

# CHAMPAIGN COUNTY BOARD COMMITTEE OF THE WHOLE MINUTES

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## Highway & Transportation/County Facilities/Environment & Land Use

Tuesday, August 3, 2010

Lyle Shields Meeting Room, Brookens Administrative Center

1776 E. Washington St., Urbana, Illinois

**MEMBERS PRESENT:** Jan Anderson, Steve Beckett, Ron Bensyl, Thomas Betz, Lorraine Cowart, Chris Doenitz, Matthew Gladney, Stan James, John Jay, Brad Jones, Alan Kurtz, Ralph Langenheim, Brendan McGinty, Diane Michaels, Alan Nudo, Steve O'Connor, Giraldo Rosales, Larry Sapp, Jonathan Schroeder, C. Pius Weibel, Barbara Wysocki

**MEMBERS ABSENT:** Carol Ammons, Lloyd Carter, Greg Knott, Steve Moser, Michael Richards, Samuel Smucker

**OTHERS PRESENT:** Kat Bork (Administrative Assistant), Deb Busey (County Administrator), John Hall (Planning & Zoning Director), Christina Papavasiliou (Assistant State's Attorney), Alan Reinhart (Facilities Director)

### CALL TO ORDER

Wysocki called the meeting to order at 6:00 p.m.

### ROLL CALL

Bork called the roll. Anderson, Beckett, Bensyl, Betz, Doenitz, Gladney, James, Jay, Jones, Kurtz, McGinty, Nudo, O'Connor, Sapp, Schroeder, and Wysocki were present at the time of roll call, establishing the presence of a quorum.

### APPROVAL OF COUNTY BOARD RESOLUTION TO MEET AS COMMITTEE OF THE WHOLE

**MOTION** by Betz to approve the County Board Resolution to meet as a Committee of the Whole; seconded by Beckett. **Motion carried.**

Cowart entered the meeting at 6:01 p.m.

### APPROVAL OF MINUTES

**MOTION** by James to approve the Committee of the Whole minutes of June 8, 2010; seconded by Jay. **Motion carried as amended with unanimous support.**

## **APPROVAL OF AGENDA/ADDENDA**

**MOTION** by Kurtz to approve the agenda; seconded by Anderson.

Beckett's request to move the closed session under Facilities to the end of the meeting was met with agreement by all Board members. Betz suggested moving the Zoning Ordinance amendment for the residential recovery center forward on the agenda because of a large group was present for the discussion.

**Motion carried as amended with unanimous support.**

Weibel and Rosales entered the meeting at 6:03 p.m.

## **PUBLIC PARTICIPATION**

Wysocki stated the 5-minute per person rule and 1-hour total time rule for public participation would be enforced due to numerous speakers. She encouraged speakers to avoid repetition in order to allow everyone the opportunity to address the Board.

Michaels entered the meeting at 6:04 p.m.

Heather Soder expressed disappointment in way Sunrise Coal has handled information about their potential coal mining project. She has received no information about how it could affect the Broadlands area and her water supply. She was concerned Sunrise Coal was trying to fly under the radar and wanted them to be upfront with citizens regarding environmental impact. Contacting Sunrise Coal resulted in speaking to an employee who was not able to answer her questions. She hopes the County Board will investigate the impact of coal mining on the community before any zoning changes are enacted.

Carl Webber spoke in favor of the zoning amendment to allow the residential recovery center, emphasizing that it is not a treatment center. The recovery center Wysocki confirmed are trying to stay off drugs or alcohol and are weekly tested. He advised that the residents are disabled as defined by the Fair Housing Act, comparing the center to the McKinley Foundation on campus or a dormitory. Webber included a letter in the amended materials presented to Board tonight. Webber requested the Board listen to those who have concerns about the amendment, believing the Board would realize those concerns are unfounded.

Randall Brown gave a written copy of his speech to the County Administrator for the record. He has lived on High Cross Road for 5 years and has observed many recovery center residents walking along High Cross Road where there are no sidewalks or bike lanes. The center's residents walk in the road without yielding to cars, causing the opposing traffic to enter the opposite lane or slow to a near stop until the right-of-way is opened. This activity endangers the drivers and pedestrians. It was apparent that the infrastructure of High Cross Road does not support the safety or general welfare of the recovery center residents. Brown has also asked the Illinois Department of Human Services Drug & Alcohol Licensing Division to investigate the Lifeline Connect facility at

the Apostolic Life Church in regards to licensure. Brown is not convinced the facility's actual use is what is stated in the amendment. Brown asked for a stay of action on the amendment and special uses until the facility's use is proven to comply with the amendment. Brown claimed the Zoning Administrator told him that the County has taken no action to respond to 4 complaints filed on July 12<sup>th</sup> relative to unauthorized use at 2107 High Cross Road because the County lacks the time. He seeks immediate action to prevent unauthorized use of the property.

Chris Doxtator, a Lifeline Connect resident, spoke about the program's significant positive impact on his life and asked the Board to support the Zoning Ordinance amendment.

Jeffrey Branson encouraged the Board to pass the Zoning Ordinance amendment. He spoke about the benefits of programs like Lifeline Connect as a graduate of a similar type of recovery program.

Roy Lane described the positive changes he has witnessed in people's lives as a volunteer with the Lifeline Connect program. He feels the center's residents are very trustworthy and urged the Board to support the amendment.

David Rogers encouraged the County Board to pass the zoning amendment because a need exists for residential recovery centers to provide a social service to help people recover from the destruction of substance abuse. Residential recovery centers are part of the solution and have positive influences on communities. He spoke about communities that have adopted zoning laws to accommodate faith based recovery centers that help addicts become productive members of society again.

Chad May, a former resident of a program similar to Lifeline Connect, spoke in support of such programs. He urged the Board to pass the zoning amendment because more residential recovery centers are needed, not less.

Randy Brown, the Lifeline Connect Director, described working in the ministry and with individuals facing substance abuse problems for 17 years. Programs like Lifeline Connect provide a safe, drug-free environment for residents and the church community offers a safe place to develop positive relationships. He has witnessed the success of many men in these programs. Brown stressed the program has received no disturbance complaints from neighbors in years. He understood the concern of the speaker about the safety of the center's residents walking along High Cross Road, but wondered why the person did not express his concerns for residents until now. Brown further spoke about the efficiency and useful nature of offering services to more men, which is being considered in the amendment. He thanked the County Board for listening to this issue.

Thomas Martin urged the Board to vote in favor of the zoning amendment and spoke about how a residential rehab program changed his life.

Renee Pride, the daughter of Pastor David Rogers, supported the zoning amendment for the residential recovery center. She noted the citizens against the amendment could have raised their concerns with the church as neighbors and learned the facts of the situation. She objected to the

way those in opposition have gone about it. She encouraged the Board to listen and question any data or accusations.

McGinty and Bensyl exited the meeting at 6:39 p.m.

Roger Eaton, Director of Operations of the residential recovery center, spoke about the center's positive impact on people's lives and how lives have been saved by such centers.

Les Cotton, a faith-based recovery center graduate, supported the zoning amendment and spoke about how faith-based residential recovery centers function better than other treatments by teaching residents the tools to manage their lives and finances.

McGinty and Bensyl re-entered the meeting at 6:42 p.m.

John Grubb, who has passed the residential recovery center residents walking on the road, said he has had no issues or problems with the recovery center in the 11 years he has lived on Shelly Court. He felt it was important for the County Board to pass the zoning amendment to help people.

Langenheim entered the meeting at 6:47 p.m.

Helen Miron supported passing the zoning amendment. She has hired recovery center residents and found them to be hardworking and motivated. She stated people who succeed in recovery will become productive members of the community and pay taxes, putting resources back into the community.

Cowart and Jones exited the meeting at 6:49 p.m.

Germaine Light, a High Cross Road resident, said the church should host a meeting to let the neighbors ask questions. She congratulated those who have completed the program, but the center should function in accordance with zoning laws. She claimed the yard waste clean-up has been operating in a non-legal way and wanted it to cease and desist. Light said the County Board has not responded to her complaint and wanted to know why. Wysocki explained the County Board cannot respond to questions during public participation.

Cowart returned to the meeting at 6:50 p.m. and Jones returned at 6:51 p.m.

Wysocki concluded public participation after confirming no one else wished to speak.

## **COMMUNICATIONS**

Kurtz spoke about attending a meeting with the Director of the U.S. Department of Agriculture about the new strategy to meet the bio-fuel goals of the renewable fuels standards by 2022. He gave copies of the report to the Farm Bureau and Deb Busey. County Board members who wanted to know more can obtain the report from Busey.

**COUNTY FACILITIES**

**Courthouse Exterior/Clock & Bell Tower Renovation Project**

Project Update

**MOTION** by James to receive and place on file the project update; seconded by Langenheim.

Reinhart announced all stone work has been completed. Beckett inquired if the County had received the appropriate maintenance instructions to preserve the building. Reinhart said the instructions will come with the final close-out documents.

**Motion carried with unanimous support.**

Nudo exited the meeting at 7:21 p.m.

**Facilities Director**

Gill Building Replacement Planning – Update on RFP for Design/Build

Beckett explained the Board should have the RFP document in hand by August 19<sup>th</sup> and could possibly take action at the full Board meeting. He expressed this is the first time the County has approached a project in this way and it was important to do it right.

Nudo returned to the meeting at 7:23 p.m. and Gladney exited at 7:23 p.m.

Reinhart said soil samples have been taken onsite and he is waiting on documents to put the RFP together.

Building Efficiency Summary

Reinhart was asked a year ago to provide a building efficiency summary, targeting Brookens and the Courthouse. Page 20 documents that the Courthouse's actual costs per square foot have increased this year and Reinhart attributed this to the building being under construction. The actual costs at Brookens have dropped 0.32 this year.

Bensyl returned to the meeting at 7:24 p.m.

**MOTION** by Cowart to receive and place on file the building efficiency summary; seconded by Jay. **Motion carried with unanimous support.**

Physical Plant Monthly Report – May 2010

**MOTION** by James to receive and place on file the Physical Plant May 2010 monthly report; seconded by Rosales.

Michaels asked about the 27% increase to the electric bill. Reinhart said that increase was normal for the summertime.

Gladney returned to the meeting at 7:26 p.m.

**Motion carried with unanimous support.**

Update – Courthouse Electric Efficiency Grant - \$5,799.46 – Received 7/6/2010

There were no comments on about this item.

**County Administrator**

Closed Session pursuant to 5 ILCS 120/2(c)5 to Consider the Lease of Real Property for the Use of the Public Body

**MOTION** by Betz to enter into closed session pursuant to 5 ILCS 120/2(c)5 to consider the lease of real property for the use of the public body. He further moved the following individuals remain present: the County Administrator and the Recording Secretary. The motion was seconded by James. **Motion carried with a roll call of 18 to 0.** Anderson, Beckett, Bensyl, Betz, Cowart, Doenitz, Gladney, James, Jay, Kurtz, Langenheim, McGinty, Nudo, O'Connor, Rosales, Sapp, Weibel, and Wysocki voted in favor of the motion. The Board entered into closed session at 8:03 p.m. and resumed open session at 8:07 p.m. Schroeder returned during the closed session at 8:04 p.m.

**Other Business**

There was no other business.

**Chair's Report**

There was no Chair's report.

**Designation of Items to be Placed on County Board Consent Agenda**

No items were designated for the consent agenda.

**ENVIRONMENT & LAND USE**

**Recreation and Entertainment Licenses**

The Stop, 3515 North Cunningham Avenue, Urbana, IL

**MOTION** by Schroeder to approve the recreation and entertainment license for The Stop, 3515 North Cunningham Avenue, Urbana, IL from June 24, 2010 through December 29, 2010; seconded by Kurtz. **Motion carried with unanimous support.**

### **Invitation to Participate in the Kaskaskia Basin Water Supply Study**

Wysocki said anyone interested in participating in the Kaskaskia Basin Water Supply Study should submit the appropriate documents.

### **Zoning Ordinance Amendment**

**Preliminary Recommendation to Amend Champaign County Zoning Ordinance Zoning Case 668-AT-10 Petitioner: Champaign County Zoning Administrator**

**MOTION** by Betz to approve the text amendment for Case 668-AT-10; seconded by Sapp.

Bensyl requested a roll call vote on this matter and the request was granted by Wysocki.

Anderson asked Hall to comment about Light's complaints made during public participation. Hall did not recall a complaint asking for a response and apologized if he overlooked a request made for a response. He has never known this County Board to ask for any unauthorized use to be shut down. He explained the Board does not have the power to shut anyone down. An injunction has to be granted from the courts. Any immediate threat to public health or safety is brought to ELUC to ask for guidance. In this insistence, Hall is not aware of any immediate threat to public health or safety. The residential recovery center may be operating unlawfully, but the County could be on shaky legal grounds attempting to stop something that consists of 5 unrelated individuals living together, particularly if the people are disabled and it is being conducted by a church. He told Randall Brown in the last week how the County operates and that he would have the State's Attorney's Office verify the state licensure issue by the September Count Board meeting. Brown proceeded to contact the relevant state department himself. The concern about people walking along High Cross Road will be good discussion topic when this particular use is requested for authorization. This case goes to the planning commission meetings in both cities this week. The City of Champaign had no protest and the City of Urbana's issues were resolved today. The Board should be ready to adopt the amendment as recommended by ZBA in September.

Nudo liked Hall's thorough report and asked about the reasons behind the City of Urbana Planner's request to downsize the project to a 16-person occupancy instead of 30. He noted no state or federal money is being used for this program. This is a situation of kind people helping others and he strongly supports this type of project. Hall answered the occupancy could be set at 30. He realized the municipality was viewing this matter as being similar to a community living facility, which has a maximum of 16.

**MOTION** by Nudo to suspend rules to allow a church representative to explain the reasoning behind the requested number of units; seconded by Beckett. **Motion carried with unanimous support.**

Webber said there is an advantage to having more people in the center because some are at later stages of recovery and can help newer residents. This creates more of a chance at connection in the organization amongst the residents. The church is also looking towards a number that could financially support the center. It currently operates with volunteers now and this might not last

forever. Motels were used as model for the number 30. The church was passionate about the amendment passing and heard lowering the number might help, hence the change was made. Because of the program's natural flow, the center will not reach the maximum occupancy at a given time. A larger occupancy would enable the center to help more people. He thanked the Board for their consideration of this matter.

**MOTION** by Nudo to amend the occupancy number to 30; seconded by Kurtz.

Beckett called for a point of order and questioned if the correct procedure would be to determine the findings of fact were in error instead of amending the findings. Hall replied that was legal question exceeding his knowledge.

Nudo was willing to have the amendment be considered friendly and take whatever steps are necessary to make it right without legal consequences. Betz suggested amending Nudo's motion to disagree with the ZBA findings of fact and Beckett agreed.

**Nudo and Kurtz agreed to a friendly amendment to the motion expressing disagreement with the ZBA findings of fact.**

Rosales exited the meeting at 7:19 p.m.

The Board discussed the increase to a 30-person occupancy and possible objections from the two cities. Schroeder asked if there was any protest from the Village of Savoy. Hall stated the zoning amendment is only allowable within home rule entities and would only affect Champaign and Urbana. Schroeder and Hall agreed the Board has amended findings of fact in the past.

Rosales returned to the meeting at 7:21 p.m.

Betz announced Nudo's amendment would be considered friendly to his original motion.

**Motion carried with a roll call vote of 21 to 0 to approve the text amendment Case 668-AT-10 with an amendment to increase the maximum occupancy to 30 and expressing disagreement with the ZBA findings of fact.** Anderson, Beckett, Bensyl, Betz, Cowart, Doenitz, Gladney, James, Jay, Jones, Kurtz, Langenheim, McGinty, Michaels, Nudo, O'Connor, Rosales, Sapp, Schroeder, Weibel, and Wysocki voted in favor of the motion.

### **Notice and Enforcement of State Requirement for Compliance with Commercial Building Code**

**MOTION** by Beckett to authorize the Zoning Administrator to provide notice to all relevant permit applicants that Public Act 096-0704 requires all new commercial building be inspected and certified by a qualified inspector prior to occupancy; seconded by Rosales.

O'Connor wanted to know what triggered this request. Hall explained the State of Illinois, via Public Act 096-0704, mandates all commercial buildings be certified by a qualified inspector



prior to occupancy. This becomes effective July 1, 2011. Hall wants to make builders are aware of this requirement by providing a handout a year in advance of the effective date. Schroeder asked who would enforce this requirement. Hall said any zoning use applicant is responsible for getting the building inspected by a qualified inspector.

Weibel exited the meeting at 7:30 p.m.

Schroeder asked if this would apply to agricultural buildings. Hall thought agricultural uses were exempted. A building will be constructed and hopefully it will then be certified according to the code to obtain an occupancy permit. Schroeder asked if this requirement would be enforced through the Sheriff. Hall hoped that does not happen. Sapp inquired whether qualified inspectors are readily available in the community. Hall confirmed inspectors were in the area. Jay wanted to be sure the proper inspectors were available to avoid the County entering an area it cannot control or getting caught in the State's trap. Hall agreed to survey inspectors and develop a list.

Weibel returned to the meeting at 7:32 p.m.

Wysocki questioned if an ordinary home inspector would be qualified to provide this certification. Hall was not sure, but thought they would be if certified by a national organization. Nudo added there is now a state licensure procedure for home inspectors. Hall and Nudo would look into the qualifications.

**Motion carried with unanimous support.**

### **Changing the Zoning Ordinance Requirements for Coal Mining**

**MOTION** by McGinty to suspend the rules in order to defer the item; seconded by Beckett.

Sapp inquired about the purpose of the proposed deferral. Beckett stated any action taken now is too much too fast. The Board is slowly getting information about coal mining and he wants to read more information before have a discussion. McGinty remarked the Board does not yet know what options or jurisdiction it has in this matter. The Board needs to clearly understand its jurisdiction before having any significant discussion.

Kurtz was hoping to discuss coal mining because he has received phone calls about it. He wanted to get what is happening with coal mining in Champaign County out into the light of day. Sunrise Coal does not want to have any discussions about their intentions.

Beckett called for a point of order because the discussion must be limited to the motion to suspend the rules in order to defer.

Several other Board members spoke in support of deferring the issue until more information is known about how other counties handle coal mining. Langenheim stated the Board needs to be concerned with not preventing private property owners from selling their mineral rights.

Beckett called for a point of order and Wysocki confirmed the discussion should be restricted to the motion on the floor. In answering a question, Beckett confirmed the intention was to defer the issue for a month.

**Motion carried.** The issue was deferred to September.

Kurtz asked to direct Hall to collect information about coal mining. Hall said he would proceed as directed by the County Board. Schroeder asked Hall to obtain information from the coal mining industry as well, not just the opposition. Weibel asked Schroeder to clarify his request. The mining company could lease property and then not mine it. Gladney suggested deferring this item until Sunrise Coal applies for a permit. O'Connor wanted to have a short, concise letter of intent from the coal mining company in regards to Champaign County. Weibel was willing to write a letter as the Board Chair. Wysocki and Hall would work on identifying the information to be collected.

### **Draft Amendment to Nuisance Ordinance**

**MOTION** by Betz to approve the amendment to the Nuisance Ordinance; seconded by James.

Doenitz exited the meeting at 7:46 p.m.

James felt this Nuisance Ordinance amendment was definitely needed in rural areas. Nudo asked if the amendment will require another vote after the one taken tonight to be approved and Hall confirmed that was correct.

**Motion carried with unanimous support.**

### **Draft Habitability Ordinance**

**MOTION** by Betz to approve the draft Habitability Ordinance; seconded by Beckett

Nudo commented the draft Habitability Ordinance was very credible and he understood the intention was to use state law to enforce a lease agreement between a landlord and tenant. The lack of third party arbitration worried Nudo. He pointed out how the ordinance as written gives a landlord no way to arbitrate before rent is reduced, even if the damage could be caused by a tenant. The landlord has no recourse except going to court. Nudo recommended making revisions to the ordinance to include third party arbitration.

Betz stated he has worked on behalf of tenants as an attorney for years. The City of Urbana has a repair and deduct ordinance and Betz has seen repair and deduct cases less than 20 times in 26 years because it is an involved process requiring a bonded repair person. This law exists to encourage landlords to make repairs. The County's ordinance would actually limit tenants' rights versus the case law.

Doenitz re-entered the meeting at 7:51 p.m.

James was pleased the Board was looking at a draft Habitability Ordinance and did not think it will generate a lot of claims. Nudo supported having an ordinance; however, he wanted it to focus on true life safety issues, not minutiae. He suggested the language be tightened up and include an arbitration process instead of being all encompassing. James agreed some tightening up of the language on heating and other items would be useful. Beckett supported approving the draft ordinance to move it to the full Board meeting. Nudo could present an amended proposal at the County Board so the members would have the proposed revisions in writing. The Board continued to discuss the draft ordinance.

**Motion carried.**

Wysocki confirmed the draft ordinance was approved with the intention to tweak its language for the full Board meeting in August. She expressed appreciation for the members' input. Hall will prepare an ordinance based on the discussion and other recommended changes he receives from the Board. Busey suggested placing the ordinance approved tonight in the County Board agenda packet with the revised version being mailed as a separate attachment.

Monthly Report – June & July 2010

**MOTION** by Langenheim to receive and place on file the Planning & Zoning Department reports for June and July 2010; seconded by Rosales. **Motion carried with unanimous support.**

Other Business

There was no other business.

Chair's Report

Wysocki drew the Board's attention to the flyers for this Saturday's Countywide Residential Electronics Collection Event at 3202 Apollo Drive, Champaign.

Jones and Michaels exited the meeting at 8:00 p.m.

Designation of Items to be Placed on County Board Consent Agenda

Agenda item IX.F was designated for the consent agenda.

APPROVAL OF CLOSED SESSION MINUTES

**MOTION** by Beckett to approve the closed session minutes of June 8, 2010; seconded by Kurtz. **Motion carried with unanimous support.**

**ADJOURNMENT**

**MOTION** by Kurtz to adjourn; seconded by James. **Motion carried with unanimous support.**

The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Kat Bork  
Administrative Assistant

*Secy's note: The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*