

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

DECEMBER 13, 2007

**Robert D. Sampson
Chairman**

**Stephen M. Bean
Clerk**

The Chairman called the meeting to order at 7:15 with the Chief Deputy Tom Schneider and Assistant State's Attorney, Randy Waks present.

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

Mrs. Taylor led the members in prayer.

All led in the Pledge of Allegiance.

A. APPROVAL OF THE MINUTES OF THE NOVEMBER 8, 2007 & NOVEMBER 20, 2007 MEETINGS

MOTION

Mr. Smith moved, seconded by Mr. Meachum to approve the minutes of the November 8, 2007 and November 20, 2007 meetings.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Cox, Dunn, Hogan, Jacobs, Little, McGlaughlin, Meachum, Oliver, Potts, Sampson, Smith, Snyder, Taylor, Westerman, Wilkins, Williams, Wolfe, Yoder

Nays: (None)

AYES = 18

NAYS = 0

MOTION CARRIED.

ZONING / SUBDIVISION

1. Mr. Dunn presented Resolution Z-1072-12-07 which is regarding Case S-03-11-07, a petition submitted by Richard Griffet for a Special Use Permit to allow residential construction of a non-conforming lot in the R4 Single Family Residential District on property commonly known as 5707 West Hill Road in Harristown. After hearing the evidence the Zoning Board of Appeals voted in favor of recommending to the County Board that the petition be granted with 5 stipulations. The EEHW Committee met and reviewed the petition as requested and voted 6-0 to recommend that the County Board approve the subject petition.

MOTION

Mr. Dunn moved, seconded by Mr. Hogan to approve Resolution Z-1072-12-07 by prior roll call vote.

QUESTION:

Mr. Meachum: Mr Meachum said we haven't had a Special Use Permit in so long, and he was just wondering why we are issuing one now. We haven't had one in such a long time, so he just wanted an explanation on this one.

Mr. Dunn: Mr. Dunn said if he remembered right it had something to do with the easement where they are wanting to build a house.

Mr. Jacobs: Mr. Jacobs said the ingress and egress on this is only by easement. It is the only way that you can get there. He can't have the road frontage because the properties are not for sale on each side of it. So, in order for this person to use that land, he has to have a Special Use Permit, or a Variance issued.

Mr. Meachum: Mr. Meachum said we just haven't done this in so long that he wanted to know what the explanation was, and what the reason was.

Mr. Jacobs: Mr. Jacobs said the way this resolution is written really explains what the purpose of the Special Use Permit is, the conditions of it, and no further problems with this piece of property after this resolution is passed.

Mr. Wolfe: Mr. Wolfe said if Mr. Meachum reads the whereas's, number 3 specifically spells out what the Special Use Permit is.

Mr. Oliver: Mr. Oliver asked if the county or township is required to do any maintenance or upkeep on this.

Mr. Sampson: Mr. Sampson said he could not answer that, and Mr Lightner was not at the meeting because he is ill.

Mr. Walt Dannewitz: Mr. Dannewitz said this is being treated like a regular zoning because it is a non-conforming property otherwise. We had to set up, instead of as a zoning we do have it in our by-laws where we can have a Special Use Permit on the land only. This is on the land no matter who moves in on there. It is just going to be on this land.

Mr. Sampson: Mr. Sampson said that Bill's question is about whether there is any obligation for the county or the township for maintaining roads.

Mr. Jacobs: Mr. Jacobs said he thinks it is a mutual agreement because the Rapture Center is the one that is issuing the.... It is a mutual agreement. Mr. Jacobs said he did not read the resolution or easement that clearly, but he is sure it would state that in there.

Mr. Dannewitz: Mr. Dannewitz said they do have a string of properties there that are all about the same, which are the same situation. It is just like one road going in there. The only way you can put a house on it is to have a Special Use on the land.

Mr. Sampson: Mr. Sampson asked if it asks the county or township to do anything for that road that we wouldn't normally do, or do we even maintain that road?

Mr. Jacobs: Mr. Jacobs said in his experience in township, it would be up to the Township Road Commissioner if he wanted to accept the road, improve it, and turn it in and get his Motor Fuel Tax money.

Mr. Oliver: Mr. Oliver said if that last statement would be true, then the snow removal, future road repairs and so forth that might have to have....

Mr. Jacobs: Mr. Jacobs said that would be up to the one using the easement.

Mr. Sampson: Mr. Sampson said it is up to the Township Road Commissioner in that Township, whether he wants to take the road or not.

Mr. Oliver: Mr. Oliver thinks in the future that kind of question should be answered, in any future special permits such as this, on who is going to be responsible for the upkeep of the ingress and egress to those properties.

PETITIONER:

Mr. Griffet: Mr. Griffet said the township does not have to take care of the lane. He takes care of it and the Rapture people also. We keep up the maintenance on it, and take care of snow removal. We gravel it ourselves, so the township has nothing to do with the lane.

There were no objectors present at the meeting.

MOTION CARRIED.

B. CORRESPONDENCE

A copy of Tim Dudley's letter to Mr. Randy Prince concerning his resignation from the Richland Community College Board of Trustees.

A letter from the Army Corps of Engineers, Rock Island District regarding their consideration of issuance of a Department of the Army permit to Enbridge Pipeline (Illinois) L.L.C., Superior, Wisconsin, for the 118 miles of the Enbridge Southern Access Extension Project that will include Macon County, Illinois.

A Public Notice from the US Army Corps of Engineers in Rock Island District regarding City of Decatur's application to dredge and area of Lake Decatur (Sangamon River).

A copy of "The FY2008, FY2009 and FY2010 Unmet Public Mental Health Service Needs for Macon County".

A letter from the Illinois Department of Transportation regarding State Road Funds and a Final Report for Farm Progress City.

A letter from the Illinois Department of Transportation regarding Mt. Zion Township Section 06-11116-00-BR being executed by the department on December 4, 2007.

A copy of the Macon County & Road District & Township Bridge 2005-2006 Audits.

A copy of an E-Mail from Ryan McCreery with Rockies Express Pipeline regarding Public Comment meetings scheduled to discuss the draft of their Environmental Impact Statement for the REX East pipeline project.

A copy of the Macon County, Illinois Comprehensive Annual Financial Report dated November 30, 2006 from May, Cocagne & King, P.C.

REPORTS

Sheriff's Report - November 2007

Macon County Collector Report - October & November 2007

Treasurer Fund & Investment Report - November 2007

Macon County Clerk Annual Report of Fees - December 1, 2006 thru November 30, 2007

Macon County Comprehensive Annual Financial Report - November 30, 2006

MOTION

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

QUESTION:

Mr. Wolfe: Mr. Wolfe asked about the correspondence regarding the dredging of Lake Decatur, because a couple of the board members sit on that committee.

Mr. Bean: Mr. Bean said it talks about dredging that they gave authorization for in September of 2002. They granted authorization that won't expire until December 31, 2011. It is in Basin #6 that they are talking about. There is a map included. It looks like it is up by Reas Bridge.

Mr. Wolfe: Mr. Wolfe asked if it is saying they have another 4 years to clean that basin up.

Mr. Bean: Mr. Bean said they have authorization until then to do it.

MOTION CARRIED.

2. CLAIMS

MOTION

Mrs. Cox moved, seconded by Mr. Yoder to approve payment of the claims by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

APPOINTMENTS

3. Resolution G-3129-12-07 - Appointment to fill County Board Vacancy District #3

Tim Dudley, #2 Fenton Drive, Decatur, IL 62521
Term Expires: November 30, 2008

MOTION

Mr. Smith moved, seconded by Mr. Wolfe to approve Resolution G-3129-12-07 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

COMMENT:

Mr. Stephen M. Bean, Macon County Clerk, swore in Tim Dudley as the newly appointed Macon County Board member for District 3.

4. Resolution G-3130 -12-07 - Appointments to the Macon County Historical Society Board

Karen Anderson, 1715 S. Albany Place, Decatur, IL 62521
Term Expires: December 31, 2010

Ritchie Barnett, 207 Delmar Avenue, Decatur, IL 62522
Term Expires: December 31, 2009

Nancy Torgerson, 17 Surrey Lane, Forsyth, IL 62535
Term Expires: December 31, 2009

Pat Riley, 2115 Clearmont Avenue, Decatur, IL 62526
Term Expires: December 31, 2010

Sandra Walker, 4631 Dogwood Court, Decatur, IL 62526
Term Expires: December 31, 2010

Robert Ohlsen, 135 South Lake Shore Dr., Decatur, IL 62521
Term Expires: December 31, 2009

MOTION

Mr. Oliver moved, seconded by Mr. Williams to approve Resolution G-3130-12-07 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED. (DUDLEY SHOWED HIS VOTE AS YES)

There was nothing presented on the Consent Calendar.

The Justice Committee had nothing to submit at the meeting.

The EEHW Committee had nothing to submit at the meeting.

OPERATION, PERSONNEL & LEGISLATIVE COMMITTEE

5. Mr. Smith presented Resolution G-3131-12-07 which is accepting a two year proposal from RAC Risk Services for Worker's Compensation Third Party Administration Services.

MOTION

Mr. Smith moved, seconded by Mrs. Cox to approve Resolution G-3131-12-07 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

6. Mr. Smith presented Resolution G-3132-12-07 which is accepting a two year proposal from Safety National for Worker's Compensation Excess Liability Insurance Coverage.

MOTION

Mr. Smith moved, seconded by Mrs. Wilkins to approve Resolution G-3132-12-07 by prior roll call vote.

QUESTION:

Mrs. Little: Mrs. Little said on the quote we were given, on the minimum premium, the one year option is \$3,000 and the two year option is \$66,000.

Mr. Smith: Mr. Smith said it is supposed to be \$33,000 it is just a typo. He said you might want to note on that page that Mrs. Little was referring to under Self Insured Retention, it is staying the same at \$400,000 in both options. We are taking Option #2.

MOTION CARRIED.

FINANCE COMMITTEE

7. Mr. Dunn presented Resolution G-3133-12-07 which is regarding authorizing the Macon County Board of Review to reconvene.

MOTION

Mr. Dunn moved, seconded by Mrs. Wilkins to approve Resolution G-3133-12-07 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

8. Mr. Dunn presented Resolution G-3134-12-07 which is executing deeds to convey property on which taxes were delinquent.

MOTION

Mr. Dunn moved, seconded by Mrs. Wilkins to approve Resolution G-3134-12-07 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 Transportation Committee had nothing to submit at the meeting.

The Executive Committee had nothing to submit at the meeting.

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

CITIZEN'S REMARKS:

Mr. Dean Padgett: Mr. Padgett said they should each have 3 handouts that he passed out earlier. One is a map, and one has pink or purple markings on it, and one has yellow. He said from the very beginning that most problems have a solution if those in disagreement are willing to work together to solve that problem. He spent last evening thanking the Conservation District staff and board for where we are at the close of 2007. He also wanted to thank each of the board members for all of their time and listening, and support, in the past as well as hopefully in the future. The map of the campground shows where we are at the moment. Those that are marked yellow were part of option 1 and 2 from the electrical engineer. The board voted to pursue option 1 & 2. However, it was discovered after a second electrical engineer from a local firm, and the Illinois Department of Public Health, that there was a greater voltage drop than was first thought. That is what we were told. So, they had to ax or destroy 7 sites. We are only looking at 17 sites, and the 17 sites are in gray. If you count the yellow you are going to have 24 sites, and that was option 1 and 2. On the west side of the campground there are some pink lines or purple, that has been oked if new wire is used to run to each of these sites. However, that is not part of option 1 and 2. We are only looking at the gray sites to be electrified. At the moment they are trenching and digging and working to do that, which we are very, very grateful for. The 6 sites over there are not part of option 1 and 2. They are going to have to make a motion and go for that if that is what the board and staff want to do. We are only having 17 sites for a cost of plus or minus \$38,000. In case you have forgotten the original bid, he asked them to pick up their yellow sheets now. It goes back to July of 2006. The original bid was supplied by management. It was \$166,300. By the way, on the Editorial Page in the newspaper, Mr. Padgett and his supporters got a thumbs down. In case you didn't remember he would like to read it to you: "Thumbs up to the Macon County Conservation District board for sticking with its decision to close the recreational vehicle campground at Friends Creek Conservation area. The electrical system at the RV campground needs replacing, and the board has decided that the investment isn't worth the amount of money the campground generates. That has angered some longtime RV campers at the site. (Mr. Padgett said they were looking at one) But, the Conservation Board's job is to make decisions that serve all the taxpayers, and it seems prudent to pour less money into a little used RV Campground facility." He said that was verbatim, and if you have any questions he would show it to you. He said that was February 2, 2007. The third paper shows the situation for Option

3 which is the purple highlighted one circled Option 3. Option 3 would give us all 36 sites with a 30 amp at each site along with a 20 amp. The probable cost of that is \$79,000, according to the electrical engineer. If you subtract \$38,000, which we have already done 1 and 2, from \$79,000 that is \$41,000 to do Option 3. So, he asked why is this board and management dragging their feet when they have \$1,700,000 to spend anywhere? It is a given that the campground generated \$30,000 per year in year 2003, 2004, and 2005. He would let them decide if this is crazy or stupid. Mr. Padgett said he and his supporters will not give up until we have all 36 sites electrified. He said if they would like to get rid of him please call, e-mail, fax, talk with the staff and board members of the Conservation District to go for Option 3. Remember, it is half the price of the original bid, and we can all walk around then with our thumbs up. He told them his next statement was going to be tongue in cheek. He remembered one time long ago that Joe Namath said, "writers eat your pads and pencils." He thanked the board members, and wished them a Merry Christmas and a happy, healthy New Year. He would see them next year if the good Lord is willing.

Mr. Oliver: Mr. Oliver said that was one grand finale to a year's work. He said you talk about tenacity. He congratulated Mr. Padgett.

Mr. Williams: Mr. Williams suggested Mr. Padgett invite the Herald & Review out this summer when the sites are all full. Possibly they would change their mind.

OFFICEHOLDER'S REMARKS:

Mr. Wolfe: Mr. Wolfe wished everyone a Merry Christmas and a Happy New Year.

Mr. Smith: Mr. Smith said he had a bit of good news that he found out at the OPL Committee a couple of months ago. The last few years we have improved our insurance, the big policy, through ICRMT, the Illinois County's Risk Management Trust. We have been told for several years now that there would be a dividend coming back to us. We have been made aware now that the policy term from 2002 to 2003 earned Macon County a dividend of \$25,188. We will be paid by the end of January of 2008, 25% of that, which comes to a little over \$6,200. It is going to pay us back. It is a good thing. Hopefully, staying with this program is going to provide more benefits for us in the future.

Mr. Waks: Mr. Waks said we have had some reassignments in the State's Attorney's Office, and we have an addition to the civil division. He wanted to introduce them to Scott Noth. He said Scott is a seasoned attorney with the State's Attorney's Office. He has been involved in traffic, misdemeanor DUI, and felony DUI's. He has been reassigned to do ordinance violations. Mr. Waks thinks we will see some very good and very aggressive prosecutions in the way of ordinance violations.

There was no old business presented at the meeting.

NEW BUSINESS:

9. Mr. Sampson presented Resolution G-3135-12-07 which is amending Holidays to coincide with the Circuit Courts.

MOTION

Mr. Williams moved, seconded by Mr. Meachum to approve Resolution G-3135-12-07 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

10. Mr. Meachum presented Resolution G-3136-12-07 which is showing opposition to Rockies Express East Pipeline proposed alignment in Macon County.

MOTION

Mr. Meachum moved, seconded by Mr. McGlaughlin to approve Resolution G-3136-12-07 by prior roll call vote.

COMMENT:

Mr. Bird: Mr. Bird the REX East Pipeline people have filed a draft Environmental Impact Statement with the Federal Energy Regulatory Commission (FERC). When they did that the Federal Energy Regulatory Commission basically put that draft EIS out there asking for comments on the proposed alignment, and the proposed environmental impacts. After looking at that we have been trying to work with them for several years, and trying to coordinate our alignments to try and lessen the impacts to the residents of Macon County. The alignment shown in there is the one they have had all along. They are not wanting to cooperate at this time. It is going to cause some problems in the future with the South and East Beltway. It causes problems for the existing landowners in the area because of impacts, especially to home sites. We would like to have them parallel our proposed alignment of the Beltway around the south side of Mt. Zion. It would lessen the environmental impacts to the area, lessen the impacts to the Village of Mt. Zion and their future growth. It would lessen the impacts on the existing homeowners because it would draw the pipeline further away from their homes. This resolution before you is basically to oppose the alignment as they have approved. It will be part of a comments package that will go to the Federal Energy Regulatory Commission, and filed with them. He wanted to say that it is not an opposition of the construction of the pipeline. We are in opposition to the alignment they have chosen.

Mr. Sampson: Mr Sampson asked if there were any representatives from the REX East Company that wanted to address the board. There were none. So, Mr. .Sampson asked if there was anyone in the audience that wished to address the board on this issue.

Douglas Lake: Mr. Lake said he is a local attorney, and a Mt. Zion resident. He is in favor of Mr. Meachum's resolution. He is also in favor of Mr. Bird's comments, and opposes the proposed alignment. His reasons are similar and as follows. The pipeline they propose to put in is a 42" high speed natural gas pipeline. To his knowledge, and according to his research, the largest one in the United States so far, of this type of underground pipeline, is a 36" pipeline. This particular pipeline and the alignment that they have, when they announced the alignment of it, they showed him an aerial map of the Mt. Zion area that had none of the homes that are there now. The reason he is in front of them now, is that the proposed alignment will put the natural gas pipeline about 150' from his personal residence. That got him involved. In a recent meeting at Mr. Flider's's office, we approached the pipeline individuals and he found them to be condescending and patronizing. We asked them about the beltway. The current juxtaposition of the proposed beltway with the proposed pipeline has the pipeline and the beltway crossing four times. When we asked the pipeline representative about that, the answer was, too bad if we are here first, your going to pay to move it four times. He can imagine what the cost would be to move the pipeline four times when it is one of those high tech, high speed, 42" underground pipelines. They basically said if they were there first, too bad. They are moving quickly. The comment period is now. If somebody like him objects, who cares if it is near your house. He understands that argument is not a very strong one. But, to cross the beltway in four places seems to him to be a reason enough not to increase the cost to the county by his numbers, up to \$4,000,000 extra, for that, maybe more. The pipeline goes approximately 2 miles from Blue Mound, 2 full miles from Macon, and goes through the southern edge of Mt. Zion, which is where we have some development going on. Additionally, recently there is not only an expansion of the southern boundary of Mt. Zion, but also, a gentleman named Fletcher who died approximately 20 years ago left some land to Mt. Zion. They have just dedicated a park. The park construction begins on some of the facilities in the park, and the pipeline will go within 50' of the park. So, basically there is development going in that direction. From what he could tell there is no, and he is not a pipeline designer, real reason for them to come up that far north so close to where the population center is expanding. He urged the County Board to adopt this resolution. He thinks if the squeaky wheel gets the grease and we speak in numbers, that might be something that would help get them to realign it or move further south. They have shown a willingness in the draft Environmental Statement, which he was able to get a printed version of. It is on a CD. After reviewing that, they did agree in 8 places in Ohio to move the pipeline and no places in Illinois. He believes that if the County supports the resolution, then that, even though we are not as big as the FEDS, and even though we are not as big as REX Pipeline, that may cause them to at least raise an eyebrow and perhaps honor the wishes of the board. He thanked them for letting him address the board.

Kristen Zacheis: Ms. Zacheis is with the law firm of Bolen, Robinson & Ellis. She is also a citizen of Mt. Zion and Macon County. She has had the pleasure of representing approximately 21 landowners in representing 26 different parcels of land that are directly affected by the pipeline. We strongly support Mr. Meachum's resolution. Originally when this group started there were 4 or 5 landowners that came to us opposing the pipeline, and were frustrated with working with the organization, REX. At that time there was a general understanding that power in numbers would help in this situation, and slowly but surely an organization that calls themselves the Central Illinois

Pipeline Association, formed. In the last few months we have worked directly with REX. A few things that became quite clear: In one meeting it was explained to us that the pipeline is this big (large) and Macon County is this big (small). It was made clear that they would be coming through Macon County, and really didn't take anything into consideration that we did say. They showed an absolute disregard for Macon County, and made it clear on more than one occasion that they would be going through Macon County and would not be looking at any of our suggestions for different tracks. She also is not a pipeline engineer, but she is smart enough to know that there are alternatives that they need to take a look at. The only way to do that is the more people, the more organizations, the more government bodies that get together and pull together in this comment time, will certainly be helpful. They have chosen to try and placate our group with offering a little bit more money per acre. She has had multiple members of their group call them and tell them that money is just not quite enough. We are hoping that we can all get together and let them know that Macon County is not going to just sit back and allow this pipeline to get close to Mt. Zion. She certainly, as a citizen of Mt. Zion, on a personal level, doesn't want it that close to our property or our homes. On a professional level she would like their clients and the citizens of Macon County and Mt. Zion to be heard.

Mrs. Wilkins: Mrs. Wilkins asked if we move it further south like they are suggesting, who then, or what community would then be affected, what area. She was told that the area south is farmland. She asked if there were any homes on that land.

Mr. Meachum: Mr. Meachum said it would be more farmland.

Mrs. Wilkins: Mrs. Wilkins said, then there are no homes on that land.

Mr. Meachum: Mr. Meachum said it is less populated.

Mrs. Wilkins: Mrs. Wilkins said then there are no homes on that land.

Mr. Meachum: Mr. Meachum said there would be less impact to that effect.

Mrs. Wilkins: Mrs. Wilkins said then there are no homes on that land.

Mr. Meachum: Mr. Meachum said he could not tell her that. He doesn't have a map.

Mrs. Wilkins: Mrs. Wilkins said that is what she is trying to say. She was asking what is on that land that would be affected if it is moved farther south as they are suggesting. She was asking if someone else would be affected.

Mr. Bird: Mr. Bird said if they would follow our suggestion and basically parallel our proposed alignment, they would basically be cutting through open field, as opposed to Doug Lake's case where they are within 150 feet of a house. Running along where our proposed alignment is they would

probably be about a 1/4 of a mile from a house. There are homes in the area, but it is a much further distance away.

Mr. Williams: Mr. Williams asked Mr. Bird if he was familiar with the Environmental Impact Statement that Mr. Lake spoke about. He asked if that has an alignment in it.

Mr. Bird: Mr. Bird said it is the CD.

Mr. Williams: Mr. Williams said the alignment that is in the CD is the alignment that REX proposed. He thought Macon County proposed an alignment to them that they were in agreement with.

Mr. Bird: Mr. Bird said we gave them the alignment of the beltway, and stated where the center line was that we were studying, and said at most we would need 200 feet of right-of-way. It would be 100 feet on either side, and said we would like for them to parallel this alignment. We gave that to them over a year ago. At the time that we gave it to them they said that was great and they would take that into consideration.

Mr. McGlaughlin: Mr. McGlaughlin suggested that the only way to oppose a regulated business that does not seem to have any regard for the general public, is through the political process, and through arousing the citizens. It looks like we are already on the way to do that. The number 2 person in the United States Senate happened to start his Federal political career in this district. Mr. McGlaughlin thinks he is still quite interested in what goes on here. He knows Representative Flider is. The Farm Bureau.... We have got ordinary citizens who are not opposed to interstate commerce, but wish a little common sense would be applied. He said that is the approach we are taking here. Mr. McGlaughlin thinks we should fight them tooth and toenail if they display continued disregard for the citizens of this county, which they evidently are doing.

Representative Bob Flider: Mr. Flider said it was an honor to be here and thanked the board for all the work they do on behalf of the people of Macon County. He wanted to give them a little bit of history, and then his perspective of what's taken place. He strongly encouraged them to support this resolution for a number of reasons. Back in 2006 he was made aware of the alignment of this pipeline. His perspective is as a former Mayor of Mt. Zion. He wanted to state that he has no direct impact whatsoever personally on the alignment of the pipeline, although he does live in Mt. Zion. Having been a former mayor, we had worked for many years on a planning program on where the Village of Mt. Zion would grow. In addition to that, obviously we worked with people like Bruce Bird on the potential alignment of the South/East Beltway. People have worked awfully hard trying to plan in an orderly manner. He was made aware by Mr. Lake, of the problem with the proposed pipeline. He sent a letter to the Federal Energy Regulatory Commission at that time asking them to please consider putting the alignment south of the village, and in the proximity of the beltway so that there could be orderly planning. He never heard a word, and never heard a word from the pipeline. He had to say that the pipeline has contacted him throughout the course of this year wanting to sit down and have a meeting. We would have a plan, and then they would cancel. We'd have a plan. It would be canceled. All that time making sure that Mr. Lake and the Village of Mt. Zion were

invited so that they could participate in this meeting. He had to say that it is very true, what Mr. McGlaughlin said, that they really didn't have a whole lot of regard for what the concerns of the citizens are. In fact, he would say that it was their mission, that they have a plan which has been engineered. They have a budget, and they are going to just plow right through. As he suggested to the village and Mr. Lake, and he understood that they had some conversations with Mr. Bird, and then he and Mr. Bird had a subsequent conversation, he was little alarmed by their approach that if they get the pipeline there first, the county will have to pay to move that pipeline if they build a road there. He told that gentleman that, that statement was pretty brutally blunt and honest. The public relations person was there and just kind of shook his head at the guy. Mr. Flider said that is their approach and their mentality, and that is what they are going to do. The only thing that is going to make a difference is the local governments working together. The Federal Energy Regulatory Commission ultimately is going to make that decision. By banning together with the local governments and the citizens here, you will have a chance of the Federal Energy Regulatory Commission paying attention to this. He just wanted to commend everybody who has been involved in this, and encouraged them to continue to try and get their attention because it is the right thing to do. He thinks if this resolution should pass today, Mr. Durbin would be very interested in it.

MOTION CARRIED.

COMMENT:

Mr. Sampson: Mr. Sampson said Mr. Waks has an interesting discussion on the new "Smoke Free Illinois Act" and its lack of detail.

Mr. Waks: Mr. Waks said as they all probably know, the "Smoke Free Illinois Act" was passed by the General Assembly. It becomes effective January 1, 2008. This particular Act prohibits smoking in indoor, public places, and work places unless it is specifically exempted by the Act. He has included in the packet a complete copy of the Act. He also included a copy of the proposed rules. The rules are in the second half of the thick, stapled packet. The first few pages contain some miscellaneous information that is required on proposed rules. These are just proposed rules. They are not final yet. The Illinois Department of Public Health proposed the rules. There was a First Notice period that ended day before yesterday. Then there was a hearing, and we are now in the Second Notice period, and that ends January 9th. It will be sometime after January 9th that these rules will become final, in one form or another, or maybe they will reject them entirely. Until that date, we have no rules on the statute. However, we do have the statute which is clear in some areas. Smoking is prohibited in indoor public places. It's prohibited in work places, unless specifically exempted. Smoking is prohibited in student dormitories. Smoking is prohibited in government automobiles. That is going to have an affect on the Highway Department, the Sheriff's Department, and the police department. The exemptions include private residences, except if they are child care, adult daycare or health care facilities. Exemptions include retail tobacco stores, private and semi-private rooms in nursing homes, except in the nursing homes, everybody in the room has to be a smoker, if smoking is to be allowed. Hotel and motel sleeping rooms can have some non-smoking rooms, up to 25% of the rooms. Enforcement is authorized to the Illinois Department of Public Health, the local Health

Department and local law enforcement agencies. The statute specifically says that these groups shall enforce the provisions of this act. It gives them the mandate and obligation to enforce the provisions of the act. He is sure it is no surprise to you that this is an unfunded mandate. If there is a violation by an individual on the smoking, the fine is not less than \$100.00, and no more than \$250.00. For someone who owns, operates or otherwise controls a location where smoking is prohibited, the fine is a graduated fine. It is \$250.00 minimum for the first offense, and \$500.00 for the second offense, and \$2,500 for each additional violation within one year of the first violation. The fine imposed goes one half to the Illinois Department of Public Health, they were instrumental in writing the act, and the other half goes to the enforcing agency. Lastly of significance, smoking is prohibited within a minimum distance of 15 feet of entrances, exits, windows that open, and ventilation intakes. Smoking will be allowed outside, but again you have to make sure that anyone that is smoking is at least 15 feet away from any place that smoking could enter the building. There are also provisions in the act for any places where smoking was allowed, requiring all ashtrays to be removed. You can't have any ashtrays visible anymore, and no smoking signs need to be posted within the premises, and also at the entrances of the premises. He wanted to call their attention to a power point that was presented by the Illinois Department of Public Health. He was not presenting the power point tonight because we didn't have the equipment, but he printed it out. One thing he wanted to make clear since we don't have the rules finalized, some of the things contained in the rules are not required. We do have to have a no smoking sign on the premises. The rules give exact requirements or specifications to the sign. It has to be a certain size. It has to have a phone number, and the website for how to make a complaint. None of those are required yet. It is just a simple no smoking sign. The toll free number for the complaint line is not really official yet. The website is not official yet. It is up and running though because he clicked on it today. It is SMOKE-FREE.ILLINOIS.GOV. It is available, and if you are interested you can go and read everything that they have got that the Health Department is putting out. He doesn't expect there to be a lot of problems on enforcement. Other cities that have enacted smoking regulations have had some growing pains right at the first. Mostly it is a public information process. The Illinois Department of Public Health in conjunction with the American Lung Association will be doing plenty of media blitz on this Smoke Free Illinois Act. He thinks it is just a matter of getting the word out to everyone. He doesn't expect a lot of violations or a lot of prosecutions, but we will have to wait and see. There was a question that came up about the people being impacted that may want to try and quit, and what is being done. On the website that the Health Department has there are links to the Illinois Tobacco Quit Line, which is the 1-866-quit-yes. There is also the Freedom from Smoking online project. There is LUNGILLINOIS.ORG program. There are a number of programs that are out there that are really being pushed now because of the impending Act.

Mr. Yoder: Mr. Yoder asked how that will affect jails and prisons and that sort of thing.

Mr. Waks: Mr. Waks said they will be smoke free.

Mr. Meachum: Mr. Meachum asked if we will eventually have an administrative policy to come to the full County Board for a county wide implementation of this.

Mr. Sampson: Mr. Sampson said he thinks that is something the committees are going to have to consider whether they want to go with a department office thing or county-wide. He said if he had to choose he would lean county-wide because you would have less problems with, "they've got it", and "we don't" etc. It will probably be one of the first things on the agenda in the new year.

Mr. Jacobs: Mr. Jacobs would like an explanation of Mr. Sampson's Administrative Order. He doesn't think we understand. He asked if we are shutting the door to some grant money by trying to get it through a lengthy process of committee meetings.

Mr. Sampson: Mr. Sampson said this has been a problem for a while and there have been some concerns. He should point out that under the rules this board adopted, all those things are supposed to go through Finance. One of the things he has heard continually from this board is that we want more involvement from the oversight committees. He thinks the oversight committees should see it too. He was sitting in the office one night and someone brought in a stack of these things, and he signed them thinking, what do we know about these things. Is there something in here that is going to cause us problems down the road? He doesn't have time at 4:00 p.m. to try and figure these out. So, they need to go through the oversight committees so everybody on the board know. The only way that is going to happen is if he says he is not going to sign these things if they haven't done that. They are going to keep bringing them in until he does. There has been an excellent point raised regarding a small number of these things that come in that just sort of drop out of the sky. An example is with the Sheriff's office where they have 3 days to use this money to buy bullet proof vests, and in cases like that he is going to go ahead and sign those.

Mr. Jacobs: Mr. Jacobs said Mr. Sampson did not say that in the order.

Mr. Sampson: Mr. Sampson said he did not, but if you start putting in exceptions pretty soon you are going to have a 5 page executive order. Hopefully, they realize that after 6 years he has a little bit of common sense.

Mr. Jacobs: Mr. Jacobs said he hopes that common sense prevails.

Mr. Sampson: Mr. Sampson said he will use what little he has on something like this. He said Mr. Jacobs has sat in this chair, and knows that sometimes if you don't just say no, they just keep doing it. We will see. Maybe it won't work, and if it won't work we will try something else. He doesn't want to have a situation come up where at some point in the future we discover we have signed off on a grant or a contract that hasn't gone through an oversight committee or even Finance, and we've got a major liability or exposure out there. It would be worth it if it stops one of those in 10 years.

Mr. Wolfe: Mr. Wolfe said he had some of the same concerns that Mr. Sampson has. The question he always asked was whether the State's Attorney's Office had looked it over before he signed anything. He was almost always assured that someone from the State's Attorney's Office had looked over those so there was no legal obligations. He asked if we are still doing that. He thought any

grant or anything that came up, the State's Attorney looked over to make sure there is no liability for the county.

Mr. Waks: Mr. Waks said he prefers to be able to look at every single grant, and every single contract but sometimes he does not get to see them. This is actually part of the procedure that Mr. Sampson is wanting to put into place. In the oversight committee and Finance Committee review, it would naturally go through him, and the auditor would get a look at it too to make sure the numbers fit.

Mr. Sampson: Mr. Sampson said we can do that, and it is good to do, but this is a system that operates by committees. The committees, you, need to know about this stuff. It is one thing to have him making some decisions because sometimes you have to do that, but there are 21 people on this board and they should have knowledge of all of these things that are obligating the county. He said that is what we are going to try, and if it doesn't work we will try something else.

Mrs. Wilkins: Mrs. Wilkins said she appreciates Bob putting processes in place that we can follow and adhere to.

Mr. Oliver: Mr. Oliver said he thinks the chairman is on the right track because a committee can not issue contracts and so forth without the consent of the entire board, and we almost got is some trouble in the recent past, where a committee opened a bid and decided this is what is going to be happening. The full board didn't have knowledge of it until the night of the commitment of this bid. No committee should be responsible for the board's obligation and duty to take care of this county's business.

Mr. Dudley: Mr. Dudley said he is very honored and proud to be a part of this board. However, with every appointment that is made it is because there is a vacancy. He wants everyone to remember he is here because of the sickness that came over Karen Zaiz. He wanted everyone to remember her and the great job she did for this county, and the hard work she put into it. He wants everyone to know he is here to work with them, and is looking forward to doing great things for this county. He is here for all of the officeholders. Mr. Dudley thanked everyone in the Democratic party that had the confidence in him to put him in this position.

MOTION TO ADJOURN

Mr. Oliver moved, seconded by Mrs. Wilkins to adjourn until Thursday, January 10, 2008 at 7:15 p.m.

MOTION CARRIED.

Meeting adjourned at 8:25 p.m.