

Minutes of the Land Use and Development Committee Meeting

The Land Use and Development Committee of the McLean County Board met on Thursday January 4, 2018 at 3:33 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Erickson, Members, Wollrab, Beard, and Scritchlow

Members Absent: Member Wendt and Cavallini

Other Board Members Present: None

Staff Present: Mr. Bill Wasson, County Administrator, Mr. Don Knapp, Assistant County Administrator, Ms. Jessica Woods, First Civil Assistant State's Attorney, Mr. Eric Schmitt, Administrative Services Director, and Ms. Julie Morlock, Recording Secretary

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

Others Present: Mr. Michael Brown, Director of Ecology Action Center

Chairman Erickson called the meeting to order at 3:33 p.m. He presented for consideration and approval the Minutes from the Land Use and Development Committee for the December 7, 2017 meeting.

Motion by Scritchlow/Beard to recommend approval of the December 7, 2017 Land Use and Development Committee Meeting.
Motion carried.

Chairman Erickson presented the bills as of December 29, 2017 reviewed and recommended by the County Auditor. The prepaid total and fund total for December 29, 2017 is \$877.59. He asked for any objections to the bills.

MCLEAN COUNTY BOARD COMMITTEE REPORT

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AS OF 12/29/2017

EXPENDITURE SUMMARY BY FUND

Land Use Committee

FUND	FUND TITLE	PENDING TOTAL	PREPAID TOTAL	FUND TOTAL
0001	GENERAL FUND		\$877.59	\$877.59
			<hr/>	<hr/>
			\$877.59	\$877.59


COMMITTEE CHAIRMAN

Motion by Wollrab/Scritchlow to recommend approval of the December 29, 2017 Land Use and Development Committee bills.
Motion carried.

Chairman Erickson indicated there were two individuals who had requested to speak. He invited Ms. Sharon Chung forward. Ms. Chung stated she was there to speak in support of the Solid Waste Plan, which had received overwhelming support in its original form. She said it is for the greater good of the community and should not be changed based on the opinion of a few. She urged them to adopt plan as is. Chairman Erickson thanked Ms. Chung.

Mr. Bob Broad stated that the top priority in the plan is to improve recycling performance of commercial properties. He stated that he is the owner of commercial properties in Bloomington/Normal is in support of the plan as it is. He stated that a lot of work went into the plan and there has been a lot of public support for the plan. Chairman Erickson thanked Mr. Broad. He confirmed there were no other public speakers.

Chairman Erickson stated that the first item for action was a request to approve the Twenty-Year Materials Recovery and Resource Management Plan for McLean County, Bloomington, and Normal, Illinois;– Ecology Action Center. Chairman Erickson indicated that he would be voting on this matter

Motion by Scritchlow/Johnson to recommend approval Twenty-Year Materials Recovery and Resource Management Plan for McLean County, Bloomington, and Normal, Illinois– Ecology Action Center

Mr. Scritchlow indicated that he was opposed to the ordinance language and would rather put in language that is market driven and not government driven.

Motion by Scritchlow/Johnson to Amend the Plan as presented.

Ms. Wollrab asked for clarification on the original document and if changes had been made to the original plan. Through discussion, it was determined that percentages had been changed but not at the request of Mr. Scritchlow as he only requested that references to ordinance be taken out. Mr. Michael Brown indicated that when they took out the language for ordinances he felt that they needed to lower the target numbers and percentages.

Mr. Erickson asked for a short recess at 3:50 p.m. while they gathered hard copies of the plan. Mr. Erickson declared the meeting back in session at 3:56 p.m.

Mr. Scritchlow started to go through the changes he was proposing in the plan. Several members indicated they were having trouble keeping track of the changes and where they were located in the plan. Mr. Wasson and Mr. Scritchlow each tried to clarify where

they were in the plan and the actual changes. Mr. Scritchlow was asked to go back over changes and list them by page, target date and bullet point so the Committee could follow along. Members stated again they were having difficulty keeping up with discussion of changes. Chairman Erickson asked for a short recess at 4:12 to confer with counsel. Chairman Erickson declared the meeting back in session at 4:15 p.m. It was determined that it would be better if they could reference a redline version of the plan and asked if the Committee was ok with recessing until tomorrow to discuss the changes in the Plan. Ms. Wollrab asked if they were about through with the changes. It was determined they were not. Mr. Knapp stated that they legally did not need to have the redline, but if they wanted to make sure all members understand the changes, then they could recess until tomorrow to discuss. Members requested the opportunity to ask some general questions of Mr. Brown before recessing. Ms. Wollrab asked if they needed to have a public comment period again if they made these significant changes to the plan. Mr. Knapp went over the procedures and indicated that he did not feel they needed a new public comment period. He stated that the County Board has the authority to change language after a public hearing comment period. Mr. Knapp stated that they could start the procedure over if that is the consensus of the Committee, but legally they are not required to before sending to the State for review. Mr. Erickson stated that he strongly favors having the redline in front of the Committee before they discuss it or vote on it.

Mr. Johnson stated that he felt that the goals are tied to issuing ordinances and wanted to make sure that we can discuss changes, but would withdraw his second of the motion to amend so they could table until tomorrow. Chairman Erickson asked if there was a consensus about reconvening tomorrow. Mr. Beard said that he was in favor of that but would still like to ask some general questions today to help him as he continues to consider possible language changes. Mr. Erickson asked Mr. Knapp to confirm whether they needed the document in front of them before they have further discussion. Mr. Knapp stated he did not know if a legal requirement to have the document in front of them before they have a global conversation. Mr. Knapp did confirm the Motion to Amend needed to be withdrawn.

Mr. Scritchlow stated there are three things being discussed conceptually so we could talk about them in that manner. Mr. Erickson asked Ms. Wollrab if she wanted to proceed with general discussion. Ms. Wollrab stated that she is ok with some broad conceptual conversations as long as they were not discussing details of the plan, and then reconvene tomorrow to discuss details of the plan. Mr. Erickson asked that any references to plan be very specific so that others could follow along.

Mr. Knapp confirmed that both Scritchlow/Johnson withdrew the motion to Amend. Mr. Knapp indicated that the original motion was back on the floor and they could proceed with general discussion. Mr. Scritchlow indicated he had one concern with the solid waste plan presented which was the use of ordinances. He stated they should not force people to do anything in the plan but that it should be market driven. He said costs for landfill will increase over time and cost for recycling will be cheaper and because of that,

it will drive people to recycle. Mr. Scritchlow stated that he did not want the goals to be reduced, but when a reduction in goals was proposed, he felt the additional staff person might not be necessary. Mr. Scritchlow stated that as of today, the three issues are removal of ordinance language, reduction in goals and removal of additional staff person, but his only concern was the removal of ordinances.

Mr. Beard asked Mr. Brown to confirm that ordinances are not a guaranteed action with the plan as written. Mr. Brown confirmed that the plan is non-binding. Mr. Beard asked him to confirm that Bloomington or Normal are not prevented from passing an ordinance today. Mr. Brown confirmed that is correct, as it does not prevent them from passing an ordinance, but it does complicate asking them to put an ordinance in place. Mr. Beard asked Mr. Brown to confirm that if he, as a resident, felt strongly about this he could go to Bloomington and ask them to pass an ordinance. Mr. Brown confirmed that was the case.

During this part of the meeting, the following exchange took place:

Mr. Beard: To that point, seeing the feedback that I have gotten over the last few weeks on on this. I want to... Bloomington and Normal, I am a Bloomington resident, are not prevented today from passing any of these ordinances, correct. So Bloomington 10 years ago, 5 years ago, last year, Normal last month could have passed an ordinance. They are choosing right now not to pass ordinances and they are completely in their right to pass that and if they did; if they came to you and said we are looking at at C&D ordinance for Normal. If the Bloomington City Council came to you today and said we are looking at an apartment ordinance, you would provide them, whether it is model language or best practice how do that, if they came to you and said they were interested in that, that could happened today, so the Bloomington Normal, the two biggest users of the landfill have so far in the past, going backwards chosen not to use ordinances for as talked about in the original version of the plan, that is correct?

Mr. Brown: That is correct, so the removal of ordinance language does not prevent them, but it does prevent me, so as the Chief individual responsible for implementation of the community wide solid waste plan, if it's not in the plan, then it does prevent me from working to develop those things with those entities. And so it takes it off the table.

Mr. Beard: So in that sense the difference would be if that is not in there they would kind of need to come to you to request versus if it is in there, you would, whether it is six month from now or a year from now.

Mr. Brown: or ten years from now

Beard: Or whenever based on how the voluntary component of that was going you would engage those municipalities. That is the only difference, so if the Bloomington City Council, the Normal Town Council are reading the Pantagraph tomorrow they can

get together and pass this ordinance, so all of our constituents, and me as a resident, if I felt strongly about this, I could go there, right?

Mr. Brown: Absolutely

Ms. Wollrab: Mr. Brown. What.. if taking the ordinance out of the plan then causes this chain reaction of reducing these lofty goals, I mean if, so is there any way the goals could remain in the plan to be as heavy duty as they are and as lofty as they are without the having ordinances in there or with having language that would soften the ordinance and sort of direct, you know, suggest that we might want to look at an ordinance or have some kind of a modified ordinance. I guess there was a town that, that clicked back to some kind of pricing difference if, you know, depending on the market, kind of thing.

Ms. Wollrab asked if goals in the plan could remain the same without the ordinance language in the plan. Mr. Brown said plan seeks to take us to the next level and the ordinances are an option in the toolbox to help get to that level. Mr. Brown stated that actual wording of ordinances or how they might be used are negotiable. He also mentioned that a safety valve with regard to the Construction and Demolition materials is mentioned in the plan. He said that we might be able to reach some of them on a voluntary level, but if not, that is where an ordinance might be necessary, so he confirmed that the high goals are very much related to the possibility of ordinances. He also stated that Construction and Demolition does go directly to an ordinance with no voluntary programs because that is not subject to the same variables the others programs would be as we cannot voluntarily impact the route density of Construction & Demolition recycling because these are buildings that come down at random locations and random times. He stated that they could increase volume through an ordinance, which is why strategy goes directly to an ordinance for Construction and Demolition.

Mr. Johnson asked where McLean County stands currently with respect to goal of 50% by 2022 and how that metric is determined. Mr. Brown said they figure that an annual basis by gathering information in a community wide survey of the waste haulers, recyclers, institutions, government entities and anyone else who deals with volumes of waste or recycling. He said they analyze that information to determine a community wide recycling rate which is the percentage of waste that gets recycled out of the total waste generated for that year. He stated that as of 2016 we were at 41.2%, which is the first time they had exceeded the 40% goal set over 12 years ago. He stated that the municipal efforts to send bulky waste to the local construction and demolition recycling facility helped reach that goal. Mr. Johnson asked for clarification of demographic of the 42%. Mr. Brown stated that it is not a participation rate but the total waste recycled out of total waste generated by all sectors excluding industrial. Mr. Johnson asked about current incentives for businesses to recycle in McLean County. Mr. Brown stated that they offer free waste audits for businesses and educational materials, but these are currently limited. Mr. Johnson asked if there was a list that the public could view that contained businesses that recycle. Mr. Brown stated that does a list does exist through the Illinois Green Business Association where they offer a green business certification

that is a statewide standard. He stated there are about a dozen businesses that are certified and while they try to help promote that, it requires staff to go and do the inspections and get them up to certification, so expanding that is beyond our current resources. Mr. Johnson asked if it was part of the current plan. Mr. Brown said that is not a high-ranking strategy, but is part of the sixth strategy of more increased educational outreach and hands on facilitation. Mr. Johnson stated that he hoped they could raise that priority.

Mr. Scritchlow stated that he did not know you could get certification. He asked if it would require the same amount of work to make sure businesses know about the ordinance or we make sure they know of this certification program and help them reach goals. Mr. Brown stated that in either case, there would be a lot of educational outreach but difference is that if the voluntary approach does not get us the volumes we want, then the regulatory approach would help get the numbers to help keep it cost effective for everyone.

Ms. Wollrab reminded the Committee that this does not create an ordinance but that McLean County will have the option of having or not having an ordinance. She stated that we need to think of this as an option, a plan and that the ordinances are a tool to get to level we want. She said that it is a drastic step to remove ordinances from the plan.

Mr. Erickson asked Mr. Brown if the goals in the plan are with the understanding that there will be an ordinance in the future. Mr. Brown stated that the goals are there with the option of ordinances. Mr. Erickson asked him to confirm that he set the goals where he did because he considered ordinances as an option in the toolbox to get to that number. Mr. Brown confirmed that if the voluntary strategies do not get us there then yes an ordinance approach could. Mr. Erickson stated that the numbers in there are based on the idea that there would be an ordinance. Mr. Brown stated ordinances are only there as a possibility if needed because voluntary programs do not work.

Mr. Scritchlow stated he did not request goals be decreased and asked where that came from. Mr. Brown stated that he expressed a concern with staff about the feasibility of implementation of those goals without all the strategies intact, so in the draft he prepared he reduced the goals. Mr. Scritchlow asked him to confirm that if we do not go to an ordinance we cannot reach our goals. Mr. Brown stated that his confidence is decreased without that option on the table. He said that voluntary strategies would be attempted first, and if they do not work, we would have the option of ordinances.

Mr. Scritchlow asked him to clarify what the other strategies in the plan are as he saw do a study, implement a voluntary program, and pass an ordinance. Mr. Brown stated that another strategy is the strategy of education outreach. Mr. Scritchlow asked if that portion was back in the plan or not removed by amendment would he feel confident going back to the higher goals. Mr. Brown stated that he would not feel confident because he felt that all options including the ordinance option needed to be in the plan for them to reach their goals.

Mr. Beard asked where cost would end up, as one of his concerns is that individuals in apartments who might be lower income or just starting might not have extra funds available to them for recycling costs. He said that he did not feel comfortable making that call and would rather leave that decision to individuals. He also stated he did not feel comfortable removing the education component of the amendment. Mr. Brown stated that an ordinance could get the volume and route density needed by requiring all of the rental companies to be in the program. He stated they could create routes that are cost effective to the hauler, and when haulers realize cost savings we can negotiate so a flat rate for recycling and waste that is no increase to the rental company and therefore no increase to the tenants. Ms. Wollrab asked if there are costs associated with not recycling, because we now have to haul waste to another county. Mr. Brown stated that traditionally recycling costs less than waste disposal. He stated that closure of our landfill will not cost us immediately, however long term there will likely be increases and provided the example of the City of Urbana and their cost to landfill waste is about double the amount paid in McLean County.

Mr. Johnson asked if we are focusing our efforts on the 58% not recycling. He asked if there was a type of waste that makes up most of the 58%. Mr. Brown stated that yes they did study waste streams and will be focusing on the waste streams that we can get more recoverable materials which was a major focus when they developed the plan.

Mr. Beard asked about metrics and measuring our success and how we might use waste per person per day. Mr. Brown stated that waste per person/per day is an important metric that has not fluctuated much. He stated they are fighting billions of dollars of marketing that are telling people to live a convenient lifestyle – buy more, use more and the devices we buy are designed to not last more than a set amount of time which makes source reduction on the consumer level more difficult. Mr. Beard asked Mr. Brown if we only reach 70% but higher on the per capita waste numbers would we consider that a success. Mr. Brown stated that any increase would be a success.

Mr. Erickson asked when the landfill is scheduled to close. Mr. Brown said they did not have an exact date as it is based on capacity but Republic Services has previously indicated it will be in the first quarter of 2018. Mr. Erickson asked if the plan needed to go to the Illinois Environmental Protection Agency for approval and how that long that would take. Mr. Brown stated that he did not know how long that would take. Mr. Erickson wanted to remind everyone that by passing this plan we are not going to save the landfill. Mr. Brown confirmed.

Mr. Erickson asked Mr. Brown if he had anything further. Mr. Brown thanked him for opportunity to discuss.

Mr. Erickson asked for the consensus of the Committee about a time tomorrow to reconvene. Ms. Wollrab asked about OMA notices. Mr. Wasson went over process. It

was determined that 3:30 pm on Friday, January 5th the best time for Committee members and Mr. Brown.

Motion by Erickson/Scritchlow to table consideration and approval of the Twenty-Year Materials Recovery and Resource Management Plan for McLean County, Bloomington, and Normal, Illinois until Friday, January 5th at 3:30 p.m. in room 400 of the Government Center.
Motion Carried.

Chairman Erickson stated the next item on the agenda was the Ecology Action Center third quarter 2017 solid waste program report. Mr. Brown stated this report contained activities based on the current solid waste plan. Chairman Erickson asked if there were any questions; hearing none, he moved on to the Ecology Action Center report detailing the results of the September 2017 Mclean County Household Hazardous Waste Collection. Mr. Brown indicated this was the most successful event to date and the program agreement ended with this event but they are working to renew it. Ms. Wollrab thanked him for the event, stated that there were many people there, and felt it was well run. Chairman Erickson asked if there were any additional comments or questions; hearing none, he moved to the next item of the Agenda.

Mr. Wasson reported that there were no positions filled under the purview of the Land Use Committee in the last 30 days.

Chairman Erickson asked if there was any other information to come before the Committee. Chairman Erickson stated that the meeting was adjourned until tomorrow, January 5th at 3:30 p.m. when the meeting would reconvene in the same room with the same agenda. Chairman Erickson asked for a motion to adjourn

Motion by Scritchlow/Wollrab to adjourn.
Motion carried.

The meeting was adjourned at 5:11 p.m. and Mr. Erickson stated that he would see them there tomorrow at 3:30 p.m. to reconvene.

Respectfully Submitted,



Julie Morlock
Recording Secretary