

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

MAY 09, 2019

**Kevin Greenfield
Chairman**

**Josh Tanner
Clerk**

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

The Roll Call showed all members present.

Mrs. Taylor led the members in prayer.

All led in the Pledge of Allegiance

A. APPROVAL OF THE MINUTES OF THE APRIL 11, 2019 MEETING

MOTION

Mr. Smith moved, seconded by Mr. Jackson to approve the minutes of the April 11, 2019 meeting.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Bird, Brown, Buckner, Cox, Dawson, Drobisch, Dudley, Greenfield, Gresham, Hogan, Holman, Jackson, Joy, Kraft, Little, Mattingley, Noland, Oliver, Smith, Taylor, Zimmerman

Nays: (None)

AYES = 21

NAYS = 0

MOTION CARRIED.

B. PROCLAMATION

Mr. Gresham: Mr. Gresham said with him this evening is Bob Archer who is the Fiscal Officer for Decatur Macon County Opportunities Corporation (DMCOC). Bob has done a fine job there. Mr. Gresham presented the proclamation for Community Action Awareness Month, for the month of May 2019, to Mr. Archer. The proclamation also commemorates the 55th anniversary of DMCOC in Decatur and Macon County.

Mr. Archer: Mr. Archer said Community Action has been in the nation for 55 years. We were one of the first Community Action agencies in the nation. We have also been very instrumental with the Anna Waters Head Start program and recently you would notice that we have a new building coming. So, we are expanding and improving our services and this just shows your support for everything we have done in the past and will continue to do in the future.

There were no zoning or subdivision issues presented at the meeting.

C. CORRESPONDENCE

A Notice of Application for Permit to Manage Waste from the Illinois EPA for Advanced Disposal Services Valley View Landfill addressing condition XI.8.

A Notice of Application for Permit to Manage Waste from the Illinois EPA for Advanced Disposal Services Valley View Landfill addressing condition IX.3.

A Notice of Class Action Settlement authorized by the U.S. District Court, Eastern District of New York that will provide payments to merchants that accepted Visa and Mastercard since 2004.

REPORTS

- Sheriff Report – April 2019
- Treasurer Fund & Investment Report – April 2019
- Collector Report – April 2019
- Coroner Report – March 2019
- Public Defender Report – April 2019
- Auditor Report – March 2019

MOTION

Mr. Smith moved, seconded by Mr. Oliver 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.

1. CLAIMS

MOTION

Mrs. Cox moved, seconded by Mr. Brown 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

COMMENT:

Mr. Greenfield: Mr. Greenfield said if no one had a problem with the appointments, he recommended that they put them all together.

2. Resolution G-4990-05-19 - Reappointments to the Macon County Board of Review

Brittany Lamb, 3410 Chestnut Ave., Decatur, IL 62521
Joe McGlaughlin, 1372 W. Sunset Ave., Decatur, IL 62522
Terms Expire: May 31, 2021

Resolution G-4991-05-19 – Reappointment to Macon County Merit Commission

Fred Closen, 6835 W. Rock Springs Rd., Decatur, IL 62521
Term Expires: May 31, 2025

Resolution G-4992-05-19 – Appointment to Public Aid Committee

Martha Dalton, Whitmore Town Hall, 204 W. Bower, Oreana, IL 62554
Term Expires: May 14, 2020

Resolution G-4993-05-19 – Appointment to the Macon County Rural Transit
Advisory Group

Ryan Raleigh, 2121 Hubbard Ave., Decatur, IL 62524
Term Expires: November 30, 2020

Resolution G-4994-05-19 – Appointment to Macon County Conservation District
Board of Trustees

Nina Bendsen, 13460 Friends Creek Park Rd., Argenta, IL 62501
Term Expires: June 30, 2024

Resolution G-4995-05-19 – Reappointments to Macon County 708 Mental Health
Board

Steve Rathnow, 454 Timber Dr., Decatur, IL 62521
Barbara Dunn, 730 Seigel St., Decatur, IL 62522
Terms Expire: June 30, 2023

Resolution G-4996-05-19 – Appointment of Interim Coordinator for Macon County
Emergency Management Agency

Tammy Esposito, 503 E. 2nd St., Pana, IL

MOTION

Mr. Dudley moved, seconded by Mr. Hogan to approve Resolutions G-4990-05-19 through G-4996-05-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED. (BIRD SHOWED HIS VOTE AS NO)

QUESTION:

Mrs. Dawson: Mrs. Dawson asked if there is a protocol for how that is done. Do you just look on the website and submit someone's name for an appointment, to the chairman?

Mr. Greenfield: Mr. Greenfield said there is the website and there is an application. He said they could call and he thinks the application is on the website, if not they can call the office and have it sent to them. They would fill out the application and send it back in.

Mr. Oliver: Mr. Oliver asked what the lead time is between receiving the application and the time it needs to be in.

Mr. Greenfield: Mr. Greenfield said it depends on when the term is up. They usually try to get them on the agenda 30 to 60 days ahead of time. He asked Jeannie to speak on that.

Jeannie Durham: Mrs. Durham said they always work with the organizations and get their input as far as whether those members want to be reappointed. If they don't want to be reappointed, they ask them to seek out some people who might be willing to serve. Letters go out a month prior to.... Tomorrow she will send out the ones that expire in June and ask if they want to be reappointed. If they want to be reappointed they send in their application for consideration. They check with, for example the Conservation District, and find out if they have anyone who is interested in serving that they want considered for the position. The applications come in and the chairman looks them over and they are put on the agenda.

Mrs. Dawson: Mrs. Dawson asked as a county board member how they could enter into that process.

Mr. Greenfield: Mr. Greenfield said she just did.

Mrs. Durham: Mrs. Durham said if Mrs. Dawson had someone that she thought would be willing to serve on something the application is on the website and her e-mail address is on there so they can return it to the office. They can apply at any time for any of the positions and when they come do they go through all the applications. If there are 4 or 5 people then the chairman will review them and talk with them and pick the best one.

Mr. Greenfield: Mr. Greenfield said the procedure is that they turn all of their names in and whoever the chairman of the board is at the time picks the person, but then it is approved by the board. So, if the board doesn't approve them then they would go back and pick someone else.

E. CONSENT CALENDAR

3. Resolution G-4997-05-19 – Executing deeds to convey property on which taxes were Delinquent

MOTION

Mrs. Little moved, seconded by Mrs. Cox to approve the Consent Calendar by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED. (BIRD SHOWED HIS VOTE AS YES)

The Justice Committee had nothing to submit at the meeting.

QUESTION:

Mr. Oliver: Mr. Oliver said he had a question on the Consent Calendar regarding executing the deeds to convey property on which taxes were delinquent. He asked if since the city and county have gone into an agreement to see about the properties, are taxes still being levied against them.

Mr. Greenfield: Mr. Greenfield said these are new ones.

EEHW COMMITTEE

4. Mr. Dudley presented Resolution G-4998-05-19 which is regarding a feasibility study for a proposed county-owned recycling and compost facility.

MOTION

Mr. Dudley moved, seconded by Ms. Zimmerman to approve Resolution G-4998-05-19.

MOTION TO AMEND

Mrs. Kraft moved, seconded by Mr. Hogan to amend Resolution G-4998-05-19 in the 5th paragraph so that it reads NOW, THEREFORE, BE IT RESOLVED by the Macon County Board, assembled in regular meeting at Decatur, that the Environmental Management Department is directed to reach out to potential benefactors to determine if a feasibility study may be conducted on behalf of the County, at no expense to the

County, to be assigned to a consultant by July 15, 2019 and for the study to be completed by the consultant by October 31, 2019 to determine if the construction and operation of a recycling and compost center is economically viable.

QUESTIONS:

Mr. Dudley: Mr. Dudley asked if the county has a commitment from a benefactor, or not, on paying for the feasibility study. He asked if when she had said, at no charge to the County that means they have somebody who is going to pay for it.

Mr. Greenfield: Mr. Greenfield said as of right now they don't have anything in writing yet.

Mrs. Kraft: Mrs. Kraft said she believes they have a verbal commitment.

Mr. Dudley: Mr. Dudley said with all due respect, he believes he saw in the newspaper and on radio where the chairman had said they did have the money. Mr. Dudley asked if that was correct.

Mr. Greenfield: Mr. Greenfield said absolutely. That was when they had a director, which they no longer have; and that was before meeting with Carol and May, Cocagne & King talking about the county's budget and future budget.

Mr. Dudley: Mr. Dudley said he understands, but he wanted to make it plain that they are not voting on whether they are doing the compost facility or not. All they are voting on is a feasibility study to see if it is going to make money or not make money. He asked if that was correct. Mr. Dudley said if they are doing a feasibility study as a whole as a body, to find out if this thing is going to make money or not, then how would that hold up the proposal the chairman made in the newspaper that they had someone to pay for it. He asked what the difference is. Mr. Dudley said he does not understand. He knows they do not have a director. He knows all of those things, but they are not building it at this point. They are doing a feasibility study to see if it is feasible to build it or not.

Mrs. Little: Mrs. Little said her understanding of Deb's amendment is just to reiterate the fact that if for some reason the verbal commitment from the benefactor does not come through then the board will need to readdress how to pay for the feasibility study. By not having that clause in there it is felt that it will float on through and we will end up with whether it is a \$5.00 study or a \$60,000 study, she has heard about everything in between. She thinks it is just an effort to make sure that they don't end up suddenly finding out they just spent "X" amount of dollars on a feasibility study, like they just kind of accidentally found out that the Public Building Commission has already spent \$200,000, as far as she knew without the board really being aware of it that they are on the hook for. She doesn't think it is anything other than clarification that if the county is going to pay for it out of county funds it needs to be readdressed first.

Mr. Dudley: Mr. Dudley said he understands that and that is why they amended it to be the way it is so if they did decide to do the study and did not have a benefactor then the board would have to make the decision whether they wanted to move forward and if they wanted to pay for it. That is why they did what they did.

Mrs. Little: Mrs. Little said she disagrees. She believes by taking that clause out of there they made it so that may not have to happen. That is the reason they are asking to have that put back in.

Mr. Dudley: Mr. Dudley said if they put the amendment back in there, at no expense to the county, and they don't have a benefactor, then it is dead. He asked if that was correct.

Mrs. Little: Mrs. Little said no. They would have to go back to EEHW and write a new resolution saying where the money is going to come from.

Ms. Joy: Ms. Joy said that was exactly what this said.

Mr. Dudley: Mr. Dudley said it was the same thing. He was just asking for clarification. He didn't really see the difference.

Mrs. Little: Mrs. Little said he should vote for it then if he didn't see the difference.

Mr. Dudley: Mr. Dudley said, or vote for the resolution that is on the table.

Mrs. Cox: Mrs. Cox said she was under the impression in the caucus that they have someone from the outside to pay for it.

Mr. Greenfield: Mr. Greenfield said possibly, but he did not have it in writing.

Mr. Dudley: Mr. Dudley said he would say that Mr. Buffett's word is good in his book. If he says he is going to pay for it, Mr. Dudley is willing to go with that, but if he hasn't then this board needs to know.

Mr. Greenfield: Mr. Greenfield said if it is good enough for Mr. Buffett to pay for then it is good enough for the county to pay for it also.

Mr. Dudley: Mr. Dudley said that is a decision for this board.

Mr. Greenfield: Mr. Greenfield said that is what that amendment does.

Mr. Dudley: Mr. Dudley said that is what his amendment does. That is what the resolution that was presented does. It gives the county the option if they have someone to pay for it they can, and if they don't then the board will have to decide if they want to pay for it or not.

Mr. Greenfield: Mr. Greenfield said they would need to vote on the amendment. Mr. Greenfield said they would clarify it first to make sure they knew what the amendment was.

Mrs. Kraft read the amendment again as it was previously stated with the addition of “at no expense to the county” and changing the dates to July 15, 2019 and October 31, 2019.

ROLL CALL:

Ayes: Bird, Brown, Cox, Drobisch, Greenfield, Gresham, Hogan, Jackson, Kraft, Mattingley, Noland

Nays: Dawson, Dudley, Holman, Joy, Little, Oliver, Smith, Taylor, Zimmerman

Present: Buckner

AYES = 11

NAYS = 9

PRESENT = 1

MOTION CARRIED. (AMENDMENT TO RES. G-4998-05-19)

Mr. Greenfield: Mr. Greenfield said they would now need to vote on the resolution with that change.

Mrs. Dawson: Mrs. Dawson asked if they could state what they are voting on now.

Mr. Tanner: Mr. Tanner said they are voting on the original motion as amended. He asked if she wanted him to read the paragraph.

Mrs. Dawson: Mrs. Dawson said no. She just wanted him to state what they were voting on.

Mr. Tanner: Mr. Tanner said they would be voting on the amended motion. The original resolution as amended.

Mr. Dudley: Mr. Dudley said they were voting on the part where it will be at no expense to the county and the dates are moved from June to July 15th and the August 31st deadline is moved to October 31st.

QUESTION WAS CALLED FOR

Mr. Oliver: Mr. Oliver asked that they move on with the procedure and vote on the motion as amended.

ROLL CALL:

Ayes: Bird, Cox, Drobisch, Gresham, Kraft, Noland, Oliver, Zimmerman

Nays: Brown, Dudley, Greenfield, Hogan, Holman, Jackson, Joy, Little, Mattingley, Smith, Taylor

Present: Buckner, Dawson

AYES = 8

NAYS = 11

PRESENT = 2

MOTION FAILED. (RESOLUTION G-4998-05-19 AS AMENDED)

Mr. Greenfield: Mr. Greenfield said therefore there is no resolution.

Mr. Dudley: Mr. Dudley said no, the amendment doesn't pass but they can still vote on the original resolution.

Mr. Greenfield: Mr. Greenfield said that was the original resolution that they just voted on.

Mr. Dudley: Mr. Dudley said that was the amended resolution.

Mr. Tanner: Mr. Tanner said that is correct. It was the amended resolution.

Mr. Dudley: Mr. Dudley said that now, since the amendment didn't pass....

Mrs. Little: Mrs. Little said the amendment did pass.

Mr. Baggett: Mr. Baggett said as the board's parliamentarian he would explain. There was a motion made to pass the resolution. After that motion was made and seconded there was a motion to amend the resolution. That amendment passed. Then they had the final vote on the resolution as amended, which just failed. There is no further business for the board as to this resolution.

The Operations Committee had nothing to submit at the meeting.

The Legislative Committee had nothing to submit at the meeting.

FINANCE COMMITTEE

5. Mr. Jackson presented Resolution G-4999-05-19 which is approving a transfer within the Treasurer's FY19 budget.

MOTION

Mr. Jackson moved, seconded by Mrs. Kraft to approve Resolution G-4999-05-19.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Bird, Brown, Buckner, Cox, Dawson, Drobisch, Dudley, Greenfield, Gresham, Hogan, Holman, Jackson, Joy, Kraft, Little, Mattingley, Noland, Oliver, Smith, Taylor, Zimmerman

Nays: (None)

AYES = 21

NAYS = 0

MOTION CARRIED.

NEGOTIATIONS COMMITTEE

Mr. Greenfield: Mr. Greenfield said they don't have any right now but will be going into negotiations with the deputies coming up fairly soon.

TRANSPORTATION COMMITTEE

6. Mrs. Cox presented Resolution H-2165-05-19 which is approving a funding agreement with IDOT on CH 18 School Road Bridge Replacement Project.

MOTION

Mrs. Cox moved, seconded by Mr. Brown to approve Resolution H-2165-05-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

7. Mrs. Cox presented Resolution H-2166-05-19 which is approving and appropriating funds for the 2019 and 2020 Weed Control Project.

MOTION

Mrs. Cox moved, seconded by Mr. Brown to approve Resolution H-2166-05-19 by prior roll call vote.

QUESTION:

Mrs. Dawson: Mrs. Dawson asked if they bid this out or do they use the same contractor all the time.

Mr. Bruce Bird: Mr. Bird said they use quotes mainly because the annual cost of the project is so low it falls within their ability to use quotes as opposed to putting it out for full bids.

MOTION CARRIED.

Mr. Hogan left the meeting after Resolution H-2166-05-19.

8. Mrs. Cox presented Resolution H-2167-05-19 which is appropriating funds to purchase Right of Way Parcel 2 T.E. from Timothy A. Rink, Susan E. Rink and Jill Costello for the CH 18 School Road Bridge Replacement Project.

MOTION

Mrs. Cox moved, seconded by Mr. Brown to approve Resolution H-2167-05-19.

There were no questions or comments from the board floor.

Mr. Oliver asked that they have a roll call vote.

ROLL CALL.

Ayes: Bird, Brown, Buckner, Cox, Dawson, Drobisch, Dudley, Greenfield, Gresham, Holman, Jackson, Joy, Kraft, Little, Mattingley, Noland, Oliver, Smith, Taylor, Zimmerman

Nays: (None)

AYES = 20

NAYS = 0

MOTION CARRIED.

The Executive Committee had nothing to submit at the meeting.

The Siting Rules & Ordinance Committee had nothing to submit at the meeting.

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

There were no citizens' remarks presented at the meeting.

OFFICEHOLDERS' REMARKS:

Sheriff Brown: Sheriff Brown wanted to introduce everyone to Tammy Esposito. She has accepted the position of Interim EMA Coordinator. He has all the confidence in the world that she will do a wonderful job. She has worked hand in hand with Jim Root and has been with the agency for 7 years. She has all of the qualifications and it will help them because their agency will not lose its accreditation during this transition period.

OLD BUSINESS:

Mr. Dudley: Mr. Dudley said he had a question for Mr. Baggett about the proposal through EEHW Committee. It has been voted on so now it is old business. Mr. Dudley said he understands but wants to re-understand what Mr. Baggett said earlier if he could go back over that real quick. He said he knows the original resolution was motioned and seconded, and asked Mr. Baggett to explain why that was not voted on.

Mr. Baggett: Mr. Baggett said the procedural rules with regard to how these resolutions are brought... The way this board operates is the resolution is moved then someone seconds it. After that it can be open to discussion and is also subject to amendment at that point. Mr. Baggett said when it was open for discussion Vice Chairman Kraft moved to amend and that was properly seconded. The amendment was put on the record and discussed and voted on. The amendment passed, so the resolution became amended at that point, permanently. Then the call of the question was placed as to the final resolution as amended because the board amended the resolution before it. That vote failed. The reason they don't vote on the original language is because the board amended it prior to final passage.

Mr. Dudley: Mr. Dudley said the meeting is still in order so he asked if he would be able to change his vote.

Mr. Baggett: Mr. Baggett said he didn't know that he could answer that standing there. He would need to look at....

Mr. Dudley: Mr. Dudley said he would like to change his vote so he was going to need an answer.

Mr. Baggett: Mr. Baggett said he would look into it while they took care of a couple more items on the agenda. He would see what he could come up with.

Mrs. Kraft: Mrs. Kraft said some of them couldn't hear. She didn't know if they were not speaking in the microphone correctly, but she thinks there might have been confusion on the vote. She just wanted to clarify that they couldn't hear. Mrs. Kraft said maybe they need to talk to Jerry Lord about that.

Mr. Dudley: Mr. Dudley said he would like to second that.

NEW BUSINESS:

9. Mr. Greenfield presented Resolution G-5000-05-19 which is regarding semi-annual review of closed session minutes.

MOTION

Mr. Greenfield moved, seconded by Mrs. Cox to approve Resolution G-5000-05-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

Mr. Greenfield: Mr. Greenfield wasn't sure how long Mr. Baggett would be but said maybe they could take it up next month on the voting issue.

Mr. Baggett: Mr. Baggett said if a motion to adjourn is made and passed then he cannot answer the question that Mr. Dudley posed a minute ago as to whether he can change his vote on the resolution that was voted on earlier. If they adjourn the business of this meeting is concluded. They obviously can't change their vote once the adjournment is made. Mr. Baggett suspects he knows what the answer to the question is, but at this time he didn't think that he could say that with complete authority or confidence. He said barring that, it is going to take him time to come up with some authority on this.

Mr. Dudley: Mr. Dudley asked if there is an option to revote completely.

Mr. Baggett: Mr. Baggett said a motion to reconsider can be made by a person who was in the majority, at a subsequent time.

Mr. Dudley: Mr. Dudley said the majority was the no votes.

Mr. Baggett: Mr. Baggett said it failed, so it was the no votes.

Mr. Dudley: Mr. Dudley said he would like to make a motion to reconsider.

Ms. Zimmerman: Ms. Zimmerman asked if the second has to come from someone in the majority as well.

Mr. Baggett: Mr. Baggett said yes.

MOTION TO RECONSIDER

Mr. Dudley moved, seconded by Mr. Holman to reconsider Resolution G-4998-05-19 as amended.

COMMENT:

Mr. Baggett: Mr. Baggett said once a vote has been announced, the only way a vote can be changed is by permission of the assembly. So, a board member can change their vote, but only if the board allows them to change their vote once the decision or the final tally has been taken. In this case the final tally was taken and Mr. Tanner announced it. So, the only way Mr. Dudley could change his vote is if the board allows him to change his vote.

Ms. Zimmerman: Ms. Zimmerman asked how the board would allow that.

Mr. Baggett: Mr. Baggett said there would be a motion by the member to change his or her vote and there would have to be a second. Then there would have to be a vote on that motion.

Ms. Zimmerman: Ms. Zimmerman asked if it would be easier to just go with the motion Mr. Dudley just made to reconsider if they had multiple people who want to change their votes.

Mr. Baggett: Mr. Baggett said as he recalled that motion was made and properly seconded so it would currently be out of order to consider any other motion except a motion to adjourn.

Ms. Zimmerman: Ms. Zimmerman wanted to be clear, the vote they are getting ready to make would just be to revote.

Mr. Baggett: Mr. Baggett said correct. It is to revote on the resolution as amended.

Ms. Zimmerman: Ms. Zimmerman asked if they were voting to allow the revote or voting on what they would want to have on the resolution.

Mr. Baggett: Mr. Baggett said they are voting to allow a revote on the resolution as it was amended.

ROLL CALL.

Ayes: Bird, Buckner, Cox, Dawson, Drobisch, Dudley, Gresham, Holman, Joy, Kraft, Little, Noland, Oliver, Taylor, Zimmerman

Nays: Brown, Greenfield, Jackson, Mattingley, Smith

AYES = 15

NAYS = 5

MOTION CARRIED. (TO ALLOW A REVOTE OF AMENDED RES. G-4998-05-19)

COMMENT:

Mr. Greenfield: Mr. Greenfield asked Mr. Baggett to explain what they are voting on now.

Mr. Baggett: Mr. Baggett said there is not a motion before the board at this time. The motion to reconsider was allowed. There has to be a new motion for the previous question on the resolution as amended.

MOTION

Mr. Dudley moved, seconded by Ms. Zimmerman to approve Resolution G-4998-05-19 as amended.

COMMENT:

Mr. Baggett: Mr. Baggett said the vote they are now going to take is whether to pass the resolution as it was amended. If they vote yes, then the resolution will pass with the changes regarding no cost to the county and the two changes as to the dates, so July and October. If they vote no, then the resolution will fail.

Mr. Greenfield: Mr. Greenfield asked if it mattered that they had a board member leave.

Mr. Baggett: Mr. Baggett said it only matters in the sense that it affects what your majority is.

ROLL CALL.

Ayes: Bird, Buckner, Cox, Drobisch, Dudley, Gresham, Holman, Joy, Kraft, Noland, Oliver, Smith, Taylor, Zimmerman

Nays: Brown, Greenfield, Jackson, Little, Mattingley

Present: Dawson

AYES = 14

NAYS = 5

PRESENT = 1

MOTION CARRIED. (TO APPROVE RES. G-4998-05-19 AS AMENDED)

MOTION TO ADJOURN

Mr. Dudley moved, seconded by Mr. Jackson to adjourn until Thursday, June 13, 2019 at 6:00 p.m.

MOTION CARRIED.

Meeting adjourned at 6:44 p.m.