

EEHW COMMITTEE MEETING
May 15, 2014
5:30 P.M.

MEMBERS PRESENT

Jerry Potts – Vice Chair
Phil Hogan
Kevin Greenfield
Kevin Meachum

MEMBERS ABSENT

Chair Tim Dudley
Patty Cox
Merv Jacobs

COUNTY PERSONNEL PRESENT

Mike Baggett, State’s Attorney’s Office
Kris Horton, Animal Control
Jennifer Hoffman, P&Z
Deb Garrett, Environmental Mgmt
Laurie Rasmus, Environmental Mgmt
Kathy Powless, Veterans
Kathy Wade, Health Department
Sheree Zalanka, Health Department

Jeannie Durham, County Board Office

The meeting was called to order by Vice Chair Jerry Potts at the Macon County Office Building.

MINUTES

Kevin Greenfield made a motion to approve the April 17, 2014 minutes, seconded by Phil Hogan, motion carried 4-0.

CLAIMS

Kevin Meachum made a motion to approve the claims as presented, seconded by Phil Hogan and motion carried 4-0.

ZONING

R-01-05-14 petition by Ryan York for a rezoning of approximately 12.86 acre(s) from A-1 Agriculture to RE-5 Single Family Estate

Jennifer Hoffman stated that the property is located on Kaleb Road in Whitmore Township. On May 7, 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. The 12 acres consists of overgrown, heavy, dense woods that is not profitable for farm ground. Therefore, we are not going against our intention to preserve farm ground and keeping as much tillable land in production as possible.

Kevin Greenfield asked if there were any objectors. Jennifer said no. Kevin Meachum asked Jennifer a question. Jennifer replied that Mr. York wants to divide into about 4 acres apiece and then have some houses out there. She said it would be a minor subdivision.

Kevin Greenfield made a motion to approve forwarding on to the full board with recommendation to approve, seconded by Phil Hogan, and motion carried 4-0.

V-05-05-14 Variance by Anthony J. Piraino and Ashley Piraino for a variance for road frontage

Jennifer Hoffman explained that she is just reporting and that the EEHW committee does not vote on this issue.

The Macon County Zoning Board of Appeals, assembled in a special meeting for the purpose of hearing a petition for variance submitted by Anthony and Ashley Piraino on May 15th.

This is a variance to reduce 114 feet requirement to 25 feet for road frontage. It is 20 acres zoned agriculture and is located in Oakley Township at 6755 NE County Line Road.

Staff recommended approval of the variance petition. The building permit was issued to Anthony & Ashley Piraino on December 6, 2013. The proposed house was located on a parcel of 20 acres which over 50% of the parcel was being farmed. Therefore, it is an ag exempt permit and we do not charge for the permit.

The deed on the property has an existing 25 feet easement issued to the property. Therefore, the Zoning Administrator issued the permit based on past practice of other properties around the county that has been issued permits based on the easements located within their deeds.

As far as the history on the easements, it is not relevant to the Zoning Administrator's decision as to whether to issue a building permit. The Zoning Administrator looks at the property at hand. When a landowner comes in to get a permit, the Zoning Administrator looks at the parcel individually and the deed has to be provided to show the easement or other access.

The Pirainos filed a petition seeking a variance for 89 feet for (A-1) Agricultural zoning lots.

The evidence was put forth today and along the entire eastern border of the Piraino tract connecting to the Clarkson tract which abuts the Piraino tract. (Jennifer pointed out on the map) While it was presented to the board that the existence of such an easement is disputed between the owners of the Piraino tract and the owner

of the Clarkson tract and is currently being litigated in a proceeding before the Circuit Court, there was no direct evidence presented to the board that the easement did not exist. The Board, based on the evidence presented at the hearing of May 15, 2014, finds that the easement exists along the entire eastern portion of the Piraino tract.

The Zoning Board of Appeals heard uncontradicted testimony that the length of the easement from the southeast corner of the Piraino tract to the southeast corner of the Clarkson tract was approximately 1,600 feet.

The Macon County Zoning Ordinance defines “street” as a public or private thoroughfare which affords the principal means of vehicular access to abutting property. Macon County Code, Title XV, Chapter 155, Section 8. The Board of Zoning Appeals finds that the easement which runs along the entire eastern portion of the Piraino tract constitutes a “street” as defined by the Zoning Ordinance.

As a result of the Board’s finding that the easement constitutes a street, and the evidence indicating that the easement is well in excess of 114 feet or 190 feet, the petitioner is not required by the Macon County Zoning Ordinance to obtain a variance.

Alternatively, to the extent that such an easement does not exist, the petitioner has made the requisite showing that variance is appropriate and proper.

Based on the finding of facts, the final decision made by the Zoning Board of Appeals:

- A. The variance is unnecessary based on the existence of an easement which exceeds 190 feet and which constitutes a street pursuant to the Macon County Zoning Ordinance; therefore,
 - i. The Zoning Administrator’s issuance of a building permit is affirmed and
 - ii. The petition for a variance is denied as unnecessary

- B. The Zoning Board of Appeals orders, in the alternative, that if an easement does not exist along the eastern portion of the Piraino tract, connecting the Clarkson tract to the easement at the southeast corner of the Piraino tract, that the petitioner has met his burden and shown that a variance is appropriate and proper; therefore,
 - i. The petition for variance is approved, if necessary

The vote of the Zoning Board was 5-0. Jennifer said that she was just reporting.

Kevin Greenfield asked if the land is landlocked without this. Mike Baggett said that was correct. There is an easement by deed which runs from this street, NE County Line Road across two parcels of land (pointed out on map) which connects the Piraino property to the road. In addition, there is a disputed easement which runs the length of the eastern portion of the Piraino tract all the way up to a tract (pointed to on map) owned by Karen Merley, otherwise known as Karen Clarkson. That is what the Zoning Board of Appeals made a finding is, alternatively, if this easement exists, then a variance was not necessary and so the easement would come to the street and it is well in excess of what is necessary for a building permit to be issued. If the easement does not exist, then Mr. Piraino made the necessary showing as to meeting his burden and the variance was approved. Either way, the building is allowed.

Kevin Meachum asked how they are getting up to that Clarkson property now. Jennifer explained that there is nothing there, but they are not concerned with that. The one (pointed at map) here has a 25' easement that the building permit was issued on.

Mike Baggett stated that normally, the board would not receive reports on variances. The reason that the committee is being presented with this report from the Zoning Board of Appeals is because this is part of Oakley Township. Oakley Township may take action as soon as next week which would require part of the Zoning Board of Appeals decision be placed in front of the County Board potentially. We want to make sure that we are in conformance with the board's rules regarding going through the oversight committee. This is not something the committee would vote on. Kevin Greenfield verified that the Zoning Board voted 5-0 to approve. Jennifer & Mike both confirmed. Mike said in either way – any alternative.

Kevin Meachum suggested that easements be marked more clearly on the map. He said that if there had been an extra line there, it would be easier for the average person to tell that the land was landlocked. Kevin said that all he was being shown was a piece of landlocked property. He said he'd like to see the maps be as factual and complete as possible.

Subdivisions –
Danceland Addition

Jennifer Hoffman explained Danceland Addition is a 4 lot minor subdivision located on Danceland Road. The property is located in South Wheatland Township and involves 17.7 Acres. The property is zoned R-1 Single Family Residential. The owner wants to divide lot 1 into 1.725 acres, Lot 2 into 1.033 Acres, Lot 3 into 1.15 acres, and Lot 4 into 12.04 acres. In the Macon County Zoning Ordinance, the definition of a lot states that the lot shall abut on a street or place for at least sixty (60) percent of the lot width prescribed for the district in which it is located. All of these lots meet the lot requirements set within the subdivision ordinance. All documents and certifications have been reviewed and signed by all entities involved. Staff recommends approval of this subdivision.

Kevin Greenfield asked if there was any opposition. Jennifer said no.

Kevin Greenfield made a motion to approve, seconded by Phil Hogan and motion carried 4-0.

REPORTS

Veterans Assistance

Kathy Powless invited everyone to the Memorial Day event at 10 a.m. in Fairview Park at the large pavilion. Jay Scott will be the guest speaker.

Planning & Zoning

No Report

Health Department

Macon County Board Resolution Approving Increase in Appropriations in the FY14 Health Fund Budget for Fussy Baby Research Project

Sheree Zalanka explained that this started in November of 2012, so it is spread across 3 fiscal years. It is \$60,000 total. This resolution is simply to move some of the expenses budgeted in FY13 that were unused into FY14.

Kevin Greenfield asked if the Health Board had approved all these resolutions. Sheree said no, that meeting is next week.

Kevin Greenfield made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Phil Hogan and motion carried 4-0.

Macon County Board Resolution Approving Increase in Appropriations in the FY14 Health Fund Budget for Mother and Infant Home Visiting Program Evaluation (MIHOPE) Project

Sheree Zalanka explained that this started in March, 2013 and is for \$22,000 total. The same thing is being done here, moving \$14,790 from FY13 to FY14.

Kevin Greenfield asked what would happen if this committee approved a resolution and then the Health Board did not. Sheree said that these still have to go to Finance which is after the Health Board meeting. She also said she was pretty sure the Health Board would not have any issues in approving them.

Kevin Greenfield made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Phil Hogan and motion carried 4-0.

Macon County Board Resolution Approving Increase in Appropriations in the FY14 Health Fund Budget for HIV Testing and Prevention Services

Sheree Zalanka explained that this is a new grant with the Illinois of Public Health and they are subcontracting with the Sangamon County Health Department to provide linkage care and partner services for HIV clients who have lost care or services. A portion of the funds will be used for salary, travel & training for an HIV RN who is already on staff. The remaining funds will be paid to the health department as fees for service. They will receive \$150 per HIV find. The total is \$9,800.

Kevin Greenfield made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Phil Hogan and motion carried 4-0.

Macon County Board Resolution Approving Increase in Appropriations in the FY14 Health Fund Budget for MIPPA Expansion

Sheree Zalanka explained that MIPPA stands for Medicare Improvements for Patients & Provider Act. It targets persons 60 years and older. Service providers will conduct outreach activities through community events to promote Medicare Part B prevention and wellness benefits included in the Affordable Care Act. It is \$4,719.

Kevin Greenfield made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Phil Hogan and motion carried 4-0.

Macon County Board Resolution Approving Increase in Appropriations in the FY14 Health Fund Budget for ASTHO

Sheree Zalanka explained ASTHO stands for Association of State and Territorial Health Officials and this is a Million Hearts Collaborative. The Collaborative supports the use of quality improvement tools across clinical and public health sectors to identify, control & improve blood

pressures in support of the CDC Million Hearts goal to prevent one million heart attacks and strokes by 2017. It is for \$20,000.

Kevin Greenfield made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Phil Hogan and motion carried 4-0.

Macon County Board Resolution Approving Increase in Appropriations in the FY14 Health Fund Budget for Options Counseling

Sheree Zalanka explained that this is with East Central Illinois Area Agency on Aging. The Health Department has several grants with them already. Individuals will receive assistance to make informed, long term support choices in the context of their own preferences, strengths & values. It is \$8,619.

Kevin Greenfield made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Phil Hogan and motion carried 4-0.

Macon County Board Resolution Approving Increase in Appropriations in the FY14 Health Fund Budget for CDSMP

Sheree Zalanka explained that CDSMP stands for Chronic Disease Self- Management Program. She said that they are partnering with area organizations, agencies, businesses & churches to offer evidence based chronic disease self-management programs and classes. They are designed for people with chronic health conditions to help them learn better ways to manage their chronic conditions and the symptoms that often accompany health conditions. It is \$2,000, but there is a \$204 match because they only allow 31.1% of fringe benefits. So, it is \$2,204 total.

Kevin Greenfield made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Phil Hogan and motion carried 4-0.

Macon County Board Resolution Approving Increase in Appropriations in the FY14 Health Fund Budget for Respite

Sheree Zalanka explained that respite care is the provision of appropriate temporary substitute care or supervision of functionally impaired persons aged 60 and over to enable the caregiver to maintain his / her provisions of assistance to older persons. This is a grant that the Health Department has had for several years. It is \$5,713.

Kevin Greenfield made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Phil Hogan and motion carried 4-0.

Macon County Board Resolution Approving Increase in Appropriations in the FY14 Health Fund Budget for CERT Fundraising

Sheree Zalanka explained CERT stands for Community Emergency Response Team and they have been fundraising for a few years. They are purchasing a camera to take pictures of

volunteers for badges and pictures of events and trainings for the website & Facebook page. There is revenue in a restricted fund balance that will be used to purchase the camera and a few other small items. It is for \$1,500.

Kevin Greenfield made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Phil Hogan and motion carried 4-0.

Animal Control

Kris Horton distributed her report and stated that adoptions are up. There were 83 in April, which is amazing. There were 72 last year and that number was a record breaker then.

There is a lot of misinformation going around about changes to the Animal Control Act. Facebook misinformation is that it will affect Animal Controls so that they will only be able to transfer animals to out of state. What they've done is take the Animal Control Act and the changes and have published only certain parts of it. Actually, there is not really much of a change. Be aware that this is dealing mostly with Animal Shelters. Kris said that they are not a shelter, but are an Animal Control Agency. The Humane Society, the breed rescues, Love at First Sight along with veterinarian offices are examples of Animal Shelters. These changes, if they are brought to fruition, will make it so that Animal Shelters cannot take in strays. They have to go to Animal Control. There is some opposition because they say that if they take them to Animal Control, they'll all be killed. Kris said that the act does not say that Animal Control has to keep them. It says they have to be brought to Animal Control for their stray period. It says that animal shelters people cannot go onto private property and remove animals. Animal Shelters do not have any type of law enforcement. The only way they can go on to private property to remove animals is with a search warrant. Animal Control can go onto private property and get an animal if it is in violation of law or ordinance. It also says that Animal Shelters can only take in animals that are relinquished or that they get from an Animal Control Agency or an out of state Animal Control Agency Rescue Group or Animal Shelter that is licensed in its state. Kris said she felt that this might be to prevent some groups from going to the auctions and buying litters to bring into their shelter or going to auctions as a breed specific rescue to buy puppies or breeding stock that is being retired to adopt out. Kris said that if anyone hears anything about this, they've only added a couple of words into the section about Animal Control being able to transfer animals out. It's basically the same except one change. If an animal is transferred to an out of state organization, then it says the animal needs to be transferred out of state. If you are transferring an animal to a rescue in Indiana, then the rescue in Indiana needs to take it. Most of what you see on Facebook are parts pieced together and it is absolutely not what it says. People need to read the whole thing before commenting on it.

Environmental Management

Deb Garrett reported that the 2nd paint collection was held last Wednesday. There were 51 cars which is a little above normal. The first collection had 85 cars. We had been seeing 35 to 45. We keep track of zip codes and where residents are coming from so we can target the communities that are not getting the word out. Kevin Meachum asked if Wednesday was a good day to have these collections versus a Saturday. Deb said they do them on Wednesdays, not Saturdays and they give working people time to get there in the evening after work. She said a lot of people that work call and make arrangements to come by after work. She said they do a

total of 12 of them. Jerry asked how the event is advertised. Deb said they advertise in many ways including Twitter, 400 mailings, email notifications, newspapers, distribution to Village Mayors and Road Commissioners.

The Household Hazardous Waste Collection will be this Saturday in Taylorville. These are funded by the Illinois Environmental Protection Agency and they are funding 8 of them this year. Four are down state and the rest are around the Cook County Area with the closest one to us being the one in Taylorville at the county fairgrounds this Saturday. Deb handed out a list of acceptable items to those that wanted it.

Sue Scherer is doing an electronics collection on Saturday.

Deb explained that Laurie has some information in regard to our being tasked with approving the siting conditions for the landfill. We imposed a few conditions. Laurie will highlight a couple of them. There is a lot going on at the landfill and we will continue to bring information forward so the committee can see what is going on.

Laurie Rasmus explained about issues with the Mahomet Aquifer. The Clinton Landfill has proposed acceptance of PCBs. A separate issue that involves a group of petitioners that is trying to get the Mahomet Aquifer designated as a Sole Source Aquifer. Pointing out on a map, Laurie explained that the Mahomet Aquifer overlays the Northeast portion of Macon County. It is a primary water source for those in the NE part of the County and a secondary source for others. It is a significant aquifer for our county. The Sole Source Aquifer designation is basically petitioned by a group. In this case, it was the City of Champaign along with some other public entities. They petitioned the USEPA to designate the Mahomet Aquifer as a Sole Source Aquifer. With this designation, federally funded projects would receive USEPA review to ensure that the project does not contribute toward contamination. It is a technical ruling. The Aquifer must supply at least 50% of the drinking water within the aquifer service area. The petition application found that that number is 94%, so it well exceeds that. In the volume of water from our alternative sources is insufficient to replace the aquifer should it become contaminated. That also held true in the petition. This is just an extra review layer on federally funded projects if the aquifer were to be a Sole Source Aquifer.

When we did a local siting at the landfill in 2009, the County Board imposed 39 conditions to improve that local siting. Laurie said she wanted to let the committee know how some of those are coming along. The local siting was for the expansion of the existing landfill, both vertically and horizontally. To date, they have not expanded horizontally, but they are going higher. They are allowed to do that since their permit was approved in 2012. Local siting condition #27 & #28 had to do with visual barriers and landscape plantings. Laurie showed pictures and said that along the interstate bypass or the east side of the landfill has been built up with a significant berm. As far as the required spacing of plantings, they abided by that and even added some extra plantings in a number of spots. One other thing they did, was to install irrigation to service all the plantings. This will give the trees a greater chance of thriving. They also needed to put fencing around the entire expansion area and even though the area has not been developed yet,

the fencing is in place so that no person can access the landfill from the north, east or west sides and the river is a barrier on the south. They had to move their flare within 3 years. It was at the north side of the landfill and they have moved it to the south. It was installed in late 2013. They also built a new above ground storage tank for storing leachate. It has a secondary containment so that if there was ever a leak, that would be contained within the ring around it. This was not a part of the local siting conditions and it is not yet online. It should be within the next couple of months.

Laurie brought up and explained the online Twitter feed saying they tweet a couple of times a week or so. She showed where the household hazardous waste collection, Sue Scherer's electronics collections, the paint collections, some shredding events, the Aquifer meetings, etc.... were all included. She encouraged everyone to look at Environmental Management on Twitter. She showed that they have 88 followers and they are following 111 people and said the reason she follows so many people is that if you follow someone, many times they will follow you and it is a good way to connect with people in the community. For example, by connecting with the Decatur Celebration, local businesses, some reporters and non-profits, they might bring us some followers. Deb added that Twitter is really working out well for them.

Regional Office of Education

No Report

Citizen's Remarks

Shirley Stanley with the Decatur / Macon County Animal Shelter Foundation addressed the members saying that 2 of their board members have graduated from the ABC School for dog behavior. It was a year-long program and they had their first training session with 5 volunteers last Saturday. It went very well. They themselves train shelter dogs to make them more adoptable. They also train volunteers who will work on an extended basis. Eventually they will train people who adopt dogs.

Waggin Tails will be held in Mt. Zion at the Lions Club Pavilion on June 21st. There will be food, music and raffle tickets for a \$1,500 first prize, \$1,000 second prize and \$500 third prize.

On Friday, May 16 on the third floor of the Decatur Area Arts Council Building, winners will be announced and prizes given to Decatur students in grades K through High School who participated in an art contest. There are about 160 works of art. Dr. Baker funded the prizes which includes \$200 for best of show, \$100 for first place, \$75 for 2nd, \$50 for 3rd and \$25 for 4th in K-4, 5-8 & High School.

OLD BUSINESS

NEW BUSINESS

Jerry Potts reported that the SRO sub-committee had met earlier in the evening and would be presenting a resolution approving the recommendation of repealing Chapter 111 of the Macon County Code. Kathy Wade explained that the purpose of the resolution is to repeal Chapter 111 of the Macon County Code because Chapter 93 is the most updated one. They somehow both got

included in the Code and so Chapter 111 needs to be taken out. Jerry Potts said this was simply a cleanup.

Kevin Meachum made a motion to approve forwarding the resolution on to the full board with recommendation for approval, seconded by Phil Hogan. There was discussion that the motion was not needed because the SRO sub-committee only needed to report to EEHW, they decided to go ahead anyway. The motion carried 4-0.

Closed Session

None needed

NEXT MEETING

Next regular meeting - Thursday, June 19 2014

ADJOURNMENT

Kevin Meachum made a motion to adjourn, seconded by Phil Hogan, the motion carried 4-0 and the meeting was adjourned at 6:20 p.m.

Minutes submitted by Jeannie Durham
Macon County Board Office