

**EEHW COMMITTEE MEETING**  
**March 20, 2014**  
**5:30 P.M.**

**MEMBERS PRESENT**

Tim Dudley  
Phil Hogan  
Kevin Greenfield  
Jerry Potts  
Merv Jacobs  
Kevin Meachum

**COUNTY PERSONNEL PRESENT**

Jay Dunn, Board Chairman  
Kris Horton, Animal Control  
Jennifer Hoffman, P&Z  
Deb Garrett, Environmental Mgmt  
Laurie Rasmus, Environmental Mgmt  
Jeannie Durham, County Board Office

**MEMBERS ABSENT**

Patty Cox

The meeting was called to order by Chair Tim Dudley at the Macon County Office Building.

**MINUTES**

Jerry Potts made a motion to approve the February 20, 2014 minutes, seconded by Kevin Greenfield, motion carried 6-0.

**CLAIMS**

Kevin Meachum made a motion to approve the claims as presented, seconded by Merv Jacobs and motion carried 6-0.

**REPORTS**

*Subdivisions* –  
None

*Veterans Assistance*

No report

***Planning & Zoning***

Jennifer Hoffman reported on the final revisions of the Macon County Wind Ordinance. According to the County Board rules, this EEHW Committee does not vote on these revisions; however, I am making you aware of the revisions and answer any questions you may have before it is passed along to the full County Board for a vote next month.

I reviewed our Wind Ordinance after we heard that E-On was going to proceed with the wind farm. At that time, I started looking at other counties ordinances and the updates they added after a wind farm was established in their area. I took the first version to Siting, Rules, and Ordinance Sub-Committee in February and they suggested organizing a sub sub committee to review this. The sub sub committee, Mike Bagget and Jennifer worked on the changes and SRO passed the revisions in March.

Kevin Greenfield asked if the full Board would vote on it. Jennifer confirmed they would do so at the April Board meeting.

There were no questions. Chair Dudley thanked Jennifer for the work she and Mike Baggett did on the revisions to the Wind Ordinance.

### ***Health Department***

No Report

### ***Animal Control***

Kris Horton distributed the Animal Control report and asked if there were any questions. There were no questions.

Kris reported that they are running a special on cats @ \$25 each for St. Catricks Day. Next month there will be a special on less adoptable dogs & cats. Black dogs & cats, dogs with health issues, older dogs & cats will all be half price.

### ***Environmental Management***

Laurie Rasmus presented a cover letter and Quick Guide to Recycling and Safe Disposal. The guide was produced to provide a comprehensive look at options that are available to Macon County residents in a condensed 6 page format. She explained that the format allows easy changes by their personnel and makes duplication possible through their office for easy distribution at events as they come up. The target audience for the Quick Guide is Macon County residents who prefer not to obtain information through a website or email, but prefer a paper copy. The Quick Guide was mailed to 400 households who indicated that postal mail was their preference. Individuals can sign up for communication via email on the website. These people are sent periodic email messages regarding special collections and events that have to do with recycling. The hope is that the Guide is held onto as a reference. Kevin Meachum verified that the Guide is going to be made available on the website. Laurie confirmed that it would be posted as a pdf so that if anyone wants to print it, they would have that option. She also clarified that the website is comprehensive and all the information is there even more in depth, but if someone wants to print it off, they'll have that option available as well.

### ***Regional Office of Education***

Mr. Dick Shelby addressed the committee members and presented a report about the programs. He reported that the sales tax money is flowing through to the schools.

There have been 2 school districts that have abated their taxes: Warrensburg/Latham & Argenta/Orienta.

This is the first of many years that the ROE has not given the paper form of the GED test. He explained that it has gone to computerized. He said they do not have the staff available during the day to give the test to walk ins. Prior, when the paper test was given, it was a scheduled testing two to three times a month with approximately 22 at each testing. It is now a walk in only and Richland Community College is the entity that handles it now. It is a "for profit" for the first time. Before, when it was not for profit, the cost was \$50 for the entire battery and now it is up

to \$150. There have not been good reports as to the number of people taking the test or the number of people passing the test. The Illinois Community College Board is working on rectifying those problems.

## **ZONING**

*Macon County Board Resolution Regarding Case R-01-03-14, A Petition for Rezoning Permit Submitted by Michael & Julie Hall*

Jennifer Hoffman presented R-01-03-14 petition by Michael & Julie Hall for a rezoning of approximately 4.75 acres from B-1 Neighborhood Shopping District to B-2 Commercial District. The property is commonly known as 2102 N. Route 121 located in Hickory Point Township. On March 5, 2014 a public Zoning Board of Appeals hearing was held and based on the finding of facts and the rules in the Zoning Ordinance the staff recommended approval. The Zoning Board of Appeals voted 5-0 in favor of the rezoning.

Kevin Meachum made a motion to forward to the full board with a recommendation for approval, seconded by Jerry Potts. Tim Dudley asked if there was any opposition. Jennifer said no. Motion carried 6-0.

*Macon County Board Resolution Regarding Case S-04-03-14, A Petition For A Special Use Permit Submitted By Scott & Claudia Cassidy*

Jennifer Hoffman presented S-04-03-14 petition by Scott & Claudia Cassidy for a renewal of a Special Use Permit to operate a dog kennel business in R-1 Single Family Residential Zoning. The property is commonly known as 2285 Crossroads Rd in South Wheatland Township. On March 5, 2014 a public Zoning Board of Appeals hearing was held and based on finding of facts and the rules in the Zoning Ordinance the staff recommended approval with the following stipulations:

1. This Special Use Permit constitutes a license issued to the named Petitioners only. This special use permit is not property nor does it convey any property right. This special use permit is, therefore, not assignable or transferable.
2. This special use permit is subject to regulation and/ or revocation by Macon County for violation of the stipulations set forth herein.
3. This special use permit shall expire immediately upon Petitioner's failure to secure or failure to maintain a kennel operator license issued by the Illinois Department of Agriculture, Bureau of Animal Health and Welfare.
4. The number of animals kept at the kennel at any one time shall not exceed 10 dogs, inclusive of Petitioner's personal pets.
5. Employees shall be limited to immediate family members living on the premises.
6. The wholesale, retail, and/ or manufacturing of goods is strictly prohibited on the subject property.

7. Advertising signs of any kind are strictly prohibited on the subject property.
8. Normal hours of operation shall be limited to 8 A.M. to 5 P.M. Monday thru Saturday.
9. This Special Use Permit shall be limited to 10 years and shall expire on April 10, 2024.
10. Said property and all operations shall remain subject to all other applicable local, county, state, and federal regulations including, but not limited to, the Macon County Zoning Ordinance, the Macon County Nuisance Ordinance, and the Macon County Subdivision Ordinance.

The Zoning Board of Appeals voted 5-0 in favor of the renewal of the Special Use Permit.

Jerry Potts made a motion to forward to the full board with a recommendation for approval, seconded by Merv Jacobs. Chair Dudley asked if there was opposition. Jennifer said no. Motion carried 6-0.

*Macon County Board Resolution Regarding Case R-02-03-14, A Petition for Rezoning Permit Submitted by Ryan E. Aupperle & Jenny R. Dehaan, Co-Trustees of Aupperle Family Trust*

**Citizen's Remarks (on this particular subject)**

Frank Grgurich, 9150 N. Route 51: Mr. Grgurich explained that their house sits across the street from the proposed rezoning. Kevin Meachum asked how far away they are. Mr. Grgurich said that if you go diagonally across Route 51, that is where the Aupperle property begins. The part that is being proposed for rezoning is approximately 1/8 mile NW. He went on to say that the property is currently zoned as agricultural and has a flood plain. It was planted in a Christmas tree farm by the Studebakers years ago who designated the area proposed for rezoning as a wildlife refuge. It has grown up and is full of deer, coyotes, etc... Last year, when the property adjoined to it was being cleaned up and they decided to burn the refuse, flames leaped across the highway and burned 10 acres of the cornfield between the Grgurich house, Boyers, & Zemers. If the wind had been blowing in another direction, Mr. Grgurich said he was sure someone would have lost their property. The Christmas tree farm has a lot of burnable material in it and if people are careless, something could happen.

Mr. Grgurich said that they are not on the Mahomet Aquifer, but they are on a tributary. When Forsyth put their well in a few years ago, they had to replace wells and had to have wells dug deeper and the water quality went to pot. He showed a jar of water and said it was water from their tap before it goes through a \$3,000 filtration and reverse osmosis system they had to put in. He showed pictures and asked if the committee members would like to take a bath in it. He said that is what the system looked like when they started pumping and now they are talking about putting more houses in. They are saying a minimal amount of houses, but years ago the highway said they were going to leave it two lanes so Mr. Grgurich said he built his house under the assumption that they would have a 2 lane highway, but they changed their mind too. He asked what was to stop this from going from 1 plot to another plot and on. With the increased water usage, Mr. Grgurich said he anticipates their water quality getting worse. More traffic is also

being talked about. The zoning change could result in additional expansion. He said he spent over \$3,000 to get his water drinkable after Forsyth started pulling it down. Boyers' well had to be lowered to 150' so he could get drinkable water. He asked how many other places they would want to put in there.

Mrs. Cindy Grgurich reiterated the concerns stressing that the water was her main concern. She said that with the water system they now have, she is unable to keep the sinks, toilets or white clothes clean. It is a real concern.

Robert Bunselmeyer, 2333 W. Wise Road: Mr. Bunselmeyer said he lives approximately 1 ½ miles west of the property, but owns the property adjacent to it to the west. He said he has several concerns. He said his understanding was that it could have 2 dwellings built on it without any rezoning under the 10 acre rule. He said he is opposed to moving more people to the country because it is a safety issue. He said just as they don't want trucks driving on the streets of Decatur, he did not think it was a good idea to bring more people out into the country. There are machinery and other hazards.

This is a flood plain – 60% of it is flood plain. He asked if the septic systems and elevations have really been measured and if it is known that this is all going to work or if it was just a guesstimate. He said he understood that the elevations of the land the septic systems are on have to be 3' above the flood plain and he was questioning whether it had been determined.

This could be a fire hazard because there is a lot of dead growth in there.

He asked if this will open up the next phase of development. If this goes through, will someone come along and say they want to put a subdivision adjoining it. He asked if there was a precedent set there or if it would have to be determined again.

At the ZBA hearing, the person who seconded the motion said it was property rights issue and Mr. Bunselmeyer said he was questioning whose property rights they were interested in – the people who have lived there all their lives or the developer who is coming in and selling for a quick profit.

Nancy Smith: She said the property that is being talked about is 8915 N. Route 51. She said she owns the adjacent land to the south of the property Mr. Aupperle is talking about. There is a house on the particular piece. She said she wanted to reinstate everything that had been said. The water quality has gone down. Wise Road is small and narrow and difficult to see in certain places. She said she has had trouble in the past with people using her back piece of farm ground as their personal playground. She said that if houses were put there, they would do the same thing.

Jerry Potts asked where the flood plain was. Jennifer pointed it out on the map. 12 acres is in the flood plain. Kevin Meachum asked how many total acres there was. Jennifer said 22.09. Tim Dudley asked if the houses being proposed would be in the 8 acres that are not in the flood plain. Jennifer said that was correct. The question was asked about how many houses there were going to be. Jennifer said 4.

Jennifer Hoffman requested permission to give her presentation which she felt would answer some of the questions. She said this is R-02-03-04, a petition by Ryan E. Aupperle & Jenny DeHann, Co-Trustees of Aupperle Family Trust, for a rezoning of approximately 22.09 acres from A-1 Agricultural to RE-5 Single Family Estate. The property is located 2 miles north of Forsyth; southwest quad of U.S. 51 and Wise Rd in Hickory Point Township.

The property consists of 22.09 acres with approximately 12.3 acres in the floodplain. A Land Evaluation Site Assessment (LESA) Score was done on the property and it totaled 204.1, which was on the low side of the range to retain in agriculture. However, this property has not been farmed for many years, over grown with trees and contains floodplain ground which lowers the value and ability to profitably farm the ground. The area that is outside of the floodplain does constitute good building lots.

On March 5, 2014 a public Zoning Board of Appeals hearing was held and based on the finding of facts and rules in the Zoning Ordinance the staff recommended approval. The Zoning Board of Appeals voted 4-1 in favor of the rezoning.

Tim Dudley asked about the nature area that someone spoke about earlier and whether there was any zoning to make it a preserve. Mr. Grgurich said that Terry & Elana Studebaker had designated it as a wildlife refuge, had it posted at the gate, and would not let people go in. He said it was something that they personally did and when they wanted to sell the ground, the stipulations they offered the potential buyer were so restrictive that he backed out.

Kevin Meachum asked if there was 8 acres they could actually build on so that left 14.09 in the flood plain. Jennifer said that 12.3 acres is in the flood plain. He verified that there was 22.09 acres total. Jennifer confirmed. Kevin asked how many lots were to be built on. Jennifer pointed out on the map that they want to put access off of Wise Road. Kevin asked if they would only be building in the 100 year flood plain area. Jennifer said she could not issue a building permit in the flood plain. Kevin said it would be above the 100 year flood plain. Jennifer agreed. Kevin said in the possibility of 4 lots, he could only see 3 and asked how you would get to the back lot. Jennifer said an elevation survey could be done and they could do a LOMA (Letter of Map Amendment) to petition to be out of the flood plain. The elevation survey will show exactly where that flood plain is. Sometimes the flood plain maps move a little bit. Jennifer said she has already talked with Bruce Bird about it and he agreed. Kevin asked if there would be a right of way dedicated back to the lot and if it would become the Road Commissioner's responsibility to plow and maintain roads. Jennifer said they would not be roads, they would be direct accesses and the Road Commissioner would not have roads in there to take care of. She said the Road Commissioner has already seen it and has looked at giving access to them. Kevin asked if there would be lanes and they would be the responsibility of the home owners to plow themselves out in the winter. Kevin Greenfield said that there would really not be any plans for growth because of the flood plain. Jennifer confirmed and said it would be limited as to what they could do because of the flood plain on the land.

Tim Dudley asked if the rezoning would be RE-5. Jennifer confirmed it would be RE-5 Single Family Estate with a lot size being a minimum of 2 acres. Tim asked if there were any other

RE-5's in the general area. Jennifer said the Country Garden Estates a mile north are RE-5. Around it is agriculture, but there are other subdivisions in the area.

Kevin Greenfield made a motion to forward to the full board with a recommendation for approval, seconded by Phil Hogan. Motion carried 6-0.

**OLD BUSINESS**

none

**NEW BUSINESS**

None

**Citizen's Remarks**

Shirley Stanley, Animal Shelter Foundation, reported that they had been in the St. Patrick's Day Parade.

WAND TV has retired their mascot, Radar. So Radar now belongs to the Animal Shelter Foundation. She said they love it because Radar was well known around Central Illinois. Radar gives a very positive recognition and was in the St. Patrick's Day Parade.

There are empty cat cages at the shelter and this is really good news. There are probably 25% of the number of cats that are usually there. Kitten season is coming up, so there will probably be more, but the \$25 cat special has made a huge difference. In the next month, the special on the less adoptable animals is coming up.

The two Park District events, the Tour DePaws bicycle ride on August 16 & the Fido Scurry walk/run on September 6, have been scheduled and promote a very positive community involvement, shelter image and greater visibility and identification to the public.

**Closed Session**

None needed

**NEXT MEETING**

Next regular meeting - Thursday, April 17, 2014

**ADJOURNMENT**

Jerry Potts made a motion to adjourn, seconded by Kevin Greenfield, the motion carried 6-0 and the meeting was adjourned at 6:00 p.m.

*Minutes submitted by Jeannie Durham*  
Macon County Board Office