

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

MARCH 14, 2013

**Jay A. Dunn
Chairman**

**Stephen M. Bean
Clerk**

The Chairman called the meeting to order at 6:00 p.m. with the Sheriff and Assistant State's Attorney, Nichole Kroncke present.

COMMENT:

Mr. Dunn: Mr. Dunn said he would like to welcome the Macon County 4-H members who were present for the job shadowing.

Mr. Williams: Mr. Williams said they also have two scouts present from Troop #202.

Mr. Dunn: Mr. Dunn asked how many years we have been doing this.

Mr. Williams: Mr. Williams said he thought they had been doing this for 7 years.

Some of the 4-H members and scouts present were: Sarah Bate from Forsyth Fantastics, Jessica Best & Sara Best from LCC, Julia Taraszewski & Ben Taraszewski from Homesteaders, Samuel Flickinger, Hannah Flickinger & Erika Flickinger from 4-H Robostorms, Brendan Wilson and Zachary Littrell from Troop #202.

The Roll Call showed all members present with the exception of Mr. Ashby.

Mrs. Taylor led the members in prayer.

All led in the Pledge of Allegiance.

A. PROCLAMATION

Samuel Flickinger, 4-H member presented the proclamation recognizing March 3-9, 2013 as Macon County 4-H Week.

MOTION

Mr. Meachum moved, seconded by Mr. Williams to adopt the proclamation recognizing March 3-9 as Macon County 4-H Week by acclamation.

MOTION CARRIED.

Julia Taraszewski, 4-H member presented the proclamation recognizing March, 2013 as American Red Cross month.

MOTION

Mr. Meachum moved, seconded Mr. Dudley to adopt the proclamation recognizing March, 2013 as American Red Cross month.

MOTION CARRIED.

COMMENT:

Mr. Meachum: Mr. Meachum asked how many county board members were 4-H members growing up. Mr. Meachum said he was and there were a one or two others. He just wanted the young people to know that there are 4-H people in this room. It is important they know how important this organization is.

B. APPROVAL OF THE MINUTES OF THE FEBRUARY 14, 2013 MEETING

MOTION

Mr. Drobisch moved, seconded by Mr. Potts to approve the minutes of the February 14, 2013 meeting.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Baxter, Bird, Cox, Dawson, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jacobs, Little, Mattingley, Meachum, Minich, Oliver, Potts, Smith, Taylor, Williams, Zimmerman

Nays: (None)

AYES = 20

NAYS = 0

MOTION CARRIED.

ZONING/SUBDIVISIONS

COMMENT:

Mr. Dudley: Mr. Dudley said he has a petition for a Special Use Permit submitted by Mr. Aaron Peck, and he wanted to go over a little background on this first. This went through the Zoning Board of Appeals and it takes a minimum of 4 votes to approve any kind of a Special Use Permit and there were only two people present so there were only two votes. So, it basically went to EEHW with a not recommended. The Zoning Board of Appeals did not recommend the issuance of a Special Use Permit, but the Macon County Zoning Ordinance states that if the county board wishes to overrule the Zoning Board of Appeals and issue the permit despite not being recommended, the county board must achieve a $\frac{3}{4}$ majority vote of all members which would be 16 votes tonight. It did not pass the EEHW Committee. They unanimously voted against it. Tonight we have to first vote whether to approve or reject the permit. Once it is approved or rejected we will write that on the resolution and then it will be a drafted resolution which we have to then vote on to

approve or disprove. For instance, if it is rejected, Jay will write rejected on the resolution; and then we will vote on it as a rejected resolution which would be yes vote. You are voting on it as it was amended.

Mr. Greenfield: Mr. Greenfield thought the Zoning Board of Appeals voted 2-2 on this request for a Special Use Permit.

Mr. Dudley: Mr. Dudley said yes but it takes 4 votes to approve.

Mr. Greenfield: Mr. Greenfield said he thought it was 2-2 vote at the meeting.

Mr. Dudley: Mr. Dudley said he believed there were only 2 people there. It takes four people being there to have a quorum, and they only had 2 people there.

Mr. Drobisch: Mr. Drobisch said, so it came out without a recommendation.

Mr. Dudley: Mr. Dudley said right.

Mr. Greenfield: Mr. Greenfield said actually according to the minutes it was 2-2.

Mr. Dudley: Mr. Dudley said ok, but either way there has to be 4 votes to approve it; and there wasn't. So, it came to us as a no recommend. Therefore, the first thing we are going to do, like he said EEHW unanimously rejected this petition.

1. Mr. Dudley presented Resolution Z-1125-3-13 which is regarding Case S-01-02-13, a petition submitted by Aaron Peck for a Special Use Permit to operate a dog grooming and boarding business situated in an R-4 Single Family Estate zoning on property commonly known as 1510 Noble Drive in Mt. Zion Township. Staff recommended at hearing that the petition be approved with 8 stipulations. After hearing the evidence, the Zoning Board of Appeals voted 2-2 which failed to meet the concurrent affirmative votes necessary to recommend approval of the Special Use Permit to the Macon County Board. Therefore, the Zoning Board of Appeals did not recommend issuance of the Special Use Permit. The EEHW Committee met and reviewed the petition and recommended by a 6-0 vote that the County Board reject the subject petition for a Special Use Permit to operate a dog grooming and boarding business.

The petitioner was not present at the meeting.

There were no objectors present at the meeting.

QUESTION:

Mrs. Little: Mrs. Little asked how big this property is.

Mr. Dudley: Mr. Dudley said it was right at a ½ acre if his memory serves correctly.

Mrs. Little: Mrs. Little asked if there are any other special use permit type businesses in that area.

Mr. Dudley: Mr. Dudley said no.

Mr. Drobisch: Mr. Drobisch said if we vote to reject then we are voting to reject the petition.

Mr. Dudley: Mr. Dudley said yes. You are rejecting the special use permit.

ROLL CALL TO ACCEPT OR REJECT

Accept: (None)

Reject: Baxter, Bird, Cox, Dawson, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jacobs, Little, Mattingley, Meachum, Minich, Oliver, Potts, Smith, Taylor, Williams, Zimmerman

ACCEPT = 0

REJECT = 20

MOTION CARRIED. (TO REJECT RES. Z-1125-3-13)

MOTION CARRIED. (TO APPROVE REJECTION OF RES. Z-1125-3-13)

C. CORRESPONDENCE

A copy of the 2012 Year End Financial Statement of the Decatur Public Building Commission

A letter from Suddenlink regarding 2012 annual reporting of cable and video service complaints

A Public Notice from the Illinois Environmental Protection Agency regarding proposed renewal of the federally enforceable state operating permit (FESOP) for Buckeye Terminals, LLC in Harristown.

A letter from Ameren regarding upcoming vegetation activities notification planned in the near future.

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

REPORTS

Sheriff's Report – January 2013

Coroner's Report – January 2013
Treasurer Fund & Investment Report – February 2013
Tax Collector Bank Report – February 2013
Public Defender Monthly Report – February 2013

MOTION

Mr. Smith moved, seconded by Mr. Potts 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.

2. CLAIMS

MOTION

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

There were no questions or comments from the board floor.

MOTION CARRIED.

D. APPOINTMENTS

3. Resolution G-3840-3-13 – Appointment to the Warrensburg Fire Protection District

Justin M. Richards, 412 S. Durfee St., Warrensburg, IL 62573
Term Expires: 1st Monday in May 2016

MOTION

Mr. Dunn moved, seconded by Mr. Mattingley to approve Resolution G-3840-3-13 by prior roll call vote.

QUESTION:

Mrs. Little: Mrs. Little asked if this is a new appointment or a reappointment.

Mr. Dunn: Mr. Dunn said it is new one.

Mr. Williams: Mr. Williams said it is new appointment, but it is the one the chief wanted. Someone retired from the board.

MOTION CARRIED.

E. CONSENT CALENDAR

4. Resolution G-3841-3-13 – Executing deeds to convey property on which taxes were delinquent

MOTION

Mr. Dunn moved, seconded by Mr. Oliver to approve the Consent Calendar by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

JUSTICE COMMITTEE

5. Mr. Mattingley presented Resolution G-3842-3-13 which is approving increase in appropriations in the Circuit Court's FY 13 budget for expenses and fees in certain appeals.

MOTION

Mr. Mattingley moved, seconded by Mr. Drobisch to approve Resolution G-3842-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

6. Mr. Mattingley presented Resolution G-3843-3-13 which is approving a contract between the Macon County Sheriff's Department and the Decatur Public Building Commission regarding security personnel.

MOTION

Mr. Mattingley moved, seconded by Mrs. Cox to approve Resolution G-3843-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

7. Mr. Mattingley presented Resolution G-3844-3-13 which is approving an increase in appropriations in the State's Attorney's grant fund "ARI" Adult Redeploy Illinois budget for FY 12 and FY 13.

MOTION

Mr. Mattingley moved, seconded by Mrs. Little to approve Resolution G-3844-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

EEHW COMMITTEE

8. Mr. Dudley presented Resolution G-3845-3-13 which is approving increase in appropriations in the FY13 Health fund budget for an Asthma grant.

MOTION

Mr. Dudley moved, seconded by Mr. Drobisch to approve Resolution G-3845-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

9. Mr. Dudley presented Resolution G-3846-3-13 which is approving increase in appropriations in the FY13 Health fund budget for Intensive Prenatal Case Management.

MOTION

Mr. Dudley moved, seconded by Mrs. Little to approve Resolution G-3846-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

10. Mr. Dudley presented Resolution G-3847-3-13 which is approving increase in appropriations in the FY13 Health fund budget for Fussy Baby Research Project.

MOTION

Mr. Dudley moved, seconded by Mr. Oliver to approve Resolution G-3847-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

11. Mr. Dudley presented Resolution G-3848-3-13 which is approving IEPA Grant award to Macon County Environmental Management Department for information marketing as it pertains to the landfill ban on electronics.

MOTION

Mr. Dudley moved, seconded by Mrs. Little to approve Resolution G-3848-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

12. Mr. Dudley presented Resolution G-3849-3-13 which is approving a lease at 1750 N. Locust Street between Fred Wicker and Macon County Environmental Management for the purpose of recycling programs.

MOTION

Mr. Dudley moved, seconded by Mr. Baxter to approve Resolution G-3849-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

13. Mr. Dudley presented Resolution G-3850-3-13 which is expressing the County Board's appreciation to the Decatur and Macon County Animal Shelter Foundation for the donation of funds for the construction of an expansion to the Macon County Animal Control and Care Center for the cage-free housing of cats.

MOTION

Mr. Dudley moved, seconded by Mr. Potts to approve Resolution G-3850-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

COMMENT:

Mr. Dudley: Mr. Dudley wanted to thank the people out there, Michelle and her group. You guys do wonderful things, and we appreciate what you are doing out there. He wanted to make sure the anonymous donor is thanked very well from the county board.

OPERATIONS AND PERSONNEL COMMITTEE

14. Mrs. Cox presented Resolution G-3851-3-13 which is accepting a proposal from Traveler’s Insurance for additional bond coverage for certain elected officials.

MOTION

Mrs. Cox moved, seconded by Mr. Minich to approve Resolution G-3851-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

LEGISLATIVE COMMITTEE

Mrs. Little: Mrs. Little said HB2820 was introduced today in the committee of the House of Representatives. This bill will change the statutes dictating who can lease property owned by the Decatur Public Commission, to include non-profit organizations. She and Jay met with Representative Mitchell about a month ago. She went over to the hearing today and it passed the committee unanimously. She expects it to do the same on the floor as well as in the senate. She wanted to remind officeholders and department heads that if they are aware of any bills that are pending that affect their office, to let her know where they stand on it and if they would like the board to oppose or support the bills that are pending.

FINANCE COMMITTEE

15. Mr. Dunn presented Resolution G-3852-3-13 which is approving a budget amendment for Workforce Investment Solutions FY13 budget.

MOTION

Mr. Dunn moved, seconded by Mr. Oliver to approve Resolution G-3852-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

TRANSPORTATION COMMITTEE

16. Mr. Williams presented Resolution H-1841-3-13 which is appropriating funds for engineering expenses on a bridge condition study for two bridges on CH 18 School Road & CH 38 Washington Street in Friends Creek Township.

MOTION

Mr. Williams moved, seconded by Mr. Bird to approve Resolution H-1841-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

17. Mr. Williams presented Resolution H-1842-3-13 which is appropriating funds for engineering expenses on the Kenney Road (CH 21) bridge replacement project over South Fork Creek.

MOTION

Mr. Williams moved, seconded by Mr. Dudley to approve Resolution H-1842-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

18. Mr. Williams presented Resolution H-1843-3-13 which is approving an Intergovernmental Agreement for the sharing of certain costs related to improvement of that portion of various county highways in Progress City, Macon County, Illinois between Richland Community College, Brush College, LLC, and the County of Macon, Illinois.

MOTION

Mr. Williams moved, seconded by Mr. Smith to approve Resolution H-1843-3-13 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

The Negotiations Committee had nothing to submit at the meeting.

The Executive Committee had nothing to submit at the meeting.

SITING, RULES & ORDINANCE SUB-COMMITTEE

Mr. Potts: Mr. Potts said they had all received the codification paperwork and he just wanted them to know they will be getting involved with that.

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

CITIZENS' REMARKS:

Verlyn Rosenberger: Mrs. Rosenberger said she was present at the EEHW Committee meeting on the nastiest night of the year when we had a snow blizzard. She talked with the group about hydraulic fracturing or "fracking" as it is called. This committee is education so she wants all of them to get educated about fracking which has a devastating effect on the environment. It is health. We want clean water and good food for ourselves, our plants, and our animals; and that is the welfare of all citizens. She said if you had a chance to look at today's paper, you would know that Illinois House Speaker Mike Madigan did come out in support of a fracking moratorium. That would give 2 years for this issue to be studied more thoroughly. We hope the whole legislature will approve that. She didn't want to spend a lot of time reviewing what fracking is, but basically it is taking chemicals of unknown types, lots and lots and lots of water and sand to drill down into the rock to extract natural gases and oil in some places. Pennsylvania has had a great deal of trouble with fracking. Wyoming was the first state in the nation to require that well operators disclose the types of chemicals they were using in fracking. But, since those regulations were adopted the commission had approved some 50 secrecy requests; and all they had to do was maybe pay a fine. They have been taken to court over that. The fracking bill that has been in the legislature claims it is the most stringent fracking bill there is, but stringent and strict does not mean safe. She does not know of any fracking that is safe to our water and food supply. We have had droughts. We have had problems with the Mahomet Aquifer, having to get water from that for Decatur. People's wells have gone dry because we are depleting that. Frankly, we don't have a lot of water to force down into the ground. She said she would leave it at that.

Mr. Dudley: Mr. Dudley wanted to tell Mrs. Rosenberger that next Thursday at the EEHW meeting we are going to start preliminary discussions. We probably won't get to heavy into it this month, but we are going to start the discussions and will be going from here on out with it. Tonight we also have with us George Gordon who is on the McLean County Board. He is going to talk, not about fracking exactly but the state taking control of this and the counties having an issue with the state forcing zoning laws on them. He is going to talk about local control.

George Gordon: Mr. Gordon greeted all the members of the board. Mr. Gordon said he lives in Normal and serves as chairman of the Land Use and Development Committee of the McLean County Board. We have had some considerable discussion in our county since last June. Since the issue of hydraulic fracturing or fracking has come more and more to the forefront in the State of Illinois, there has been more attention paid to it as you are starting to hear if you haven't already. His concern is to share with you the thinking behind a resolution adopted by the McLean County Board in February. It was a resolution opposing any loss of local zoning authority over siting decisions with regard to

where, if any, drilling for oil and natural gas can occur. At the present time before HB2615 was introduced, and it has not been passed even in the house yet, but up to now county governments Home Rule or not and there is only one Home Rule county in the State of Illinois, we are not it and neither are you, possess the authority to decide what kind of permit requirement exists. In McLean County we have a Special Use Permit for oil drilling and actually for drilling of many other kinds too. HB2615 is not clear on whether or not local control is pre-empted by state action. Again, no state action has been taken yet, but we adopted a resolution at our February 19th county board meeting. It has been conveyed to, among others, State Senator David Koehler of Peoria who chairs the Senate Agriculture Committee likely to be the place where the house bill will move if passes the house. We have also communicated to others including EEHW Chairman Dudley, and Chairman Dunn, a resolution opposing any state preemption or any state takeover of local siting authority. Given the variety of counties in the State of Illinois, we are very strongly in favor, regardless of how we may feel about fracking itself. The county board passed this unanimously in February; and we are strongly supportive of retaining county by county local zoning authority. Then the decisions can be made in light of conditions and circumstances in each county. A copy of that resolution has been made available or will be. He said if you have any questions about that he would be happy to answer them whether that is tonight or later. Both, Chairman Dunn and EEHW Committee Chairman Dudley have his contact information and he is available to respond to questions now and or later.

Mr. Dudley: Mr. Dudley said they will be starting this discussion next week and he will be in touch with Mr. Gordon.

OFFICEHOLDERS' REMARKS:

Mr. Williams: Mr. Williams said it is great having all of the kids with us tonight. We appreciate this, and it has kind of become a yearly tradition. He thanked the parents for getting the kids here, and thanked the kids for at least acting like they enjoyed it.

There was no old business presented at the meeting.

There was no new business presented at the meeting.

MOTION TO CLOSE SESSION

Mr. Potts moved, seconded by Mr. Meachum to go into closed session.

MOTION CARRIED.

MOTION TO OPEN SESSION

Mr. Meachum moved, seconded by Mr. Drobisch to return to open session.

MOTION CARRIED.

MOTION TO ADJOURN

Mr. Potts moved, seconded by Mr. Oliver to adjourn until Thursday, April 11, 2013 at 6:00 p.m.

MOTION CARRIED.

Meeting adjourned at 7:00 p.m.