



CHAMPAIGN COUNTY BOARD
COMMITTEE OF THE WHOLE – ELUC/Highway/County Facilities
County of Champaign, Urbana, Illinois
Tuesday, December 6, 2011 – 6:00 p.m.

Lyle Shields Meeting Room, Brookens Administrative Center
1776 E. Washington Street, Urbana, Illinois

	Page No.
I. <u>Call to Order</u>	
II. <u>Roll Call</u>	
III. <u>Approval of Minutes</u>	
A. Committee of the Whole – November 1, 2011	I-VIII
IV. <u>Approval of Agenda/Addenda</u>	
V. <u>Public Participation</u>	
VI. <u>Communications</u>	
VII. <u>Highway & Transportation</u>	
A. <u>Monthly Reports</u> - County & Township Motor Fuel Tax Claims – November, 2011	1
B. <u>County Engineer</u>	
1. Resolution Awarding of Contracts for 2012 Township Aggregate Bids (<i>To be let on December 1st</i>)	
C. <u>Other Business</u>	
D. <u>Designation of Items to be Placed on the Consent Agenda</u>	
VIII. <u>Environment & Land Use</u>	
A. <u>Annual Renewal of Recreation & Entertainment Licenses</u>	
1. Alto Vineyards Champaign, 4210 N. Duncan Rd., Champaign – January 1, 2012 thru December 31, 2012	2-8
2. Shirley’s Oasis, 2705 CR3000N, Penfield – January 1, 2012 thru December 31, 2012	9-14
3. CC Pink House, Inc., 2698 CR1600N, Ogden – January 1, 2012 thru December 31, 2012	15-20
4. The Stop, 3515 N. Cunningham Ave., Urbana – January 1, 2012 thru December 31, 2012	21-28
B. <u>Annual Renewal of Hotel/Motel License</u> - Motel 6, 1906 N. Cunningham Ave., Urbana – January 1, 2012 thru December 31, 2012	29

- C. Resolution Authorizing County Board Chair to Sign the Reclamation Agreement Pursuant to the Terms of the Special Use Permit Approved in Resolution No. 7966 (Case 696S-11 California Ridge Wind Farm) 30-31
- D. Zoning Case 689-AM-11 32-66
Request: Amend the Zoning Map to allow for one new residential lot by adding the Rural Residential Overlay Zoning District to land in the CR Conservation Recreation Zoning District
- E. Zoning Case 690-AM-11 67-100
Request: Amend the Zoning Map to allow for one new residential lot by adding the Rural Residential Overlay Zoning District to land in the CR Conservation Recreation Zoning District
- F. Direction to Zoning Administrator Regarding Proposed Zoning Ordinance Text Amendment to Amend Certain Wind Farm Standard Conditions – (to be distributed)
- G. Monthly Report (to be distributed)
- H. Other Business
- I. Designation of Items to be Placed on Consent Agenda

IX. Adjournment

1 **CHAMPAIGN COUNTY BOARD**
2 **Committee of the Whole Minutes**

3
4 *Tuesday, November 1, 2011 – 6:00pm*
5 *Lyle Shields Meeting Room*
6 *1776 E. Washington St., Urbana, IL*
7

8
9 **MEMBERS PRESENT:** Alix, Ammons, Anderson, Bensyl, Berkson, Betz, Cowart, Esry,
10 James, Jay, Jones, Langenheim, Maxwell, McGinty, Michaels, Moser, Nudo, O'Connor, Petrie,
11 Quisenberry, Richards, Rosales, Schroeder, Weibel
12

13 **MEMBERS ABSENT:** Carter, Holderfield, Kurtz
14

15 **OTHERS PRESENT:** Deb Busey (County Administrator), John Hall (Director of
16 Zoning), Alan Reinhart (Facilities Director), Joel Fletcher (Asst. State's Attorney), Tom Berns
17 and Chris Billing (Berns, Clancy & Assoc.), Kevin Parzyck and Michael Blazer (Invenergy),
18 Marvin Johnson (Compromise Hwy. Commissioner), Mike Babb (Compromise Twp.
19 Supervisor), Susan Monte (RPC), Andrew Cass (Assoc. Planner), Sheryl Kuzma (attorney),
20 Dorene Pflugmacher, Bill Ingram, Kim Cambron, several public citizens
21

22 **Call to Order**
23

24 Board Chair Weibel called the meeting to order at 6:05pm.
25

26 **Roll Call**
27

28 A roll call was taken and declaring a quorum present, the Chair proceeded with the
29 meeting. He noted that both Kurtz and Holderfield had called and notified him they would be
30 absent at this meeting.
31

32 **Approval of Minutes**
33

34 **Motion** by Jones to approve the minutes of the October 4, 2011 meeting as presented;
35 seconded by Langenheim. **Motion carried.**
36

37 **Approval of Agenda/Addendum**
38

39 **Motion** by Cowart to approve the agenda and addendum for the meeting; seconded by
40 Rosales. **Motion carried.**
41

42 **Public Participation**
43

44 Kevin Parzyck and Michael Blazer, of Invenergy of Chicago both spoke and said they
45 would be available for speaking during the discussion of the wind energy project.
46

47 Dorene Pflugmacher, of rural Ogden, stated they are one of the families that is on the list
48 of owners getting a windmills and is very much in favor of approval of the project and that it
49 would benefit the township roads and the area schools through tax revenue.
50

51 Kim Cambron, of rural Rankin in Vermilion County, but states that Champaign County is
52 lucky in that they have zoning where Vermilion County does not. She states she is amazed how it
53 works here and that Champaign County has the opportunity to grow itself, by people or by
54 turbines. She states that rural residents there are waiting to see what it done and they don't want
55 to live near turbines.

56
57 **Motion** by Betz to reopen public participation due to some missed slips; seconded by
58 Esry. **Motion carried.** (Three slips were missed and it was noted during Communications
59 portion of the meeting)

60
61 Bill Ingram, from Catlin in Vermilion County echoed the sentiments that Champaign
62 County has zoning, but his concern is looking at wind power, which he says is the most expensive
63 energy that we can get. He states that reclamation of the towers and road maintenance will be
64 costly when the subsidies are pulled. The only people that will come out ahead will be the
65 Invenergy people. His opinion is it is a fool's game and the only people coming are the
66 developers.

67
68 Mike Babb, Compromise Township Supervisor expressed the benefits for his township, if
69 approved. At their last meeting the Compromise Road Commissioner said there is a check of
70 \$182,000 waiting for it to be approved for the improvements of roads in his township. He
71 anticipates about twenty-eight windmills in Compromise Township, which would generate about
72 \$40,000 per year for all the taxing entities in Compromise Township. They would have fourteen
73 miles of road improved with the wind farm and at least two of those roads are in great need of
74 repair. It's also a chance for economic growth for his township because the chances of any kind
75 of factory being built there would not happen. He mentioned he is also on the Armstrong High
76 School Board, which is mostly in Vermilion County. He said if Champaign County doesn't
77 approve the wind farm he is confident those twenty-eight windmills would probably move into
78 Vermilion County. He said he is not concerned about the twenty-eight towers being moved to
79 Vermilion County, but as the Township Supervisor he is concerned about them moving out of
80 Compromise Township and losing the economic benefits they would bring.

81
82 Marvin Johnson, the Compromise Highway Commissioner said they can't afford to do
83 what could be done for the township roads without the wind project. He said as a resident he
84 said there would be windmills near where he lives and farms and he is not opposed.

85
86 Betz stated that since there are representatives here from Invenergy that will be speaking
87 later during the Zoning Case discussion, he asked that those individuals opposing the Case also be
88 allowed to speak during that discussion. McGinty suggested that the representatives from
89 Invenergy speak now and then allow others during the discussion to speak.

90
91 **Motion** by Langenheim to suspend the rules to allow more than five minutes for the
92 Invenergy representatives to present their case; seconded by Richards. **Motion failed.**

93
94 Kevin Parzyck, Vice President of Invenergy, would like to focus on key items in the
95 written report being passed out. He said the bottom line is the effort taken by the Zoning board
96 of Appeals and appreciates the time and effort they and the Zoning Office took. He pointed out
97 the items regarding the reclamation agreement and the noise compliance. He stated with regard
98 to the reclamation agreement reflects the specifics of the ordinance requirements. Two
99 additional terms have been added that go over and above the requirements of the ordinance.
100 There is a minimum financial assurance that will be held and updated periodically. He described
101 the scrapping process. He talked about noise pollution requirements and stated the project falls

102 in compliance with IPCB noise levels. There haven't been any noise lawsuits in the State of
103 Illinois and have all fallen in compliance with the standards.
104

105 Michael Blazer, the attorney representing California Ridge Wind Project. He said it is
106 dramatically different than what was first started with. He's worked with Joel Fletcher and the
107 agreement is now basically word for word in compliance with the zoning ordinance, with the
108 exception of the two items that go above and beyond the ordinance. Financial assurance only
109 comes into play if California Ridge is out of the picture.
110

111 **Communications**

112
113 Petrie wanted to let her constituents know there is a town hall meeting coming up in
114 District 6 and the newly formed District 6 at the Champaign Public Library on Sunday,
115 November 6 from 1-2pm.
116

117 **HIGHWAY & TRANSPORTATION**

118 **Monthly Reports**

119
120 **Motion** by Ammons to receive and place onfile the monthly reports of the County
121 Engineer for September and October, 2011; seconded by Rosales. **Motion carried.**
122

123 **County Engineer**

124 **Petition Requesting and Resolution Approving Appropriation of Funds from the County Bridge**
125 **Fund**
126

127 **MOTION** by Jay to recommend approval of the Petition and Resolution Approving
128 Appropriation of Funds from the County Bridge Fund in the amount of \$36,000 for Somer Road
129 District; seconded by Bensyl. Ammons asked where the other fifty percent comes from. Jeff
130 Blue stated it come from the Township. **Motion carried unanimously.**
131

132 **Other Business**

133
134 None.
135

136 **Designation of Items to be placed on the Consent Agenda**

137
138 Item 7.B.1. to be placed on the Consent Agenda.
139

140 **COUNTY FACILITIES**

141 **East Campus Storm Water Management**

142 **Comments from Gary Maxwell and Jim Patchett**

143 **Berns, Clancy & Assoc.- Response to Comments**
144

145 **Motion** by Petrie to receive and place on file the comments from Gary Maxwell and Jim
146 Patchett along with the response to the comments from Berns, Clancy & Associates; seconded by
147 McGinty. **Motion carried.**
148

149 **Facilities Director**

150 **Monthly Reports**
151

152 **Motion** by Rosales to receive and place on file the September monthly report of the
153 Physical Plant; seconded by James. **Motion carried.**

154

155

156 Illinois Recycling Grants Program – Grant Consideration

157

158 Reinhart stated there is a possibility to expand recycling at buildings other than just the
159 Brookens and Court facilities with a grant.

160

161 **Motion** by Ammons to submit an application for Illinois Recycling Grant Program funds
162 to be used to expand recycling program in County facilities; seconded by James. It was asked if
163 this is for trash and recycling or one or the other. Reinhart stated it includes both. This would
164 be a one-time grant that would help with the possible purchase our own containers and the goal is
165 to reduce the monthly fees. **Motion carried.**

166

167 Courthouse Final Update

168

169 Reinhart said the final was back up on the courthouse bell tower on October 10th. It is
170 now secure and finished. He said the insurance company is in the process of making the final
171 payment to the contractor for the work.

172

173 202 S. Art Bartell Rd. Construction Project Report

174

175 Reinhart said the project is closing out this month and the Occupancy Certificate was
176 received the City of Urbana. Petrie asked when autopsies will begin in the building. Reinhart
177 said the sinks and other items have been installed, but he cannot answer when the Coroner would
178 begin conducting the autopsies.

179

180 Chair's Report

181 Jail Facility Project Report & Preliminary Recommendations

182

183 Betz said a study session is strongly suggested and thinks one is to be scheduled
184 relatively soon. He has one copy of the materials that were distributed at the conference in
185 Denver is being passed around and reminded Board members to read this if not already done.

186

187 Other Business

188

189 None.

190

191 Designation of Items to be placed on Consent Agenda

192

193 None.

194

195 ENVIRONMENT & LAND USE

196 Approve Contract Extension to Allow a Few Countywide Residential Electronics
197 Collections to Occur in 2012

198

199 **MOTION** by Quisenberry to recommend approval a Contract Extension to Allow a Few
200 Countywide Electronics Collections to Occur in 2012; seconded by Cowart. Petrie asked for
201 Susan Monte's response to messages she sent her. Monte spoke about local community activities
202 a few years ago. She said the University is not set up to where they can set it up with the

203 community because the University has Central Management Services in Springfield that manages
204 the equipment as they are a State entity. **Motion carried unanimously.**

205 **County Board Special Use Permit: Case 696-S-11 – California Ridge Wind Farm**

206

207 **Motion** by Petrie to deny a request for a County Board Special Use Permit, Case 696-S-
208 11, California Ridge Wind Farm; seconded by Anderson.

209

210 **Motion** by Alix to suspend the rules to ask questions of the Invenergy representatives
211 present at this meeting; seconded by McGinty. **Motion carried.**

212

213 Alix said his understanding one issue was whether the IPCB standards within certain
214 points in the piece of land or the whole piece of the land and asked for clarification on that. Mr.
215 Parzyck said the noise compliance is within that land use. The distinction is the analysis
216 addressed point receptors throughout the land use area. The acoustic analysis represents the
217 noise level not just the house, but throughout that piece of land. Mr. Blazer said the confusion
218 comes in when described the boundary notes of the ICPB. The boundaries are established by the
219 IEPA. He said there can be different land use definitions on each property. Alix asked for
220 confirmation that the new language was added after the ZBA decision to which Mr. Blazer said
221 that was correct. A couple of typos were changed during the hearing and changes were made the
222 day after still confirming the financing documents. If the project is abandoned, the obligation is
223 on California Ridge to decommission the windmills.

224

225 Ammons asked why this didn't go to ZBA for reconsideration following the changes.
226 Joel Fletcher said tonight is the first opportunity to do so.

227

228 Langenheim stated he is interested in the issue of Class A land determined. Blazer said
229 the set of regulations are determined in the IEPA Code and goes back to 2002 and separates
230 different types of properties by activities. Commercial and industrial is Class C. Class A land is
231 residential property and land that is residential is subject to the most stringent policies. He said
232 the most important thing to remember is that their project falls in compliance with all Class A
233 pieces. Blazer said there is a standard of 25 feet away from the house would fall in Class A, but
234 if there is a swingset 100 feet from the house that also falls into Class A land, but a barn in the
235 middle would fall into Class C, but he said they're in compliance with all Class A Land
236 requirements.

237

238 Nudo wanted to clarify what the changes are to the reclamation amounts beyond what
239 was presented to the ZBA. Blazer said the only things added are paragraphs 7a and b in the
240 agreement. Nudo asked if the landowners held harmless with reclamation. Blazer restated that
241 California Ridge is responsible for reclamation. He said they are required to hold \$5 million
242 insurance for each parcel. Nudo said he was concerned with commodities of the scrap value.
243 Parzyck said this is a long term commitment. However, he had an engineer's estimate for the
244 scrapping is approximately \$5 million to remove the turbines and there is approximately \$4
245 million worth of scrap materials. Nudo's stated his concern with what may happen down the
246 road with regard to funding and the market with regard to the scrap when decommissioned.
247 Parzyck said that California Ridge is responsible for removing and reclamation.

248

249 **Motion** by Petrie to make a substitute motion to remand this issue back to the Zoning
250 Board of Appeals; seconded by Ammons. Petrie would like John Hall to comment to the
251 members present here about the details of the ZBA's concern with the noise issue. Ammons
252 asked for a point of order that the motion was made to remand back to ZBA. Chair agreed and
253 asked that discussion stay on the substitute motion to remand back to ZBA. Quisenberry asked if

254 this can be placed on the County Board agenda without waiting for the recommendation from
255 ZBA. Betz believes that this committee can discuss the substantive issue of the original motion.
256

257 Weibel said he was looking at the turbines in Champaign County and he felt that only
258 four of them that seem to be close to residences. Parzyck said they have worked to move those
259 away from the setbacks and they are in compliance with the ordinance. Weibel was speaking of
260 #'s 16, 22, 25 and 27. Blazer said the turbines can be no closer than 1350 feet from a principle
261 residence.
262

263 Nudo asked what is actually being remanded back to ZBA. He thinks that negotiation
264 belongs to the County Board. He didn't feel the County got the best deal with regard to
265 decommissioning. He suggests that a smaller committee be appointed to discuss the best
266 options for negotiations of the agreements. When asked, Fletcher stated this is not a bargaining
267 contract and shouldn't be negotiated, but should be presented to the ZBA. He said the ZBA
268 should be able to hear and consider the changes that were added.
269

270 Petrie would like Mr. Hall to say what problems the ZBA had with the noise issues. He
271 stated that he heard better testimony tonight than at the previous ZBA hearings held to date. He
272 would like this testimony verbatim at the ZBA.
273

274 James said some of the members at this meeting that have issues should attend the ZBA
275 meeting on this issue. He said a lot of what's been presented this evening made sense to him.
276 Moser said that Ford County hearings have discovered there is technology now to have noise
277 sensors put on each tower to monitor. Parzyck said noise can be measured where the location is
278 such as a residence, not on the turbine itself.
279

280 McGinty was trying to get a feel for what happens next after the ZBA meeting.
281 Schroeder stated that on page 3 on Hall's memo there are two recommendations that can be
282 made. Thursday would be the ZBA meeting and then the issue can be placed on the agenda for
283 the November Board meeting. Alix asked then if the motion needs to be amended. Betz said
284 that procedurally language can be added that has the motion to suspend the rules.
285

286 **Motion** by Alix to amend the substitute motion to include the following directives: add
287 the Revised Reclamation Agreement including any relevant change to sub-finding 2.h.; and
288 address any inconsistencies or incongruities that the ZBA sees in the Finding of Fact; and any
289 other pertinent changes that the ZBA may be inclined to make within the time available and
290 provided that the case is returned to the County board in time for a County board decision on
291 November 17, 2011; seconded by Quisenberry. Jay asked Mr. Hall if he felt this would answer
292 the ZBA's concerns. Hall responded felt it could as long as the same testimony is given. Bensyl
293 asked if it was remotely possible that ZBA will not make a recommendation and miss the time
294 frame. Hall said the by-laws state they have to receive the direction from the County Board and
295 the ZBA must act. Fletcher felt this would still be within the 30-day timeframe. **Motion to**
296 **amend the substitute motion carried.**
297

298 Alix said, but respect to Nudo, that this not a business deal, but a zoning issue and the
299 appropriate venue is the ZBA and the County Board's obligation is to make sure they follow the
300 Ordinances. He understands about offsetting the costs with salvage value, and we should look at
301 this going forward. He thinks the proposal represents good faith to comply with the ordinance.
302 He said the County would still generate some revenue that exceeds decommission costs. **Roll**
303 **vote on substitute motion carried with Alix, Ammons, Anderson, Bensyl, Berkson, Betz,**
304 **Cowart, Esry, James, Jay, Jones, Langenheim, Maxwell, McGinty, Michaels, Nudo,**

305 **O'Connor, Petrie, Quisenberry, Richards, Rosales, Schroeder and Weibel voting yes and**
306 **with Moser voting no.**

307
308 A straw vote showed support to suspend the rules for the November 17 meeting agenda.
309 Betz stated the Board is creating precedence and encourages preserving the video record of this
310 meeting for the future.

311
312 **Approval of Proposed Champaign County-California Ridge Wind Farm Roads Agreement**

313
314 **Motion** by Esry to recommend approval of a Proposed Champaign County-California
315 Ridge Wind Farm Roads Agreement; seconded by Cowart. Quisenberry questioned if action on
316 this should be postponed until the full Board meeting.

317
318 **Motion** by Quisenberry to forward this issue to the full board without recommendation;
319 seconded by McGinty.

320
321 **Motion** by Quisenberry to suspend the rules to allow Sheryl Kuzma, attorney for the road
322 district; seconded by Langenheim. **Motion carried.**

323
324 Sheryl Kuzma, attorney with Myers, Sperry, O'Connor & Kuzma of Ottawa, Illinois,
325 stated she was here to answer any questions. Alix asked if this agreement is what the road
326 districts are comfortable with. The road commissioner from both Ogden and Compromise Road
327 Districts have already signed their agreements and the County Engineer is also in support of this
328 agreement. She represents the County Engineer and the road commissioners. Weibel asked if
329 there any major differences with the agreements between the county and the townships. She said
330 she has represented many counties with regard to these road agreements and there are no
331 significant differences between the two. They've learned much over the years with regard to the
332 road agreements in other counties. Petrie asked Ms. Kuzma about those differences. Kuzma
333 said her first agreement was 10 years ago in Bureau County. The difference is in amount of
334 anticipated road repairs and degradation. They know because of the traffic it takes away from the
335 useful road life. Moser said he personally knows this is a better agreement than what is going on
336 in Ford County.

337
338 Blue also said this is a very good road use agreement. There are provisions if roads fail
339 or ruts or if they see no significant problems then the road pavement management system after the
340 wind farm development is complete all bases covered. They will only be using two miles of
341 County highways on County Highway 22 between Royal and Penfield. The agreement states
342 they have to follow all IDOT standards. The proposed road agreements cover the road
343 construction and a three-year warranty period following construction, and do not cover the
344 decommissioning process. A separate agreement would have to be determined for the
345 decommissioning process. Betz stated his concern about not having an agreement for a possible
346 decommissioning stage. Ms. Kuzma said these are two separate issues and leaves that portion to
347 zoning process and she doesn't recommend entering into agreements that far in advance. She
348 states she couldn't begin to know how to negotiate an agreement for that issue. Hall said it
349 occurs to him to add that a road agreement be included in the future. Quisenberry felt the
350 decommissioning road use is different than construction road use. Hall said those roads will be
351 much stronger when it comes time to decommission because of the construction when the
352 turbines are first built. **Motion to forward issue to full Board without recommendation**
353 **carried by roll call vote with Alix, Ammons, Anderson, Bensyl, Berkson, Betz, Cowart,**
354 **Esry, James, Jay, Jones, Langenheim, Maxwell, McGinty, Michaels, Moser, Nudo,**
355 **O'Connor, Petrie, Quisenberry, Richards, Rosales, Schroeder and Weibel voting yes.**

356 **ADDENDUM**

357

358 **COUNTY FACILITIES**

359 **Consideration of County Storm Water Management Project Approach and Related Grant**
360 **Opportunity**

361

362 Betz stated there is an opportunity to have money from a grant to work on the storm
363 water project.

364

365 **Motion** by Petrie to apply for an Illinois Green Infrastructure Grant under the Storm
366 Water Retention and Infiltration Category; seconded by Cowart. Betz said that if the County
367 applies for this grant there needs to be an approach determined. The County has about a 5%
368 chance of receiving the grant. Quisenberry stated that given the low chance of receiving, he
369 can't vote to apply for the grant. Another issue is the project needs to be shovel ready. Jay
370 stated that while the green plan is wonderful, he reminded Board member their responsibility as
371 Board Members is to look at what is most cost effective. He said it's also not wise to lose any
372 land and that the City of Urbana may not agree to another plan, when they've already approved
373 the plan that was previously approved. **A roll call vote failed with Alix, Ammons, Anderson,**
374 **Bensyl, Berkson, Betz, Cowart, Esry, James, Jay, Johns, Langenheim, Maxwell, McGinty,**
375 **Michaels, Moser, Nudo, O'Connor, Petrie, Quisenberry, Rosales, Schroeder and Weibel**
376 **voting no and Richards voting yes.**

377

378 **Monthly Reports**

379

380 Hall stated he had no monthly reports to present. He introduced Andrew Kass as the new
381 Associate Planner.

382

383 **Adjournment**

384

385 Declared adjourned at 8:15pm

386

387 Respectfully submitted,

388

389 Ranae Wolken

390 Recording Secretary

391

392

393

394

395

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