

AS APPROVED JANUARY 14, 2008

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3 **MINUTES OF REGULAR MEETING**

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5 **Champaign County Environment**      **DATE:**      **December 10, 2007**  
6 **& Land Use Committee**                      **TIME:**      **6:30 p.m.**  
7 **Champaign County Brookens**              **PLACE:**      **Lyle Shields Meeting Room**  
8 **Administrative Center**                              **Brookens Administrative Center**  
9 **Urbana, IL 61802**                                      **1776 E. Washington Street**  
10    **Urbana, IL 61802**

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14 **MEMBERS PRESENT:**      Jan Anderson, Chris Doenitz, Matthew Gladney, Brad Jones, Carrie Melin,  
15                                      Jon Schroeder (VC), Barbara Wysocki (C)

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17 **OTHER COUNTY**  
18 **BOARD MEMBERS**  
19 **PRESENT:**                      None

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22 **MEMBERS ABSENT:**      Ralph Langenheim, Steve Moser

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24 **STAFF PRESENT:**      John Hall, Leroy Holliday, Susan Chavarria (Regional Planning  
25                                      Commission), Susan Monte (County Planner), Susan McGrath (Senior  
26                                      Assistant State's Attorney)

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28 **OTHERS PRESENT:**      Hal Barnhart, Bruce Stickers

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32 **1.      Call to Order, Roll Call**

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34 The meeting was called to order at 6:30 p.m. The roll was called and a quorum declared present.

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36 **2.      Approval of Agenda**

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38 **Mr. Doenitz moved, seconded by Ms. Anderson to approve the agenda as submitted. The motion**  
39 **carried by voice vote.**

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41 **3.      Approval of Minutes (November 13, 2007)**

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43 The November 13, 2007, minutes were not available for review.

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45 **4.      Public Participation**

46  
47 None

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5. Correspondence

A. Siting and Taxing Wind Farms in Illinois Conference

Ms. Wysocki stated that she requested that the correspondence be included in the ELUC packet because there is talk of a wind farm within Champaign County within one or two years. She said that if anyone is interested in finding out more about wind farms in anticipation of one being established in our County then this might be a good conference to attend.

6. A. Recreation and Entertainment License: Alto Vineyards, 4210 N. Duncan Rd, Champaign, IL January 01, 2008 through December 31, 2008.

B. Recreation and Entertainment License: Elmer’s Club 45, Inc. d.b.a. Club 45 Banquet Hall, 3515 N. Cunningham Av, Urbana, IL January 01, 2008 through December 31, 2008.

C. Recreation and Entertainment License: Curtis Orchard LTD, 3902 S. Duncan Rd, Champaign, IL January 01, 2008 through December 31, 2008.

D. Recreation and Entertainment License: Gordyville, LLC, 2205 CR 3000N, Gifford, IL January 03, 2008 through January 05, 2008. (tractor pulls)

E. Recreation and Entertainment License: Hideaway of the Woods Bar & Grill, 809 S. Prairieview Rd, Mahomet, IL January 01, 2008 through December 31, 2008.

F. Recreation and Entertainment License: Honeybee Productions, Inc d.b.a. Malibu Bay Lounge, 3106 N. Cunningham Av, Urbana, IL January 01 ,2008 through December 31, 2008.

G. Recreation and Entertainment License: Lake of the Woods Bar and Grill, 204. S. Prairieview Rd, Mahomet, IL January 01, 2008 through December 31, 2008.

H. Recreation and Entertainment License: Last Call for Alchol, Inc, 105 Main St, Penfield, IL January 01, 2008 through December 31, 2008.

I. Recreation and Entertainment License: Kams of Illinois LLC, d.b.a. Pink House, 2698 CR 1600N, Ogden, IL January 01, 2008 through December 31, 2008.

J. Recreation and Entertainment License: Rock the Shed, Inc, 552 CR 2425N, Dewey, IL January 01, 2008 through December 31, 2008.

K. Recreation and Entertainment License: Shirley’s Oasis, 2705 CR 3000N, Penfield, IL January 01, 2008 through December 31, 2008.

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**L. Recreation and Entertainment License: Tincup RV Park Inc, 1715 E. Tincup Rd, Mahomet, IL January 01, 2008 through December 31, 2008.**

**M. Recreation and Entertainment License: Uncle Buck’s Sports Bar Inc, 215 Lake of the Woods Rd, Mahomet, IL January 01, 2008 through December 31, 2008.**

**N. Hotel/Motel License: Motel 6, 1906 N. Cunningham Ave, Urbana, IL January 01, 2008 through December 31, 2008.**

**Ms. Anderson moved, seconded by Mr. Schroeder to approve the Recreation and Entertainment Licenses which are included in Item #6A. thru #6N.**

Ms. Melin asked if the Recreation and Entertainment license are renewed yearly.

Ms. Wysocki stated yes.

Ms. Anderson asked if any complaints have been filed regarding any of the establishments requesting the Recreation and Entertainment License renewals.

Mr. Hall stated no.

**The motion carried by voice vote.**

**7. *Proposed Intergovernmental Agreement regarding development pursuant to municipal annexation agreement that is more than one-and-one half miles from the municipality.***

Mr. Hall distributed a memorandum dated December 10, 2007, regarding Item #7, to the Committee for review. He stated that attached to the memorandum is the resolution which the City of Champaign City Council will consider during a study session on December 11, 2007, and a Report to the City Council regarding the attached resolution. He said that the proposed City Council Resolution has three substantive sections. He said that Section 1 states that the City will work for legislative change to limit the geographic jurisdiction of annexation agreements and includes an example of the proposed legislative change. He noted that this is consistent with County Board Resolution 5942 adopted on April 19, 2007. He said that Section 2 states that intergovernmental agreements should be developed between the City, County and surrounding municipalities after passage of the legislative change. He said that at this time the City has not proposed an alternative intergovernmental agreement and are suggesting that such an alternative should wait for legislative change. He said that section 3 states that until there is an intergovernmental agreement between the City and County the jurisdictional authority should continue as outlined in a Champaign County States Attorney memo dated January 11, 2006.

Mr. Hall stated that Section E.8 of the City Council Report makes it clear the Resolution does not anticipate intergovernmental agreements prior to legislative change. He said that the City’s position appears to prohibit

1 the City from being party to any interim intergovernmental agreement unless specifically rescinded in the  
2 future. He said that the background to the Report of the City Council starts out very positive in support of  
3 an intergovernmental agreement but when you reach Section 8 on page 5 the Report criticizes the County's  
4 proposed intergovernmental agreement.

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6 Mr. Hall reviewed Section 8 of the Report of the City Council with the Committee. He said that according  
7 to the Report, the proposed intergovernmental agreement would limit the City's jurisdiction and so limiting  
8 the City's jurisdiction "...when other municipalities are not so limited could hamstring the City's economic  
9 development efforts and force development away from the City to other areas of the county which were not  
10 so limited." He said that it is not clear if this comment recognizes that the County was seeking an agreement  
11 with all municipalities in the County. He said that, as it has been discussed for the past four months, this  
12 Committee was anticipating a single agreement amongst all municipalities and it was presented as an  
13 agreement among all or none.

14  
15 Mr. Hall stated that Section 8 of the Report faults the proposed intergovernmental agreement for not  
16 recognizing City interests. According to the Report "it is not reasonable that cities would voluntarily limit  
17 their authority unless they know, in advance, with a reasonable degree of certainty what standards the  
18 County Board would apply..." in any given instance. He said that from his view as the Champaign County  
19 Planning and Zoning Director it seems unreasonable to expect the County Board to identify what would be  
20 approved in a particular instance. He said that this makes him wonder if it would be possible to identify  
21 some principals that both parties could agree to, which is what he has been trying to get municipalities to do,  
22 but none are proposed in the City Council Report.

23  
24 Mr. Hall stated that Section 8 of the Report faults the proposed intergovernmental agreement for not  
25 addressing municipal concerns with County approved development such as Scottswood and Dobbins  
26 Downs. He said that both of these developments were approved prior to the adoption of the *Zoning*  
27 *Ordinance* therefore what possible relevance that those two developments would have to this effort are  
28 beyond him and it is unproductive to even bring this subject up. He said that it may be possible to get some  
29 clarification on two of the criticisms in Section 8 but the third criticism is mute. He said that the one thing  
30 that the proposed City Council Resolution does is makes it clear that the City is willing to work with the  
31 County to achieve legislative change and that would be very helpful. He said that as far as proposing a  
32 change to the intergovernmental agreement the report makes it clear that the City of Champaign is not  
33 interested until there is legislative change. He said that an e-mail that originally accompanied the report did  
34 invite County Board members to the City Council study session so that their views could be heard. He noted  
35 that, to date, no information has been received from the City of Urbana, Village of Savoy, Village of  
36 Rantoul or the Village of St. Joseph and they were all involved in the same background effort.

37  
38 Mr. Doenitz asked if the City of Champaign is interested in the legislative changes or do they desire to draft  
39 their own.

40  
41 Mr. Hall stated that the changes that have been proposed by the City of Champaign are more or less  
42 identical to what ELUC has been working on.

1 Mr. Doenitz asked if the City of Champaign and the City of Urbana had one-and-one half mile jurisdiction  
2 when Dobbins Downs and Scottswood were developed.

3  
4 Mr. Hall stated that he does not know if they had one-and-one half mile jurisdiction over those areas at that  
5 time. He said that the *Zoning Ordinance* had not been adopted when those two developments were created.  
6 He said that Dobbins Downs has always been close enough to the City of Champaign's municipal area that  
7 he would have thought that it would have always been part of the City's subdivision jurisdiction. He said  
8 that the criticism about developments which are very old would require research.

9  
10 Mr. Schroeder stated that what appears troubling to him is the City of Champaign's staff. He said that Mr.  
11 Hall stated that he has not received any information from the other involved municipalities and perhaps they  
12 are just waiting to see what the City of Champaign does. He said that it seems as though the staff of the City  
13 of Champaign is a real stranger to the truth. He said that when he and Mr. Moser attended the public hearing  
14 held by the City Council for the Illinois-American Water Company development there were some comments  
15 stated by a planner at the City of Champaign that were false and untrue. He said that the planner stated that  
16 the County has nothing in their *Ordinance* requiring any type of buffer which is absolutely untrue. He said  
17 that the County did not have any zoning when Dobbins Downs and Scottswood were developed therefore it  
18 should not have been mentioned. He said that he does intend to attend the study session. He said that there  
19 has to be cooperation between the municipalities and the County or we are not going to get anywhere with a  
20 County Comprehensive Plan. He said that it may be unproductive but if the municipalities are not willing to  
21 have good dialogue with the County then perhaps the County should take over the one-and-one half mile.  
22 He said that some of the comments which come from the Land Planning and Farm Land Use Committee,  
23 which was developed during *big.small.all*, indicate that the County has a need for power to take over  
24 everything, which is not the truth.

25  
26 Ms. Anderson asked if the County Board could send an e-mail to the City Council members regarding their  
27 comments.

28  
29 Ms. McGrath stated yes. She said that almost 20 years ago a fringe agreement was developed and the  
30 primary lesson that was learned was that we cannot negotiate in public. She said that the fringe  
31 development agreement began with the same type of procedure in that there was passage of a resolution  
32 indicating the principals and intentions that we want the City Council to work with. She said that a  
33 Committee was appointed who met with representatives from the City of Champaign, City of Urbana,  
34 Champaign-Urbana Sanitary District and the Village of Savoy to develop this fringe agreement. She said  
35 that it took a considerable amount of time, approximately two years, before the final agreement was drafted.  
36 She said that she is not an advocate of negotiations in public until there has been the opportunity for an  
37 actual plan to be developed by a smaller group saying what needs to go forward for a larger group to  
38 consider. She said that the memorandum tonight is what was first heard at the initial informal meeting with  
39 Chair Weibel, Chair Wysocki, Mr. Hall, Ms. Crowley, Mr. Schroeder and herself. She said that the policy  
40 makers need to have early input into this type of agreement in order for it to be effective. She said that in  
41 trying to do it as it is currently being done is somewhat backwards and will not come to a productive end.  
42 She said that she suggested to Mr. Hall that an e-mail be sent to the City Council and staff thanking them for  
43 their invitation and suggesting what procedure ELUC would feel appropriate so that productive discussions

1 could continue. She said that these discussions could occur through a small committee appointment or  
2 through some other way that ELUC chooses. She encouraged the Committee to follow the same pattern that  
3 was followed years ago in the development of the fringe agreement.  
4

5 Mr. Gladney asked Mr. Hall to review once again his interpretation of Page 5 of the Report to City Council.  
6 He asked Mr. Hall if he would say that it is not as cooperative as he might have hoped.  
7

8 Mr. Hall stated that in reviewing the first four pages of the report he was reading items which seemed  
9 familiar and supportive but then when he got to Page 5 he heard a view that had not been expressed to  
10 ELUC, when City of Champaign staff was present. He said that he believes that the Report to City Council  
11 may be a consensus report from not just Champaign but from a working group including Urbana, Rantoul,  
12 Savoy and St. Joseph. He said that Page 5 gives the impression that there was no awareness that the County  
13 wants an agreement amongst all or none. He said that there was a discussion that the County Board should  
14 be able to identify when they are going to be for development and when not and therefore does that mean  
15 that municipalities have identified when they are going to be for development and when not. He said that  
16 the municipality would probably say that they will go to be for development when it conforms to their plan  
17 but we are primarily concerned with things outside the boundary of their plan. He asked if the municipality  
18 has the characteristics of something that they would be willing to approve. He said that the criticism  
19 regarding the older subdivision development is not relevant and is not a fair criticism. He said that the view  
20 on Page 5 indicates that there is no interest in some kind of voluntary intergovernmental agreement.  
21

22 Mr. Gladney stated that his district encompasses a great deal of the City of Champaign therefore he must  
23 consider his constituency. He said that he has, in good faith, tried to put thought into these matters and it  
24 appears that the City of Champaign is not putting forth the same thought in good faith. He said that he  
25 brought up the concern a few months ago about the County being involved in a lawsuit against the City of  
26 Champaign and Illinois-American Water Company, which ultimately the County decided not to support,  
27 because he did not feel that it would help matters regarding the intergovernmental process. He said that it  
28 bothered him that the City of Champaign decided to make a major decision and then afterwards asked to  
29 discuss the issue with the County and have dialogue regarding an intergovernmental agreement. He said  
30 that he felt suspicious then and feels the same now.  
31

32 Ms. Melin stated that the County needs to let the municipalities know that we are interested in good  
33 planning for development.  
34

35 Mr. Doenitz stated that one thing that we cannot forget is that Illinois-American Water Company is a public  
36 water supply that is privately owned and has nothing to do with the government. He said the City of  
37 Champaign wants to help that privately owned company because that is where they get their water from and  
38 no crisis exists. He said that he does not believe that the City of Champaign will negotiate because  
39 according to his interpretation of the report it appears that the City of Champaign wants everything in their  
40 favor without having to ask anyone else.  
41

42 Ms. Wysocki asked Ms. McGrath if, rather than sending an e-mail, it would be more effective if someone  
43 was at the study session to explain the Committee's concerns with Page 5.

- 1  
2 Ms. McGrath stated that it would probably be better if an e-mail was sent because the Committee was only  
3 presented this information tonight and has not been able to fully review the report. She said that if someone  
4 attends the study session they would be expected to respond to questions that may come forward and that  
5 person may not be prepared to answer those questions. She said that from the discussion tonight it appears  
6 that the Committee would like to have more time to review the distributed material. She said that it would  
7 not be a good idea to become involved in a study session discussion when the Committee is not well  
8 prepared to participate in such discussions. She said that the Committee should research the agreement and  
9 then respond.  
10  
11 Ms. Wysocki asked Mr. Hall when he received the City of Champaign's comments.  
12  
13 Mr. Hall stated that he received the e-mail on December 6th at 8:00 p.m. He asked Ms. McGrath if the  
14 Committee should at least let the City of Champaign know that they would like the chance to submit a  
15 considered opinion to the Council before they actually vote on this matter. He said that after tomorrow  
16 night's study session the matter is to be forwarded to the City County on January 8<sup>th</sup>. He said that ELUC  
17 would need the City Council to postpone that vote until after the ELUC meeting in January.  
18  
19 Ms. McGrath stated that such a response from ELUC would be useful. She said that asking them to  
20 postpone their vote until ELUC has time to respond appropriately would be a good thing to do.  
21  
22 Mr. Doenitz stated that he does agree with Ms. McGrath in that we cannot negotiate in public. He said that  
23 there should be some sort of dialogue started from Mr. Weibel to the Mayor of the City of Champaign. He  
24 said that ELUC does not know how much information has been submitted to the City Council. He said that  
25 if the City Council receives this information at tomorrow night's meeting they will be as unprepared as  
26 ELUC is tonight.  
27  
28 Ms. Anderson stated that perhaps both entities need time to review and study the issues.  
29  
30 Ms. Wysocki stated that having the dialogue in a public forum is probably not conducive to a good process.  
31 She said that an e-mail may help the City Council understand why no one from the County will be at the  
32 study session. She said that she does not want it to appear that the County is not interested.  
33  
34 Ms. McGrath reminded the Committee that if more than two ELUC members attend the study session then a  
35 majority of a quorum would be present. She said that because of this rule it makes it hard for people to  
36 attend without proper notice.  
37  
38 Mr. Doenitz suggested that the e-mail regarding the City Council study session be sent to the Mayor and  
39 City Council members and not to staff.  
40  
41 Ms. Melin asked if a subcommittee could attend the study session.  
42  
43 Mr. Hall stated that the subcommittee would have to be identified and that subcommittee would have its

1 own notice requirement for meetings.  
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3 Ms. McGrath stated that the Policy Committee would have to approve an ELUC subcommittee and any  
4 meetings of the subcommittee would need to be noticed. She said that the subcommittee could be more  
5 informal and be comprised of Mr. Weibel (County Board Chair), Ms. Wysocki (ELUC Chair), and Mr.  
6 Schroeder (ELUC Vice-Chair) and approval of formation or notice of meetings would not be required.  
7

8 Mr. Doenitz stated that an informal subcommittee comprised of Mr. Weibel, Ms. Wysocki and Mr.  
9 Schroeder should be formed.  
10

11 Ms. Melin asked if someone from the City of Champaign would be included on this informal subcommittee.  
12

13 Ms. Wysocki stated that it is the responsibility of the City of Champaign to choose who they want to speak  
14 in their behalf. She said that the County is only responsible for their representatives.  
15

16 Mr. Doenitz stated that we need to get the ball rolling therefore an informal subcommittee would be  
17 appropriate.  
18

19 Ms. Wysocki asked the Committee if they were agreeable to have Mr. Weibel, Mr. Schroeder and herself  
20 represent ELUC and informally discuss different avenues with the City of Champaign.  
21

22 Mr. Doenitz stated that the discussions should be with all of the involved municipalities and not stop with  
23 just the City of Champaign.  
24

25 **The consensus was to have Mr. Weibel, Mr. Schroeder and Ms. Wysocki represent ELUC and**  
26 **informally discuss different avenues with the City of Champaign and all other applicable**  
27 **municipalities.**  
28

29 Mr. Hall asked if the Committee wants someone to request that the City of Champaign not take action until  
30 after the January, 2008 ELUC meeting so that ELUC does have a chance to go on record regarding this  
31 matter. He asked such a request is to come from staff or the Chair of ELUC.  
32

33 Ms. Wysocki stated that she would be happy to prepare such a request and forward that request to the Mayor  
34 of the City of Champaign.  
35

36 Ms. McGrath stated that it would be appropriate if the request came from Ms. Wysocki as Chair of ELUC.  
37 She recommended that the request be sent to the Mayor and all City Council members. She stated that the e-  
38 mail should include the following: "Please do not hit the reply all button but direct your comments to me."  
39 She said that this statement will prevent any violation of the rules.  
40

#### 41 **8. Monthly Report (October; and November, 2007)** 42

43 Mr. Hall stated that the October and November, 2007 monthly reports were not available for review.



12-10-07

AS APPROVED JANUARY 14, 2008

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**9. Other Business**

None

**10. Determination of Items to be placed on the County Board Consent Agenda**

None

**11. Adjournment**

**Mr. Doentiz moved, seconded by Mr. Anderson to adjourn the meeting. The motion carried by voice vote.**

The meeting adjourned at 7:12 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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