

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

OCTOBER 13, 2011

**Jay A. Dunn
Chairman**

**Stephen M. Bean
Clerk**

The Chairman called the meeting to order at 7:15 p.m. with the Sheriff and State's Attorney present.

The Roll Call showed all members present at the meeting with the exception of Mrs. Taylor.

Mr. Smith led the members in Prayer.

All led in the Pledge of Allegiance.

A. APPROVAL OF THE MINUTES OF THE SEPTEMBER 8, 2011 MEETING

MOTION

Mr. Meachum moved, seconded by Mr. Wicklund to approve the minutes of the September 8, 2011 meeting.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Ashby, Baxter, Cox, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jacobs, Little, McGlaughlin, Meachum, Oliver, Potts, Smith, Westerman, Wicklund, Wilkins, Williams, Zimmerman

Nays: (None)

AYES = 20

NAYS = 0

MOTION CARRIED.

RETIREMENT PLAQUE PRESENTATION: Captain Steve Jones – 30 Years of Service

Sheriff Schneider: Sheriff Schneider read from the award presented to Captain Steve Jones recognizing him for 30 years of dedicated service in the Macon County Sheriff's Office from 1981-2011. Sheriff Schneider said Captain Jones achieved every rank in the Sheriff's Office all the way up to the rank of Captain which he is retiring from. Had he chosen to seek office, Sheriff Schneider is sure Captain Jones could have been sheriff, but he does not like politics. Captain Jones made it pretty clear that was an office he did not want. He served as Sheriff's Schneider's sergeant when he first started out in the jail, and he is very proud of the relationship he developed with Captain Jones. Sheriff Schneider is very proud of the work Captain Jones has done for the Sheriff's Office and hoped they would all join him in congratulating Captain Jones for 30 years of service.

ZONING / SUBDIVISION

1. Mr. Dudley presented Resolution Z-1116-10-11 which is regarding Case S-03-09-11, a petition submitted by Ken & Danaka Bulthuis for a Special Use Permit on 10 acres of A-1 Agricultural to operate a Pizza Bakery & Delivery Shop on property commonly known as 9022 Sheets Road in Oakley Township. Staff recommended at hearing that the petition be granted with 1 stipulation. After hearing the evidence, the Zoning Board of Appeals voted in favor of recommending to the County Board that the petition be granted with 1 stipulation. The EEHW Committee met and reviewed the petition and recommended by a 7-0 vote that the County Board approve the petition subject to 1 stipulation recommended by the Zoning Board of Appeals.

MOTION

Mr. Dudley moved, seconded by Mr. Wicklund to approve Resolution Z-1116-10-11 by prior roll call vote.

QUESTION:

Mrs. Little: Mrs. Little asked if this is a renewal or a new special use.

Mr. Dudley: Mr. Dudley said these are renewals, and they were all brought in line with the new 10 year period.

MOTION CARRIED.

2. Mr. Dudley presented Resolution Z-1117-10-11 which is regarding Case S-01-09-11, a petition submitted by Larry & Linda Brooks for a Special Use Permit to operate a sharpening business in R-1 Single Family Residential on property commonly known as 2914 S. Danny Drive in South Wheatland Township. Staff recommended at hearing that the petition be granted with 1 stipulation. After hearing the evidence, the Zoning Board of Appeals voted in favor of recommending to the County Board that the petition be granted with 1 stipulation. The EEHW Committee met and reviewed the petition and recommended by a 7-0 vote that the County Board approve the petition subject to 1 stipulation recommended by the Zoning Board of Appeals.

MOTION

Mr. Dudley moved, seconded by Mr. Smith to approve Resolution Z-1117-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

3. Mr. Dudley presented Resolution Z-1118-10-11 which is regarding Case S-02-09-11, a petition submitted by Wayne & Cathy Zoch for a Special Use Permit to operate a dog grooming business in A-1 Agricultural District on property commonly known as 1269 N. Illini Road in Oakley Township. Staff recommended at hearing that the petition be granted with 1 stipulation. After hearing the evidence, the Zoning Board of Appeals voted in favor of recommending to the County Board that the petition be granted with 1 stipulation. The EEHW Committee met and reviewed the petition and recommended by a 7-0 vote that the County Board approve the petition subject to 1 stipulation recommended by the Zoning Board of Appeals.

MOTION

Mr. Dudley moved, seconded by Mrs. Cox to approve Resolution Z-1118-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

B. CORRESPONDENCE

An e-mail from AT& T U-verse regarding possible programming changes

A letter from the Illinois Housing Development Authority regarding an application for financing of a 156 – unit multifamily development at the Oxford House located in Decatur, IL.

A letter from the Illinois Department of Transportation regarding a low bid submitted by Otto Baum Company, Inc. for Contract No. 95658, Section 05-00204-00-BR, Project BRS-115(67).

A letter from Ameren Illinois regarding tree trimming that will be done in and around the Decatur area in the near future.

A copy of a recent inspection of the Macon County jail done by the Illinois Department of Corrections

A letter from the Sanitary District of Decatur regarding notification to the county that farm land application of sludge, a nutrient rich byproduct of wastewater treatment, will occur with the county’s jurisdiction in Blue Mound and South Wheatland Townships.

A letter and map from Corn Belt Energy regarding pruning and vegetation management to be done in Macon County.

REPORTS

Sheriff's Report – September, 2011
Treasurer Fund & Investment Report – September 2011
Tax Collector Bank Report – August & September 2011
Coroner's Report – August 2011
Auditor's Report – September 2011

MOTION

Mr. Potts moved, seconded by Mr. Smith to approve the Correspondence and Reports and that they be placed on file by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

4. CLAIMS

MOTION

Mrs. Cox moved, seconded by Mr. Oliver to approve the claims that have already been paid by prior roll call vote.

There were no questions or comments from board floor.

MOTION CARRIED.

C. APPOINTMENTS

5. Resolution G-3620-10-11 – Appointment to Macon County Board of Health

Candace V. Clevenger, 145 S. Woodlawn, Decatur, IL 62522
Term Expires: May 31, 2012

MOTION

Mr. Dunn moved, seconded by Mr. Meachum to approve Resolution G-3620-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

D. CONSENT CALENDAR

6. Resolution G-3621-10-11 – Approving the Holidays for 2012

Resolution G-3622-10-11 – Amending Holidays for 2011 to coincide with the Circuit Court’s Holiday Schedule

Resolution G-3623-10-11 – Approving the We Are One Community Fund as an authorized vendor for voluntary payroll deduction

Resolution G-3624-10-11 – To execute deeds to convey property on which taxes were delinquent

MOTION

Mr. Meachum moved, seconded by Mr. Potts to approve the Consent Calendar by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

JUSTICE COMMITTEE

7. Mr. Baxter presented Resolution G-3625-10-11 which is approving an increase in appropriations in FY11 Probation budget for Illinois Department of Transportation Local Alcohol Plan Grant.

MOTION

Mr. Baxter moved, seconded by Mrs. Cox to approve Resolution G-3625-10-11 by prior roll call.

There were no questions or comments from the board floor.

MOTION CARRIED.

8. Mr. Baxter presented Resolution G-3626-10-11 which is approving increase in appropriations in FY 11 Probation budget for U.S. Department of Justice, Office of Justice Programs/ Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program Implementation.

MOTION

Mr. Baxter moved, seconded by Mrs. Cox to approve Resolution G-3626-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

9. Mr. Baxter presented Resolution G-3627-10-11 which is approving an increase in appropriations in the FY11 Probation budget for U.S. Department of Justice Grant from the, Office of Justice Programs/Office of Juvenile Justice and Delinquency Prevention for the Second Chance Act Juvenile Offender Reentry Program for Planning and Demonstration Projects: Implementation.

MOTION

Mr. Baxter moved, seconded by Mrs. Little to approve Resolution G-3627-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

10. Mr. Baxter presented Resolution G-3628-10-11 which is approving collection of a Pawnbroker Regulation Fee as authorized by Act (205 ILCS 510/.01+).

MOTION

Mr. Baxter moved, seconded by Mrs. Cox to approve Resolution G-3628-10-11 by prior roll call vote.

QUESTIONS:

Mr. Wicklund: Mr. Wicklund said outside of his concerns with the one that is popping up out at the mall, he asked if the Sheriff has looked at whether this is a set fee or can we go higher with this fee?

Sheriff Schneider: Sheriff Schneider said it is a discretionary fee. We asked legal counsel to check into what the actual parameters are for the fee. Mr. Waks will be handling that and he is not at the meeting tonight.

Mr. Oliver: Mr. Oliver asked if these people cannot come to town and do any business unless they notify the Sheriff 30 days before hand.

Mr. Dunn: Mr. Dunn said he is not sure what the time limit is on it.

Sheriff Schneider: Sheriff Schneider said 30 days is what they have. The intent of the Act is to give enough time for a criminal history to be done. It may be one where it will be discretionary but there has to be a 30 day prior notice.

Mr. Ashby: Mr. Ashby said he understands this fee to be per person that is registered to do this. He asked if that is correct. So, if we have 2 people that are registered is that...?

Sheriff Schneider: Sheriff Schneider said it is per registry. If there is a person who is going to be the purchaser that is one fee; if there is a second person doing purchasing then that is another fee.

Mr. Ashby: Mr. Ashby said then it is \$100.00 per person doing the purchasing.

MOTION CARRIED.

11. Mr. Baxter presented Resolution G-3629-10-11 which is approving an increase in Law Enforcement Block Grant revenue and expenditure between the City of Decatur, Illinois and the County of Macon, Illinois 2011 Byrne Justice Assistance Grant (JAG) Program award.

MOTION

Mr. Baxter moved, seconded by Mr. Potts to approve Resolution G-3629-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

12. Mr. Baxter presented Resolution G-3630-10-11 which is increasing appropriations in Sheriff's Jail budget for Federal Prisoner transport and overtime.

MOTION

Mr. Baxter moved, seconded by Mr. Smith to approve Resolution G-3630-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

13. Mr. Baxter presented Resolution G-3631-10-11 which is approving an increase in appropriations in the State's Attorney's Truancy Court budget for 2011.

MOTION

Mr. Baxter moved, seconded by Mrs. Cox to approve Resolution G-3631-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

QUESTION:

Mr. Oliver: Mr. Oliver wanted to ask a question about the \$100.00 fee for the pawn shops. He asked what the adjudication is for misconduct of that act.

Mr. Ahola: Mr. Ahola said it is a misdemeanor.

Sheriff Schneider: Sheriff Schneider said it is a Class A Misdemeanor. He said that was one of the things they did have to review, but it is a Class A Misdemeanor if you violate the act.

Mr. Oliver: Mr. Oliver asked what Class A is.

Sheriff Schneider: Sheriff Schneider said Class A is 365 days maximum term in jail with a \$2,500 maximum fine. That is a worst case scenario.

EEHW COMMITTEE

14. Mr. Dudley presented Resolution G-3632-10-11 which is approving an increase in registration fees for dogs and cats in Macon County.

MOTION

Mr. Dudley moved, seconded by Mr. McGlaughlin to approve Resolution G-3632-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

15. Mr. Dudley presented Resolution G-3633-10-11 which is approving and adopting an Intergovernmental Agreement between the City of Decatur and Macon County regarding the Animal Control Program.

MOTION

Mr. Dudley moved, seconded by Mrs. Cox to approve Resolution G-3633-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

COMMENT:

Mrs. Little: Mrs. Little said she just wanted to thank whoever was on the committee for the county working on the negotiations for the Animal Control Agreement. She thinks it is an excellent start to an equitable agreement.

The Operations and Personnel Committee had nothing to submit at the meeting.

The Legislative Committee had nothing to submit at the meeting.

FINANCE COMMITTEE

16. Mr. Ashby presented Resolution G-3634-10-11 which is approving an increase in the County Law Library Fee to \$21.00.

MOTION

Mr. Ashby moved, seconded by Mr. Baxter to approve Resolution G-3634-10-11.

COMMENT:

Mr. Wicklund: Mr. Wicklund said he would like to reiterate what he had said in prior meetings that he would still be voting no on this issue. He would still like some more information on how much this is used by the public as opposed to lawyers, and whether we are benefiting the public with this issue. So he will still be voting no on this issue.

Mr. Ashby: Mr. Ashby said we do not have to have a law library. The legislation says we “may” have a law library. He and Mr. Baxter have talked about determining the usage of the law library and we will have a spread sheet where we will find out who uses the law library and how often they use it. Hopefully it will show that it is something we want to maintain in the county. Mr. Baxter will start this survey probably sometime in the next couple of months so we should have a good handle on how often the law library is used. Mr. Ashby said he agrees with their skepticism and hopefully we will have some hard data to either justify the law library or not, in the near future. But, for right now we are increasing the fees to support the law library for another year.

Mr. Smith: Mr. Smith said we talked about this in caucus and he had some questions similar to Mark. Mr. Ashby answered what he was going to ask, but apparently there has not been any sort of data that tells us the usage of the law library. Mr. Smith’s particular concern is that in this technological age that we live in that a lot of this information if not all of it, at least for attorneys would be available on line. He does not know if the public has access to that same thing, but wondered if we have seen because of the use of the internet, and he said there is internet access in the law library too, if we have seen a drop in usage of that.

Mr. Ashby: Mr. Ashby said one thing we are looking at is that Westlaw is now available in a digital form and we are looking at multiple licenses where the Public Defender and State’s Attorney and everybody that uses it could all use the same license so we could

reduce our cost by only buying one. Everything is digital now and perhaps the law library may not be needed in the future, but as you said we do not have the data right now to justify terminating the law library and we will continue until we find out otherwise.

Mr. Baxter: Mr. Baxter said for the Justice Committee he has already talked to the librarian there. Judge Coryell is also making arrangements to be there. It is more than just lawyers using the law library. They have a self-help setup there where indigent people who want to get into court will go up there and the librarian will help them with the selection of forms and how to file them to get into court. It helps the judges especially in the domestic area. If you don't have this help, as Coryell is going to say, you are clogging up the courts with cases, especially unrepresented people in divorces. Mr. Baxter said he intends to have Judge Coryell at this meeting in October if they can, and also the librarian. Also, Mr. Ashby has indicated that he would like to get a sign-in sheet to show how many people use this. Mr. Baxter said he has been there many times recently himself and the librarian has been 3 deep in helping the public to get into court. There is not a legal aid presence in county like there was before. People go down to the Circuit Clerk's Office and they refer them up to her. He will provide as much data as he can.

Mr. Ashby: Mr. Ashby said we don't have the data right now but we intend to collect the data and prove that the law library is necessary or is not necessary and act on that in the future budget.

Mr. McGlaughlin: Mr. McGlaughlin said he did not want to get deeply into a discussion this evening because we don't have the data yet, but he would make the statement that we don't have any problem providing public defenders for indigent people day in and day out. One of the jobs of a government is to insure that everyone has equal access to the justice system. He is not in favor of squandering public funds, but because people do not have enough money to hire an attorney or to have access to the law books, he doesn't think we should shut them out of the system. Mr. McGlaughlin thinks we may find that this amount of money is well worth the expenditure to fulfill the duties that a government should fulfill.

Mrs. Wilkins: Mrs. Wilkins asked why it is such a big amount at one time and not smaller amounts or increments over a period of time to increase that. Why now, and what is the purpose of the change in fee.

Mr. Ashby: Mr. Ashby said his understanding is that the law library has not increased its fee for several years, and one of the things in the budget process that we are trying to do is we are trying to have a balanced budget. We realize we have a significant increase but in order to have the law library pay for itself and not take more money out of the General Fund we had to increase the fee from what it was to the maximum fee allowable which was \$21.00. We are going to look at this and Mr. Baxter is going to look at this and hopefully sometime between now and the next budget period we are going to decide whether the law library can justify itself. If it can we will continue on and if can't, like he said the legislation says we "may" or "may not" have a law library and we will have to

make that decision at that time. It is like a lot of other things where we have gone several years trying to spare the public from any increase at all, and now we are at the point where we have to increase in order to pay the bills.

Mr. Oliver: Mr. Oliver said one of his concerns is that he doesn't think everyone has expertise and knowledge to access the internet, and not everyone owns a computer, and not everyone can use one. This is something we should keep in mind when we are doing this survey to find out how many people do have that access and expertise to use the internet to get the same amount of information that we are looking for that is in the library itself.

Mr. Wicklund: Mr. Wicklund said the increase in the fee, you are almost doubling the fee, and the intended purpose of the law library is to help these people that are filing these claims or papers through the clerk's office, the people who can't afford a lawyer in the first place, so that is his concern that this is doubling their fee just to file papers within the clerk's office. Secondly, the lady, and he said to correct him if he was wrong, that is in the law library cannot give legal advice. He asked if that is correct.

Mr. Baxter: Mr. Baxter said that is correct.

Mr. Wicklund: Mr. Wicklund said the amount of legal advice that she is giving up there may be a concern. If she is just handing them papers then that is another issue. He said it is just something that we need to look into a little bit further.

ROLL CALL.

Ayes: Ashby, Baxter, Cox, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jacobs, Little, McGlaughlin, Meachum, Oliver, Potts, Westerman, Williams, Zimmerman

Nays: Smith, Wicklund, Wilkins

AYES = 17

NAYS = 3

MOTION CARRIED.

The Negotiations Committee had nothing to submit at the meeting.

TRANSPORTATION COMMITTEE

17. Mr. Smith presented Resolution H-1782-10-11 which is appropriating funds to cover engineering expenses on Section 05-00200-00-PV, the reconstruction of County Highway 30 west of Elwin.

MOTION

Mr. Smith moved, seconded by Mrs. Little to approve Resolution H-1782-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED. (SMITH, WICKLUND & WILKINS SHOWED THEIR VOTE AS YES)

18. Mr. Smith presented Resolution H-1783-10-11 which is appropriating funds to cover engineering expenses on Section 08-08121-00-BR, a bridge on Ocean Trail Road in Long Creek Township.

MOTION

Mr. Smith moved, seconded by Mrs. Cox to approve Resolution H-1783-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

19. Mr. Smith presented Resolution H-1784-10-11 which is awarding purchase of Narrow Band Compliant Radios to Buchanan Communications.

MOTION

Mr. Smith moved, seconded by Mr. Potts to approve Resolution H-1784-10-11 by prior roll call vote.

COMMENT:

Mr. Smith: Mr. Smith said we are to receive approximately half of this money back through a grant through EMA, so hopefully by the end of the year we will get half of that back.

MOTION CARRIED.

20. Mr. Smith presented Resolution H-1785-10-11 which is appropriating funds from Motor Fuel Tax Funds (FY 10) to cover the annual MFT Maintenance Program.

MOTION

Mr. Smith moved, seconded by Mr. Potts to approve Resolution H-1785-10-11 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

The Executive Committee had nothing to submit at the meeting.

SITING, RULES & ORDINANCE SUB-COMMITTEE

Mr. Potts: Mr. Potts said basically what we are doing is that at the December meeting we will bring the board the codification issue, the codification of our ordinances. The bids are going out within the next week and should be back by the end of November. We will have a committee meeting in the early part of December and then take it to the full board at the December meeting.

The Building Sub-Committee had nothing to submit at the meeting.

CITIZEN REMARKS:

Dean Padgett: Mr. Padgett said as they might know he has missed the last 3 or 4 meetings. He was not sure they knew what he was doing. He went half way around the world and went 13,000 miles, 7,000 on his motorcycle and 6,000 in his car. He was gone 6 weeks which is 42 days. He camped out 38 of those days. He was here to tell them that he hoped they didn't think he threw in the towel. He is more excited now about the campground we have in Macon County, and the only one we have will outdo anything he witnessed in his 6 weeks travel. He happened to hit the North Pole and he was looking for Santa Claus because he wanted to make sure Ms. Merner got a welcoming from Santa Claus. He didn't find Santa Claus but he found the Elf Bar. He went in there and left a little note that if she doesn't finish this campground that they should give her a truckload of coal. He said that is his story and he has pictures to prove it. He thanked them. He said he will keep coming and if they want to get rid of him, help him get the campground finished. It is $\frac{3}{4}$'s of the way there.

OFFICEHOLDER REMARKS:

Mr. Meachum: Mr. Meachum thanked all the board members that went out to Cindy Eaton and her family's benefit out at Wyckles Corner a couple of weeks ago. Mr. Meachum and his wife were there and several other board members and he wanted to thank them for the participation from this board in thinking of our employees.

There was no old business presented at the meeting.

NEW BUSINESS:

21. Mr. Dunn presented Resolution G-3635-10-11 which is approving an agreement between the City of Decatur, Illinois, Macon County, Illinois and the Village of Mt. Zion and Units of Local Government for the Sungard Public Sector the One Solution ("OSS1") Software System to utilize a common Communication Dispatch Center.

MOTION

Mr. Dunn moved, seconded by Mrs. Cox to approve Resolution G-3635-10-11 by prior roll call vote.

QUESTION:

Mr. Ashby: Mr. Ashby had a question on page 2 of 5 under Section 3 Maintenance, item B where it says the County shall reimburse the City for annual maintenance costs for the OSSI Software System, as to whether there is a cap on that cost; or are we just at the mercy of the software vendor.

Sheriff Schneider: Sheriff Schneider said there is not a cap on the cost and when he saw that he brought up the “opt out” because if in fact that was to go up considerably we would have the ability to pull out. He said that was one of his concerns when he first saw it based upon how many actual units we have as the pro rata.

Mr. Ashby: Mr. Ashby asked what the repercussions would be if we pull out in 2 years. How will that affect us?

Sheriff Schneider: Sheriff Schneider said we wouldn’t have something that we just got that would probably be state of the art and we would have to resort back to where we were at, to the systems that we now have in place.

Mr. Ashby: Mr. Ashby asked if there would be a conversion cost to resort back to what we had.

Sheriff Schneider: Sheriff Schneider said he would not think so.

MOTION CARRIED.

MOTION TO ADJOURN

Mr. McGlaughlin moved, seconded by Mr. Williams to adjourn until Thursday, November 10, 2011 at 7:15 p.m.

MOTION CARRIED.

Meeting adjourned at 7:50 p.m.