.

Mr. Wendt asked for the total amount of funds from the private sector. Chairman Gordon stated that the Ecology Action Center is currently tracking and accumulating those numbers. The estimated funds will soon be available.

Mr. Wasson added that the advisory committee wanted strong solicitation for donation. The donation levels appear to be very high for such an event.

Mr. Segobiano stated that he talked to Mr. Michael Brown, Director of the Ecology Action Center. Donations are still coming in. The success demonstrates the need for the City of Bloomington, the Town of Normal and the County to come together and help host such events. Mr. Wasson agreed. He stated that with the challenges we may face in the future, this is something that will continue to be discussed with our community partners.

Mr. Soeldner asked what is considered the contractual expenses. Mr. Wasson responded that the contractual expenses are the expenditures to the Ecology Action Center for their work relative to recycling.

Mr. Soeldner asked who sets the host fee. Mr. Wasson responded that the fee is based upon an agreement with the Land Fill. He added that the biggest challenge

we face is if and when the land fill would close, we would have no revenue stream to provide recycling services. The most recent projection is the Land fill has a life span of five years. It has been five years for several years, demonstrating the success of recycling.

Solid Waste Management Fund 0001-0159

Highlights of the Recommended Budget:

REVENUE:

410.0575 Landfill Host Fee: This line item is budgeted at \$160,000 in the FY 2013 Recommended Budget; this is changed from \$170,000 in the FY 2012 Budget. This change is due to lower expected revenue from the Host Fee.

EXPENDITURES:

Contractual Services:

706.0001 Contract Services: This line item is budgeted at \$140,000 in the FY 2013 Recommended Budget; this is changed from \$150,000 in the FY 2012 Budget. This will result in somewhat smaller grants for recycling and composting due to lower expected revenue from the Host Fee.

999.0001 Interfund Transfer: This line item is budgeted at \$20,000 in the FY 2013 Recommended Budget, unchanged from the FY 2012 Budget. The proposed transfer will fund the composting and educational programs on resource conservation by the Parks and Recreation Department as well as recycling and shredding at the Law & Justice and Government Centers.

Motion by Segobiano/Cavallini to recommend tentative approval of the Fiscal Year 2013 Recommended Budget for the Solid Waste Management Program.
Motion carried.

Chairman Gordon stated that the next items to be presented to the Committee are items for information. The first item of information is the Notice of Draft National Pollution Discharge Elimination System (NPDES) Permit for Illinois.

Mr. Dick invited Mr. John Hendershott, Environmental Protection Programs Supervisor, to address the Committee.

Mr. Hendershott advised the Committee that the United States Environmental Protection Agency (USEPA) has issued a draft NPDES Permit rules that will regulate any new surface discharging private sewage disposal systems such as sand filters. This is a Blanket Permit for the State of Illinois. The commonly used sewage disposal system used in McLean County is a sand filter. He noted that when the permit system is activated it will impact the County's permitting process. Permit applications will be required to be submitted to the USEPA before submitted to the local Health Department and possible posting for public review and comment with no guarantee of the issuance of a permit. This will severely impact residential and commercial development in un-sewered areas in McLean County. Mr. Hendershott advised that in Iowa and Ohio where these types of permits have gone into place, the property values in un-sewered areas have decreased. Property areas inside of sewer areas have increased.

Mr. Hendershott noted that if the property has good soil, there will be no problems. If the soil is poor, you are looking at an increase in the cost of a septic system. The USDES guidance is to eliminate any future surface discharges. The new 45 page draft permit from the EPA for new and replacement systems is currently up for public comment. The draft permit, fact sheet, and informational bulletin are available on the Health Departments website. The comment period runs until November 15, 2012. He encouraged the Land Use and Development Committee to provide any comments in writing to the USEPA or at the public hearing in Springfield on November 1, 2012. He added that any questions the Committee may have can be addressed to himself, Mr. John Hendershott, Environmental Protection Programs Supervisor, at 309-888-5482 or john.hendershott@mcleancountyil.gov.

Mr. Segobiano asked if anyone anticipating a new subdivision in the unincorporated area of McLean County could possibly see a substantial increase in the cost to develop the subdivision. Mr. Hendershott responded the costs would definitely increase.

Mr. Wendt asked how this applies to a single family replacing a current existing septic system. Mr. Hendershott responded that it all depends on the quality of the soil. If you need a surface discharging system, the costs will likely increase to replace the system.

Mr. Wendt asked how the quality of soil is determined. Mr. Hendershott reported that the soil is tested by a soil scientist before the system is installed.

Mr. Wendt advised that this could be a real problem for property owners in the rural areas.

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Mr. Soeldner asked if the new permit would affect the smaller communities without sewer systems. Mr. Hendershott advised that not as long as the lot is currently platted. The permit states that 6 months after the issuance of the permit, no lot platted after this time frame can get coverage under the NPDES permit unless they seek their own permit from IEPA.

Mr. Soeldner asked if this is an environmental issue. Mr. Hendershott responded that the State of Illinois, when it comes to individual surface discharge systems has not been in compliance with NPDES requirements since the Clean Water Act.

Mr. Segobiano asked where the issue originated. Mr. Hendershott advised that the lawsuits originated from the Environmental Law and Policy Center out of Chicago.

Mr. Wasson noted that one of the biggest challenges we may face in McLean County is we have cited a large majority of our rural residential area on poor soil types specifically to avoid putting residential areas on high quality farm ground.

Mr. Wendt asked how to get this new permit stopped. Mr. Hendershott responded that it is too late to stop it.

Mr. Soeldner noted that the formal public hearing is Thursday, November 1, 2012 in Springfield, IL from 7:00 p.m.-9:00 p.m.

Mr. Cavallini noted that the County has done what was considered the correct thing by conserving quality soil for farming.

Mr. Hendershott reported that another driving force behind the new permit is aerobic treatment plants which do not work well for part of time they are in operation and do not meet the compliance standards. McLean County has been diligent in controlling where surface discharges are allowed and requiring soil testing to try to keep systems in the ground.

Chairman Gordon advised that the public comment period runs until November 15, 2012.

Mr. Soeldner asked if it is permissible for the Committee to direct staff to draft a letter of comment. Mr. Wasson responded that any formal comment would require an action of the County Board.

Mr. Wendt recommended that the Board take this into consideration.

Chairman Gordon noted that if we are going to consider involving the full Board, we need to make available this communication to the October Board.

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Mr. Segobiano suggested that the Administrator's Office work with the Health Department and Building and Zoning to take action.

Chairman Gordon stated that this is an information item and the Committee cannot take action. A stand up before the October County Board Meeting would be required.

Ms. Hannah Eisner, Assistant County Administrator asked if it was Mr. Hendershott's opinion that people whose systems fail, could potentially not meet the standard and not be able to replace their system. Mr. Hendershott responded that if they had to have a surface discharge system it could become quite expensive due to the monitoring and testing.

Ms. Eisner asked how it would affect Mr. Hendershott's job in reviewing permits. Mr. Hendershott advised that beginning January 1, 2013 he will not be able to issue a construction permit for a surface discharging system until there is coverage under the new permit.

Mr. Dick, Director of Building and Zoning stated that if It is the interest of the Committee, a letter addressing concerns will be drafted and presented as an action item at a Stand Up Land Use and Development Committee Meeting before the October 16, 2012 County Board Meeting.

Mr. Wasson stated that he understands that the Committee would like to express their conflict between our current residential development strategies in rural areas verses the goal of preserving prime farm ground as stated in the County Code.

Mr. Soeldner asked if local developers are aware of the situation. Mr. Hendershott is not sure. He stated that he has contacted John Collins, Executive Director of the Bloomington-Normal Real Estate Association. Mr. Collins will get the information to the local realtors.

Mr. Segobiano pointed out that local developers are operating on the current rules and regulations and may or may not be aware of the new draft permit.

Mr. Hendershott reiterated that the new draft permit only applies to systems that discharge onto the ground. It does not apply to seepage bed septic systems.

Mr. Wasson asked what percentage of surface discharge systems McLean County currently has. Mr. Hendershott responded that currently the County has 9,500 active septic systems and 2,000 of them are surface discharge type systems.

Ms. Eisner asked if the new system changes the standards which determine if the system is sand filter vs a seepage system. Mr. Hendershott advised that the purpose of the permit is to end surface discharge systems.

The Committee made a request of staff to draft a letter of concern and present it as an action item at a Stand Up Land Use and Development Committee Meeting on October 16, 2012

Chairman Gordon continued with the discussion of possible future speakers on oil and gas drilling.

Chairman Gordon reported that Ms. Joan, Crockett, Illinois Geological Survey, is new to the position and is willing to address the Committee, however her time is limited. We are not sure when she will be available. We continue to be updated as to what is being done in the Legislature. It is unlikely to be in the fall session and will be postponed until after the November election, possibly in the spring session.

Mr. Wendt stated that the fracking issue is a State issue. He advised that the Committee needs someone from the oil industry to come in and explain to the Committee what type of permitting system would encourage them to drill for oil in McLean County. Are we discouraging or encouraging the oil industry from drilling in McLean County. Once this is done we need to make sure it is done in way that meets environmental standards.

Mr. Segobiano noted that the idea of "discouraging oil industries" keeps being brought up. Based on the rules and regulation in the County Zoning Code is there anything that does discourage oil industries from drilling in McLean County. Mr. Dick responded that the County requires a Special Use Permit for oil and gas drilling. Mr. Segobiano noted that a Special Use Permit does not discourage the oil industry. Mr. Dick noted that the reason we want Ms. Crockett to address the Committee is that the reason oil and gas drilling is not being done in McLean County is that, according to the State of Illinois Geologist, who encourage oil and gas drilling, there is not a lot of oil and gas in McLean County.

Mr. Segobiano stressed that anyone has the right to inquire about the possibility of drilling in McLean County. There is nothing that discourages them from doing this. Mr. Dick stated that Mr. Segobiano is correct.

Mr. Wendt would like the oil and gas industry to come in and explain why they are discouraged by the County's permitting system. He added that he knows of two oil

industries that came into the Building and Zoning office and were discouraged. Mr. Dick responded that they did not want to go through the Special Use Permit process.

Chairman Gordon stated that it is his position, that if we start inviting the oil industry we are creating the need for an open forum, which is premature. The Committee does not have enough information from other sources to have an open forum. Mr. Wendt advised that this is why he wants the oil industry to address the Committee. Chairman Gordon responded that the lack of oil below the surface could be the answer as easily as the permitting process. The Illinois Geological Survey has a website with information available to the Committee. This is the path Mr. Gordon would like for the Committee to take at this time. He does not believe we can have one perspective represented without opening it to everybody.

Mr. Segobiano stated that if Mr. Wendt has information relative to the situation, he should present it to the Committee.

Mr. Erickson the issue is once one discovers what is required to drill in McLean County, are they discouraged from going forward. The issue may be different from other Counties. Why would Macon County allow drilling and McLean County not allow it. The County should look at the reasons for the difference. Mr. Erickson asked if Ms. Crockett has printed any information available for the Committee to read that would give us an idea as to what she will be saying.

Mr. Wasson informed the Committee that the oil industry could come, under our current Zoning Codes, and request a Text Amendment and go through a Public Hearing process with the Zoning Board of Appeals. This is the process to obtain a Text Amendment to the Zoning Ordinance. These are the steps involved in order to change the Zoning Ordinance. The public hearing gives everyone an opportunity to present their information.

Mr. Soeldner stated that if the only problem is not wanting to go through the public hearing process to obtain a Special Use Permit, this is not sufficient enough to change the Zoning Code. He noted that in this case transparency is important.

Ms. Eisner noted that not all Counties have a Zoning Code. Staff has no ability to go around the Zoning Code. The drilling permit requires a Special Use Permit. The only way to change this is to amend the Zoning Code. The process has been explained. Ms. Eisner stated that what Mr. Wasson is suggesting is rather than hear sides at the Committee level, we shift it to where the discussion is probably better addressed, a public hearing involving the oil industry and possibly the Geological Survey. Everyone is given the opportunity to be heard.

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Mr. Dick stated that if this Committee is thinking it would want to join the Counties that have drilling as a permitted use or no required permit at all, then it would go to a Zoning Board of Appeals public hearing. He stated that he understands that the County Board has taken the position that oil/gas drilling remains a Special Use Permit.

Mr. Erickson asked if any request to change the Zoning Ordinance, no matter from who it is coming, must go through the Zoning Board. Mr. Wasson responded that any Text Amendment must go before the Zoning Board.

Chairman Gordon stated that is it the consensus of the Committee that we keep in touch with the information available.

Mr. Soeldner noted that the Committee should remember that there are two issues, oil/gas drilling and fracking.

Chairman Gordon advised that the next meeting of the Land Use and Development Committee will be November 1, 2012.

Mr. Cavallini declared the meeting adjourned at 6:10 p.m.

Respectfully Submitted

Diana Hospelhorn
Recording Secretary