

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

JUNE 10, 2021

**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 with the exception of Ms. Buckner, Mr. Comer, Mrs. Dawson, Mr. Horve, Mr. Noland, and Mrs. Taylor.

Mr. Entler led the members in prayer.

All led in the Pledge of Allegiance.

A. APPROVAL OF THE MINUTES OF THE MAY 13, 2021 MEETING

MOTION

Mrs. Kraft moved, seconded by Mr. Mattingley to approve the minutes of the May 13, 2021 meeting.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Coleman, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Kraft, Kreke, Larner, Little, Mattingley, Oliver, Rood, Zimmerman

Nays: (None)

AYES = 15

NAYS = 0

MOTION CARRIED.

RECOGNITIONS:

Mr. Greenfield: Mr. Greenfield said they had four proclamations for Correctional Officers.

Jamie Belcher: Lt. Jamie Belcher, Superintendent of the Jail, said that while they are recognizing four different officers, this was obviously a group effort by an entire shift of officers working on the morning of May 25th. However, four officers stood out in the crowd of individuals who actually responded to the situation inside the jail. Lt. Belcher read the proclamation: Whereas, on May 25, 2021 Correctional Officer Joshua Chestnut was assigned to Trod 5 in the Macon County Jail. As he was performing his daily duties in the jail, he observed a detainee who was in the shower laying on the ground. He immediately entered the shower area to check on the detainee and observed a large amount of blood. Officer Chestnut called out an emergency via his portable radio and began to render aid. Whereas: Correctional Officer's Terry Collins, Jacob Warrick, and

Clinton Smith responded to a request for assistance. Upon entering the area, it was observed that the detainee had severely cut himself with a razor blade in an attempt to end his life. All four officers began to render first aid to the detainee, at which point the detainee began to kick and punch the officers in an attempt to defeat their lifesaving efforts. Whereas: The officers, utilizing their training and experience, were able to stabilize the inmate's wound prior to arrival of a medical team and responding paramedics. Whereas: The medical professionals on scene, and those who treated the detainee upon arrival at the hospital, indicated that had it not been for the aforementioned officers' actions, the detainee would have been successful in his attempt to end his life. Now, therefore, the Macon County Board and the Macon County Sheriff's Office recognize and present Correctional Officers, Joshua Chestnut, Terry Collins, Jacob Warrick, and Clinton Smith with the Life Saving Award for their quick action and meritorious efforts to save a human's life.

Sheriff Brown: Sheriff Brown said as many of them know, in 1990 he started where those guys are. A lot of times they don't hear about the good deeds that they actually do. So, they wanted make sure the Correctional Officers are being recognized for that. He said all they usually hear in the aftermath is that they didn't do their jobs. Sheriff Brown said they wanted to let them know that their guys are on their watch and will continue to do so.

ZONING/SUBDIVISIONS

1. Mrs. Little presented Resolution Z-1230-06-21 which is approving the final plat of Summerfield Estates 2nd Addition consisting of 11 lots.

MOTION

Mrs. Little moved, seconded by Mr. Gresham to approve Resolution Z-1230-06-21 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

2. Mrs. Little presented Resolution Z-1231-06-21 which is regarding Case R-01-05-21, a petition submitted by United Contractors Midwest, Inc., for rezoning approximately 10 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial District Zoning on property commonly known as 3589 N. Route 121, Decatur, IL 62526 in Hickory Point Township. After hearing the evidence, the Zoning Board of Appeals voted to recommend approval of subject petition to the County Board. The EEHW Committee met and reviewed the petition and recommended approval to the County Board.

MOTION

Mrs. Little moved, seconded by Mr. Mattingley to approve Resolution Z-1231-06-21 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

3. Mrs. Little presented Resolution Z-1232-06-21 which is regarding Case S-02-05-21, a petition submitted by Ethan Minich & William Thurston requesting a Special Use Permit for a used car lot in (A-1) Agricultural Zoning on property commonly known as 7192 Myers Rd., Dalton City, IL 61925 in Mt. Zion Township. After hearing the evidence, the Zoning Board of Appeals voted to recommend approval of the subject petition to the County Board with 7 stipulations. The EEHW Committee met and reviewed the petition and recommended the County Board approve the petition subject to the 7 stipulations recommended by the Zoning Board of Appeals.

MOTION

Mrs. Little moved, seconded by Mrs. Kraft to approve Resolution Z-1232-06-21 by prior roll call vote.

QUESTION:

Mr. Holman: Mr. Holman said in reading the description on this and in having dealt with railroads in the past in their selling of properties, he would just like a clarification. He asked if they really checked into this because he knows this just abuts to the property of the railroad. He said if they remember in Maroa a few years back they sold some property and the railroad did not own any of it. They did the same thing over at the City of Springfield. They did not own that; yet they sold it. It took like a dozen years for some of those people in Maroa to get their money back. Mr. Holman said he could not figure it out from the description if that would apply to this or not.

Mrs. Little: Mrs. Little said all she could say was the Zoning Board met and approved it. She asked Tracy Sumpter who was at the meeting for Mrs. Gunter if she could answer the question.

Ms. Sumpter: Ms. Sumpter asked Mr. Holman if he was asking about the legal description of the property and whether it includes railroad property.

Mr. Holman: Mr. Holman said he thinks it just runs parallel to the railroad's property. He said his thought was that before they approved something, they should know that is all it is doing. Railroads historically offset sections. In other words, they would have like a 25- foot right-of-way and then they would have 200 foot of right-of-way every other section. So, they have to look at that kind of thing through the old land grants to make sure they are not having a problem. He said when you go into some communities, in advance of those, through the community, and on the other side, it is like a checkerboard.

Their property runs out further on one side than the other. He was just trying to keep from having a problem, so he thought they should check into it first.

Ms. Sumpter: Ms. Sumpter said she did know that when they accept the petitions they get the deed so they can look at the legal and make sure it's on the up and up as far as the property they are wanting to petition for. So, she said they do actually look into the deeds.

Mr. Holman: Mr. Holman asked if that also covered the land grants. He didn't know if that line runs, because that is Hervey City going to Dalton City, if that is part of the original land grants or not. He said the Illinois Central line running straight north and south, Chicago to New Orleans was and the line that ran through Springfield was.

William Thurston: Mr. Thurston said he and Ethan Minich were the petitioners and asked if he could add something to this. He said the railroad is actually on the opposite side of 121 than the property that they have.

Mr. Holman: Mr. Holman verified Mr. Thurston said it is on the opposite side. Mr. Holman said then they shouldn't have a problem. He couldn't read that from the description.

Mr. Thurston: Mr. Thurston said they are this side of....

Mr. Holman: Mr. Holman said it stated it runs adjacent to.

Mr. Thurston: Mr. Thurston said it is on the opposite side of Highway 121.

Mr. Rueter: Mr. Rueter said in looking at the heading it is just the property description of the property they are on, indicating that it runs from the last point of reference 107.5 feet to the East line of Illinois Central Railroad right-of-way, so it goes up to the central right of way.

MOTION CARRIED.

B. CORRESPONDENCE

A notification from Ameren regarding upcoming vegetation activities that will be performed.

A letter from Comcast regarding upcoming programming changes.

REPORTS

Sheriff's Report – May 2021

Treasurer's Fund Report – May 2021

Collector's Report – May 2021

Coroner's Report – April 2021
Coroner's Annual Report for 2020
Auditor's Report – April 2021
Public Defender Monthly – May 2021

MOTION

Mrs. Little moved, seconded by Mr. Hogan to approve the Correspondence and Reports by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

4. CLAIMS

MOTION

Mrs. Little moved, seconded by Mr. Oliver to approve the Claims by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

C. APPOINTMENTS

COMMENT:

Mr. Greenfield: Mr. Greenfield said they are going to pull the first appointment from the agenda.

5. Mr. Greenfield presented Resolution G-5282-06-21 which is approving appointments to the Macon County Mental Health Board

Sherrri Arnold, #1 Millikin Place, Decatur, IL 62522
Term Expires: June 30, 2025

Kyle Risby, 255 N. Pine, Decatur, IL 62522
Term Expires: June 30, 2025

MOTION

Mr. Greenfield moved, seconded by Mr. Hogan to approve Resolution G-5282-06-21 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

D. CONSENT CALENDAR

6. Mr. Greenfield presented Resolution G-5283-06-21 which is executing deeds to convey property on which taxes were delinquent.

MOTION

Mr. Greenfield moved, seconded by Mrs. Little 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. Mattingley presented Resolution G-5284-06-21 which is approving additional appropriations in the Circuit Clerk's FY 2021 General Fund Budget.

MOTION

Mr. Mattingley moved, seconded by Mrs. Kraft to approve Resolution G-5284-06-21 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

8. Mr. Mattingley presented Resolution G-5285-06-21 which is authorizing disposal of surplus property by the State's Attorney's Office.

MOTION

Mr. Mattingley moved, seconded by Mr. Gresham to approve Resolution G-5285-06-21 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

EEHW COMMITTEE

9. Mrs. Little presented Resolution G-5286-06-21 which is approving Intergovernmental Delegation Agreement between the Illinois Environmental Protection Agency and Macon County.

MOTION

Mrs. Little moved, seconded by Mrs. Kraft to approve Resolution G-5286-06-21 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

OPERATIONS AND PERSONNEL COMMITTEE

10. Mrs. Kraft presented Resolution G-5287-06-21 which is approving Blue Cross Blue Shield Health Insurance Proposal from AJ Gallagher & Co.

MOTION

Mrs. Kraft moved, seconded by Mrs. Little to approve Resolution G-5287-06-21 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

The Legislative Committee had nothing to submit at the meeting.

The Finance Committee had nothing to submit at the meeting.

TRANSPORTATION COMMITTEE

11. Mr. Kreke presented Resolution H-2257-06-21 which is approving and appropriating funds for the Andrews Street Resurfacing Project.

MOTION

Mr. Kreke moved, seconded by Mr. Hogan to approve Resolution H-2257-06-21 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

12. Mr. Kreke presented Resolution H-2258-06-21 which is approving and appropriating a 50/50 drainage project with Blue Mound Township.

MOTION

Mr. Kreke moved, seconded by Mr. Hogan to approve Resolution H-2258-06-21 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

13. Mr. Kreke presented Resolution H-2259-06-21 which is appropriating funds to purchase right of way Parcel 3 from Zoltan & Elvira Futo for a joint project with Christian County to construct improvements on a bridge on Meridian Road in Blue Mound Township.

MOTION

Mr. Kreke moved, seconded by Mr. Hogan to approve Resolution H-2259-06-21 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

NEGOTIATIONS COMMITTEE

Mr. Greenfield: Mr. Greenfield said they did finalize the contract with the correctional officers. He thought they also got the contract done with the deputies as well. He said Mr. Baggett just had to take a look at them.

Mr. Baggett: Mr. Baggett said they had been reviewed. It was just a matter of getting it in front of the committees and then up for final approval next month.

The Executive Committee had nothing to submit at the meeting.

The Siting Rules & Ordinance Sub-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:

Mr. Tanner: Mr. Tanner said he put on each of their desks the e-mail address that they passed. The password was also there. There was a set of directions on how to add it to their phone. The IT Director's phone number is at the bottom if they need some assistance. Mr. Tanner said Mr. Baggett or the State's Attorney might want to say something about the FOIA in regards to these e-mail addresses.

Mr. Rueter: Mr. Rueter said one bit of advice he had was that if they were using their phone, even with the e-mail address provided by the county, their personal phone would probably still be discoverable in court.

Mr. Baggett: Mr. Baggett said with respect to FOIA, as elected officials, he was sure all of them have done whatever training is necessary through the Attorney General's Office. He said their website has been down for about 2 months as a result of a cyber-attack, so if they haven't since they initially took office he was sure they were waiving the statutory time frame in terms of enforcement. If they have done that they will probably be aware of what he was going to say, but if they haven't done it they should do so as soon as they can. Anything they write with respect to the conduct of public business, is discoverable under FOIA. All the county needs is a request from anyone. So, whether they are accessing this e-mail on their personal computer or on their phone, wherever, they need to be aware that anything they write or receive in their county e-mail address will be potentially "FOIAable". He said those can be reviewed and certain types of records are exempt under FOIA that is why they are reviewed, by either Jeannie as their FOIA officer or himself as their legal counsel on FOIA. Mr. Baggett said they should also keep in mind that there is case law out there that any personal e-mail addresses you may have used in the past or use in the future, if you are conducting county business on those e-mail addresses, those are just as FOIAable. So, the fact that you're using a personal e-mail address does not change the fact that if a records request is received they would have to go in search for records and determine if any responsive records exist and then determine if they have to be turned over. Mr. Baggett said he would be glad to answer any questions now or that they might come up with later with respect to what their obligations are under FOIA. He said it is certainly covered in the Attorney General's training, when and if they are able to take it. He said it is pretty simple and encouraged them not to write anything, ever, that they don't want to see in the paper tomorrow.

Mr. Coleman: Mr. Coleman said he didn't know if they planned to do it next month or if he missed it. But, just to be safe rather than sorry, he would like to at least rise and formerly acknowledge the retirement of Macon County Sheriff Antonio Brown and ask that this body please stand and give him a round of applause, a standing ovation. The board members and the others in attendance stood and acknowledged Sheriff Brown.

Sheriff Brown: Sheriff Brown said it has been a pleasure. He said 31 years has gone by very, very fast and he wanted them to know that it has always been a pleasure working with them and for them. This community and this office has always been at the forefront of any decision he has made. He hoped he was able to do the people's business and to protect the county's tax dollars and to make sure that everyone in this county was safe

and that they felt safe. Sheriff Brown said he is not leaving the community. So, if they ever need him, he is just a phone call away. He said he meant that.

There was no old business presented at the meeting.

There was no new business presented at the meeting.

MOTION TO ADJOURN

Mrs. Little moved, seconded by Mr. Mattingley to adjourn until July 8, 2021 at 6:00 p.m.

MOTION CARRIED.

Meeting adjourned at 6:25 p.m.