

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

AUGUST 14, 2008

**Robert D. Sampson
Chairman**

**Stephen M. Bean
Clerk**

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

The Roll Call showed all members present with the exception of Mrs. Cox, Mr. McGlaughlin, and Mr. Smith.

Mrs. Taylor led the members in prayer.

All led in the Pledge of Allegiance.

COMMENT:

Mr. Sampson: Mr. Sampson said Mr. Smith asked him to inform the board that he regrets that he could not be at the meeting because he has a work commitment that has taken him out of town; otherwise he would be sitting in his seat.

A. APPROVAL OF THE MINUTES OF THE JULY 10, 2008 AND JULY 24, 2008 MEETINGS

MOTION

Mr. Yoder moved, seconded by Mr. Snyder to approve the minutes of the July 10, 2008 and July 24, 2008 meetings.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Ashby, Drobisch, Dudley, Dunn, Hogan, Jacobs, Little, Meachum, Oliver, Potts, Sampson, Snyder, Taylor, Westerman, Wilkins, Williams, Yoder

Nays: (None)

AYES = 17

NAYS = 0

MOTION CARRIED.

ZONINGS / SUBDIVISIONS

1. Mr. Dunn presented Resolution Z-1081-8-08 which is regarding Case R-02-06-08, a petition submitted by Steven Lewis to rezone approximately 47.21 acres +/- from A-1 Agricultural District to R-1 Single Family Residential District on property that lies East of South Long Creek Road approximately 975 feet North of Camp Warren Road (directly adjacent to Candlebrook Estates) in Long Creek Township. After hearing the evidence, the Zoning Board of Appeals voted in favor recommending to the County Board that the

petition be granted. Staff recommended the petition be denied. The EEHW Committee met and reviewed the petition as requested and voted 4-1 to table the subject petition pending further information. The EEHW Committee met again July 17, 2008 and after voting to take the petition off the table, and after further discussion, voted 5-0 that the County Board approve the subject petition.

MOTION

Mr. Dunn moved, seconded by Mr. Hogan to approve Resolution Z-1081-8-08.

QUESTIONS:

Mr. Oliver: Mr. Oliver said he still has questions about whether or not this land is in a flood plain. The drainage that should be happening after it's flooded, where does it go? How long does it stay pooled around these particular homes that are there now? What are the plans for the future in case of flooding, especially if it is going to be compounded by several new buildings that are going to go in there? He is waiting to here the gist of this.

PETITIONER:

Ed Flynn: Mr. Flynn said he is an attorney in Decatur and represents the petitioner. Also present with him this evening as a part of this presentation is Phil Cochran. Phil Cochran is a professional engineer who has provided all of the engineering work for this subdivision, and the developer himself, Mr. Lewis is also present. Mr. Flynn said he understands from doing this for a number of years that subdivisions and developments are often controversial situations. People like things the way they are in their neighborhood, and are often not willing to accept or acknowledge that there is going to be change down the road. We have been through a couple of committees already, both of which unanimously approved this proposed change. The technical issues that Mr. Cochran is going to speak to will address both the questions that have been raised previously, and any questions that have been raised this evening. In regards to Mr. Oliver's question, Mr. Flynn knows one of his concerns is the water for the subdivision. The water will be Long Creek water. It is not going to be well water. A significant issue is going to be the septic systems or the sewage disposal in this area. There are 3 different types of sewage disposal units that may be utilized. The alternatives for the sewage disposal have all been cleared through the Macon County Health Department, and they were present at the EEHW meeting to address and explain those situations. Prior to the construction and implementation of these different sewage units, they do have to be approved by the Health Department. Subsequent to the construction of these sewage units they are examined and approved by the Health Department again. One of things that is unique about this particular subdivision, he couldn't tell them how many Owner's Declarations he has been involved in, but he would venture to guess that he has written as many or more than any attorney in Macon County in the last 10 years, and we have a unique provision in this Owner's Declaration that requires maintenance provisions for the septic systems that are installed in this subdivision. So it is not something that the homeowner's themselves can ignore. The Homeowners Association can actually enforce

the maintenance obligations of the individual homeowners if the individual homeowners themselves are not responsible for maintaining their own septic systems. He wanted to introduce Phil Cochran to address the technical issues. Mr. Flynn realized there were a number of objectors at the meeting. He respects the fact that people have their objections, but he thinks what you will hear from the technical issues introduced by Mr. Cochran, is that while drainage is a significant issue, the drainage will in fact improve as a result of this development. Mr. Flynn said with that he respectfully requests they approve the subdivision that is presented to them this evening.

Phil Cochran: Mr. Cochran said he is with Cochran Engineering in Decatur. He has been retained by Steve Lewis to design a subdivision. Any subdivision design has to be designed in accordance with the ordinances and regulations in place, specifically the storm drainage. Mr. Cochran said there will be a 3.5 to 4 acre pond which will be constructed at the north end. All of the drainage from the streets and the houses will be directed into this pond. The pond has been designed and exceeds what the county's requirements are for development. In your Subdivision Ordinance you have a requirement for storm water retention/detention, storm water management provision. Your provision says that you are allowed to develop a piece of ground and you can release a 10 year calculated storm flow. You must retain a 50 year calculated storm flow after development. Obviously when you have development you reduce the impervious area. We put in streets, and there are rooftops, and there is a change in runoff characteristics. The pond that is being developed for this subdivision reduces the outfall to a 5 year storm, and your requirement is 10 year. This is a 5 year storm. Your other requirement is that you retain to a 50 year frequency storm. This is being designed to retain a 100 year storm. So, there is a significant difference in the design of this subdivision. It will provide more storage than what is required in your ordinance. Obviously you have an ordinance because there is development. When development takes place it needs to be controlled. This is the method you have to control development. Your ordinance is in place, and has been adopted. This storm water system that will be in place exceeds your requirement. It will, and it is very difficult for the people that are here, but it will exceed what the requirements are, and it will improve the drainage. Today, if there is a large storm, and we have had large storms since records started being kept on flow in the late 1890's. Since the records have begun we have had more rain from January to today than any other year in history. So, we have had a very wet season. He knows there are some pictures that have been shown. He has looked at those from the Rich's and adjacent property owners. Mr. Cochran said to keep in mind that in some parts of Macon County that one of the storms we had this spring exceeded a 100 frequency storm. We have had a couple which are between the 50 year and 100 year storms. It has been an extremely wet year. There has been concern about drainage. This improvement, when in place will provide surge control. As a storm increases in intensity, the storm sewer fills up and flows into our pond, and the pond fills up, the difference here is that we are controlling the release rate. It is only allowed to release at a controlled rate because of the size of pipe that you put out of your pond. Today if we have a large storm, there is a very small berm in place which is in place from when they did some terracing of the site. Today if we have a large storm and a surge exceeds the capacity of a small berm, it flows over the top and could flow down stream and flood out down stream. We

have a system in place that is going to improve that. We take the surge away. We hold the surge back and fill the pond up and it drains down at a controlled rate. After a 24 hour period, you are going to have more water pass through, but it passes through at a very released rate, a controlled rate. So it is an improvement to the drainage system. Most of this property drains to the north. There are property owners to the south in Candlebrook, which are concerned with whether this will aggravate Candlebrook problems. It will not. Most of the water goes north, and will go into our pond which we will be retaining as a controlled release rate. He says most, but the very southern tier lots, the back half of those lots will continue to drain to the south because of the existing grade. The street is up here and property is back here, and there is no way to get the back to drain to the front. He said even that is reduced flow because we now have yards, and the flow across yards is significantly different than the flow across cultivated field or earthen fields. So even that is an improvement from what is there today. To answer Mr. Oliver's question, once the system is in place, that is designed, there will be an improvement to the drainage system to the people down stream.

Mr. Oliver: Mr. Oliver asked about the water that is coming to that particular area right now, upstream, that is causing the flooding more than likely right now.

Mr. Cochran: Mr. Cochran said this property is a little unique because there is a ridge line on this property. From adjacent properties there is not much water draining under this site. From Long Creek Road the water drains west. Toward the south part of this property there is a ridge line, and that water drains south which we were just talking about, which drains toward Candlebrook. The rest of the water goes to the north. In this case this property does not receive much water off adjoining tracks. It is at the top of the hill and it goes both ways. So, you don't have much water from adjacent properties.

Mr. Oliver: Mr. Oliver asked if the creek itself is causing the problems of flooding in the area that is already developed.

Mr. Cochran: Mr. Cochran said the creek is a very small drainage way that is on the north end of the property. It is not a map creek. Mr. Oliver had asked if this is in the floodplain. Mr. Cochran said it is not in a floodplain. It is not on a FEMA map. It is not a part of any of the FEMA reports. None of this property is in a floodplain.

Mr. Oliver: Mr. Oliver asked how close the nearest one is.

Mr. Cochran: Mr. Cochran said it would be downstream. He could not tell him how far you would have to go downstream before you would get in a floodplain area.

Mr. Oliver: Mr. Oliver asked if there is an upstream floodplain.

Mr. Cochran: Mr. Cochran said upstream from this site there wouldn't be because it is at the top of a hill, and it drains both ways. There is no floodplain on this site. There could always be localized flooding. If the culvert under the road is too small then obviously it

allows ponding and flooding. The storm sewer system in this subdivision is being designed to handle all that flow.

Mr. Oliver: Mr. Oliver heard someone say that the affluent that is backed up on top of the ground right now drains off into Long Creek. The flood area right now is relieved by draining into Long Creek.

Mr. Cochran: Mr. Cochran said the ultimate recipient is Long Creek. It could be Big Creek or Long Creek he is not sure which it is. But that is not immediately adjacent to this property. He didn't want to say it was a 1/2 mile away; it could be more or it could be less, but it is not adjacent to this property. Long Creek is not.

Mr. Oliver: Mr. Oliver asked what the chance is that the retention pond they are building would ever get flooded by the creek, the water, or whatever is causing the flooding going on now.

Mr. Cochran: Mr. Cochran said that is where we talked about the design. He wanted to point out that your ordinance says you must design to hold a 50 year storm. We have designed this to accommodate a 100 year storm. We are providing more capacity than what your ordinance requires. If you would have a storm that exceeds 100 year frequency, after it is totally built, then it could go over the top of the dam. There isn't any dam that is built that couldn't be exceeded at some point in time with a large storm, but we are talking about a 100 year storm.

Mr. Oliver: Mr. Oliver asked if the top of this retention pond is going to be several inches or feet above the present land height.

Mr. Cochran: Mr. Cochran said yes it will. The normal pool for this pond, it will be a pond, will be 14 feet higher than the discharge on the backside of the dam, much the same as any dam.

Mr. Drobisch: Mr. Drobisch asked how close any sanitary or storm sewers are to this development.

Mr. Cochran: Mr. Cochran said there isn't any sanitary sewer system in this area. All of Long Creek is by private disposal systems. There is really no organized storm sewer system in the area. As your subdivisions develop you are now creating some storm sewer systems. There isn't anything available in the area of storm drainage.

Mr. Williams: Mr. Williams said Mr. Flynn had mentioned something about the Subdivision Declaration and how it addresses the maintenance of septic systems. He asked if there is another declaration or is there a part of this declaration that addresses the type of septic systems that needs to be put in.

Mr. Flynn: Mr. Flynn said he did not recall it specifying the exact type of septic system. There are different types of septic systems that will work in this particular subdivision

because of the different soil types and the different elevations. He does not think they specifically required it. However, the different types of systems, before they are installed, have to be approved by the County Health Department. He thinks they also have to take in soil samples before the installation of those septic systems.

Mr. Cochran: Mr. Cochran said there are 3 soil borings required for every septic tank.

Mr. Williams: Mr. Williams said at our EEHW Committee meeting we talked about how, with the drainage and soil types, the conventional septic system may not be appropriate for this subdivision. Mr. Flynn said that is correct. Mr. Williams said he thought there was going to be some language in there to alert potential homebuyers, builders or whatever that they might have to expend more money on a septic system, or that a traditional septic system may not be acceptable. He asked if that is addressed in there.

Mr. Cochran: Mr. Cochran said he would read a section out of it. There are two different places where a prospective buyer is put on notice that a conventional septic system may not work on these properties. He said by the way the new subdivision to the south and east has no provisions. It is strictly left to the Macon County ordinances by the Health Department.

Mr. Williams: Mr. Williams asked if he could also address the maintenance issue that Mr. Flynn talked about.

Mr. Cochran: Mr. Cochran said this appears in two places, one is the Owner's Declaration. Any time a property owner or owner purchases a lot in a subdivision they should obtain a copy of the Owner's Declaration. He doesn't know if it is always done but they should. He would read it to them because he thinks it is important. This same statement appears on the face of a plat. He read, "Preliminary soils testing indicated that a conventional septic tank disposal system with the a subsurface seepage field may not be allowed if a drainage system can not be installed to lower the seasonal high water table to a satisfactory level." Mr. Cochran said part of your requirements for subdivisions are that the soil scientist must do a report on the property. He takes one boring per lot and from that he issues a report. His report states that the soils in this subdivision are typical for Macon County and very typical for the area. He did a report for one of the adjacent subdivisions. He is not sure which one. Mr. Cochran continued reading, "All lot owners must obtain all of the required permits in accordance with the Macon Health Department's rules and regulations prior to the installation of private disposal systems." If the lot owner proposes to install a private disposal system using an aerobic treatment unit, which is a package unit that is sold today, the package unit provides a means of handling our sanitary sewer systems. It is a package unit. They install it. Your effluent comes from your house it goes through the unit, and then it discharges into a seepage field. Mr. Cochran read, "If a lot owner proposes to install a private sewage disposal system using an aerobic treatment unit, the lot owner must furnish to the architectural control committee a two year initial service policy by the installation contract through the manufacturer. After the initial two year service policy the homeowner must purchase

service contracts for the entire life of the system, and must provide evidence of the service contract to the architectural control committee or the homeowner's association each year." So there is a provision in place that says you must maintain your system.

Mr. Dudley: Mr. Dudley said they had stated that the first phase of this is going to butt up to Candlebrook. He said when you build a house you build the soil up. He asked if they didn't think that would create a bigger drainage problem onto Candlebrook where there already is a problem.

Mr. Cochran: Mr. Cochran said no he doesn't, and does not for the following reason: presently there is about 5 acres that drain from north to south. We are going to build a street. The first street into the north will have a storm sewer system that will intercept that flow which presently sheet drains to the south. We will take it in our storm sewer system and take it to our retention pond. The construction of the subdivision is reducing the drainage area to the south. Secondly, typically from the center of the lot which is the peak of the roof the water drains to the south. Their backyards are all grass or sodded or a kept lawn of some type. Presently it is a cultivated field. It may not be cultivated today because he doesn't think Mr. Lewis has planted this, but presently the runoff conditions are significantly different. His experience is that lawns and lawns that are kept up by being mowed and taken care of reduce the runoff to the downstream properties. The property owners downstream have less water draining there and it is also a different type of flow.

Mr. Dudley: Mr. Dudley said he understands the storm drain system. He read that these storm drains are going to drain into this retention pond. However, this retention pond is not going to be built until Phase II. Where is that water going before that pond is built?

Mr. Cochran: Mr. Cochran said that is a good point, and it became important at the EEHW Committee. There is an existing berm at the south end of the property now. It was installed when the terracing was done many years ago. That berm has a very small outlet pipe which drains into the property downstream. As a part of Phase I the first phase we are going to go in and raise that berm 3 ½ feet. We are adding 3½ feet of capacity in the area to provide storage for this first phase. There will be detention provided by the first phase by raising this berm height by 3 ½ feet.

Mr. Dudley: Mr. Dudley asked why a pond isn't being built right now.

Mr. Cochran: Mr. Cochran said there is significant cost to building a 4 acre pond and building a dam that is about 18 to 20 feet tall. We can provide the detention required for Phase I by putting the 3 ½ feet in. It is a cost consideration.

Mr. Dudley: Mr. Dudley asked if the proposed land they are looking to rezone was ever in the past set aside land through the government.

Mr. Cochran: Mr. Cochran said he might have to defer to Mr. Lewis. He did say a portion of that is in the set aside and a portion of that is through September or October of this year.

Mr. Dudley: Mr. Dudley asked if he knows why it was put into set aside.

Mr. Cochran: Mr. Cochran said he did not know that.

Mr. Dudley: Mr. Dudley said there are usually 3 reasons. It usually because there is a surplus of grain or it is for wildlife or the third reason is erosion. He was just wondering why it was put into set aside. He asked if anyone at the meeting could answer that.

Mr. Yoder: Mr. Yoder said that ground has been in our family for a number of years. We built terraces to help control the runoff. He installed filter strips which was what Mr. Cochran referred to. It will expire this year on September 30th. He said it was for the simple fact.... Anytime you deal with the government it is kind of strange. Mr. Yoder said when he first built the broad based terrace and we were farming them it actually caused more silt and runoff. A few years after he built them they said he could grass this thing. He didn't want to farm the slopes. It was that simple. So he put it in grass and they paid him to set it aside so to speak. It was a ten year contract which just happens to run out this year. It was a convenience thing more than anything. He said that is basically the history on it.

Mr. Dudley: Mr. Dudley asked if the answer is erosion. He also asked Mr. Cochran what he thinks of LESA scores. Does he think they are baloney?

Mr. Cochran: Mr. Cochran said that is really not a fair question to ask him but he understands. He thinks there are certain parts of the LESA score that are subjective, meaning that is not written where you follow A,B,C,D. One of the things we talked about with Mr. Lightner is that there is a trend in the area and the LESA score just ignores the trend totally. He thinks there are things beyond the LESA score that should be considered when you are evaluating a parcel of ground.

Mr. Ashby: Mr. Ashby said he had already answered a couple of his questions about Phase I and Phase II and why the retention pond is in Phase II. If for some reason, economic reason or whatever we stop at Phase I, will the 3½ foot berm prevent the problems that are being discussed here.

Mr. Cochran: Mr. Cochran said it will because it also exceeds the 100 year capacity storage. There is only an 8 inch outfall which comes out of that and it does back up and get into another 8 inch. The outfall coming out of the property is two 8 inch pipe. This provides storage for that.

OBJECTORS:

Diana Rich: Mrs. Rich lives at 3378 S. Long Creek Road. She has lived there for 22 years. She wanted to talk about the basin that Mr. Cochran talked about that is on the property. Their basin is like a funnel. The berm won't do us any good because the water doesn't run over the top of this funnel. It funnels down at the bottom and rushes out through the bottom. She wanted to clarify that. He also talked about LESA scores, but she believes a lot of our tax dollars have been given to give us these accurate reports. These assessments were developed to help us make decisions on how best to use our land. They were made to improve our quality of life to warn us against potential danger. We hope you won't let the same mistake happen again that is happening in Candlebrook Estates. We hope you won't magnify the water drainage problems by allowing Mr. Lewis to rezone his agricultural piece of land. Please deny this petition. Each board member was given a folder that contains some of the evidence that our community has given us to share with the board. We have a petition and there are 66 homes in our area that are affected by this, and 66 signatures on those petitions. With this collection of proof we sincerely hope you will understand the serious water drainage problems we are experiencing and the destruction it has brought to our community. We then beg you to help protect us from compounding our water drainage issues by choosing to leave Mr. Lewis' property in agricultural. The first page is a diagram that Mr. Silver has given us who lives on the corner of Candlebrook. He has 50 years in engineering and this water drainage is his specialty. The water is draining from Mr. Lewis' land and coming around and pooling. The sheeting that you see, as Mr. Silver calls it, is something all of our community is well aware of. Our ground is like your table and if you pour a cup of water on it, it runs. It does not absorb into the ground. Next you will find a watershed map from the Macon County Soil and Water Conservation District showing the watershed of Mr. Lewis's property entering the northern boundary of Candlebrook Estates which reaffirms what Mr. Silver has drawn for you here. We also have pictures of Mr. Lewis' property to the northern boundary of Candlebrook Estates. It shows the flooding of streets and yards of families in Candlebrook Estates. We also have pictures showing the yards of many of these families as well as those of people in the Long Creek area where it floods its banks and after the flooding of water. We consider Mr. Lewis' property a pinnacle of destruction because of its elevation to the rest of us in all areas. Someone at the last committee meeting wrote of a 500 year flood. The reasons we have pictures dating other flood years is because we wanted to prove that this is not a 500 year flood. In fact many are here tonight to let you know this probably happens on average of once a year. Both the National Weather Service and the United States Geological Service said they have no record of a 500 year flood in our area. Their records for our area go back to 1908. We also have a watershed map from the Macon County Soil and Water Conservation District showing approximately 36 acres of watershed coming down the north side of Mr. Lewis' property. We also have a land evaluation with the total score of more than 199. According to that land evaluation for the purposes of evaluation for suitability of non-agricultural development such as Mr. Lewis' any score greater than 175 points shall be considered suitable for agricultural use only. We also have a copy of Mr. Lightner's report from his staff which shows the soils in that area, 75% or more showed severe restrictions for the use of septic tanks. Any time a person reduces the permeable surface of an area upstream from land that is already experiencing drainage issues they are going to magnify those issues, such as what has happened in Candlebrook. The

people said that as they added Phase II and new homes, their problems increased. We also added a copy of the Macon County Board Resolution approving Phase II which many of the current board members voted on at that time. Look again at the flood pictures of Candlebrook Estates and see the mess these families are living with. Some of the people in that subdivision said the more houses that were built, the bigger their water problems grew. Isn't that what Mr. Lightner, Planning and Zoning Administrator warned us about? We hope you will hear our voice and our plea. Please do not magnify the problems we already are incurring in our area. Please say no to this rezoning. She thanked the board.

Mr. Drobisch: Mr. Drobisch asked of the people who signed the petition, how many live in Candlebrook Estates.

Mrs. Rich: Mrs. Rich said they only covered a specific area to Candlebrook that is less than seven tenths of a mile. She doesn't know how many of the signatures are from people who live in Candlebrook, but they did have 66 homes in the area and 66 signatures.

Judith Krutsinger: Mrs. Krutsinger said there are 42 homes in Candlebrook and they know of 3 that did not sign.

Mr. Drobisch: Mr. Drobisch said then 39 people in Candlebrook Estates signed a petition against this.

Mr. Dudley: Mr. Dudley asked if they could have a show of hands of those in the audience that were there objecting to this petition.

Mr. McGlaughlin was now present at the meeting.

ROLL CALL.

Ayes: Ashby, Drobisch, Dunn, Hogan, Jacobs, McGlaughlin, Sampson, Taylor, Westerman, Williams, Yoder

Nays: Dudley, Meachum, Oliver, Potts, Snyder, Wilkins

Present: Little

AYES = 11

NAYS = 6

PRESENT = 1

MOTION CARRIED.

EXPLANATION OF VOTE:

Mr. Ashby: Mr. Ashby said he doesn't know Mr. Silver but he knows Mr. Cochran and he has been a respected engineer in the community for years. Mr. Ashby said Mr. Cochran says the drainage issue will improve and he believes him so he will have to vote yes for this.

Mrs. Little: Mrs. Little said she is voting a way that she doesn't normally like to vote and that is present. Her reason for voting present is that in EEHW she supported this. Since that time she has spoken with Mrs. Rich and told her she was going to get some answers to some questions from the Health Department and some other places and she has not gotten the answers back yet. At that this time she is not against it and she doesn't know that her opinion would change, but she feels she can not vote if she hasn't received the answers she told Mrs. Rich she was going to get.

2. Mr. Dunn presented Resolution Z-1082-8-08 which is regarding Case R-01-07-08, a petition submitted by Stade Farm Trust to rezone approximately 3.0 acres +/- from A-1 Agricultural District to M-2 Heavy Industrial District on property that lies adjacent to 389 East School Road in Maroa Township. After hearing the evidence, the Zoning Board of Appeals voted in favor of recommending to the County Board that the petition be granted. The EEHW Committee met and reviewed the petition as requested and voted 5-0 to recommend that the County Board approve the subject petition.

MOTION

Mr. Dunn moved, seconded by Mr. Westerman to approve Resolution Z-1082-8-08.

PETITIONER:

A gentleman representing Evergreen FS was there as petitioner of the rezoning. He said the original petition was set up with Stade Farm Trust, and in the mean time they have purchased the land from him. Their intention is to add onto the current property that they have on School Road, which is where this is located. It is currently zoned Manufacturing-2 and they want to change the new property from agricultural to manufacturing.

There were no objectors present at the meeting.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Ashby, Drobisch, Dudley, Dunn, Hogan, Jacobs, Little, McGlaughlin, Meachum, Oliver, Potts, Sampson, Snyder, Taylor, Westerman, Wilkins, Williams, Yoder

Nays: (None)

AYES = 18

NAYS = 0

MOTION CARRIED.

3. Mr. Dunn presented Resolution Z-1083-8-08 which is regarding approving the Preliminary Plat of Summerfield Estates Subdivision.

MOTION

Mr. Dunn moved, seconded by Mr. Hogan to approve Resolution Z-1083-8-08 by prior roll call vote.

QUESTION:

Mrs. Little: Mrs. Little said she knows the pond is going in, in Phase II, she asked if they know when Phase II may start.

Mr. Cochran: Mr. Cochran said Phase II is totally a function of how successful Phase I is. If the absorption should be ten lots per year and there are 26 lots first phase, he would think you would see Phase II in two years. But it is totally a function of the market.

MOTION CARRIED.

4. Mr. Dunn presented Resolution Z-1084-8-08 which is approving the Final Plat of Summerfield Estates 1st Addition consisting of 26 Lots.

MOTION

Mr. Dunn moved, seconded by Mr. Hogan to approve Resolution Z-1084-8-08 by prior roll call vote

The petitioner was present at the meeting.

QUESTION:

Mrs. Little: Mrs. Little said her understanding in EEHW was that the reviews and approvals were going to be done before tonight's meeting. She asked if they had been done and it is just not right in the resolution, or have they not been done yet.

Mr. Lightner: Mr. Lightner said he does not have them.

MOTION CARRIED.

B. CORRESPONDENCE

A Public Notice from the Illinois Environmental Protection Agency regarding Underground Injection Well Permit Hearing for ADM in Decatur.

A Notice of Application for Permit to Manage Waste (LPC-PA16) from the Illinois EPA for Veolia ES Valley View Landfill #2 & #3.

A letter from Comcast regarding changes to channel line-up.

A letter from the Illinois Department of Commerce and Economic Opportunity regarding expanding the boundaries of and making technical corrections to the Decatur/Macon County Enterprise Zone.

REPORTS

Sheriff's Report – July 2008

Coroner's Report – June 2008

Macon County Treasurer Fund Report – June & July 2008

Macon County Tax Collector Bank Report – June & July 2008

Auditor's Report – July 2008

MOTION

Mrs. Little moved, seconded by Mr. Yoder 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.

5. CLAIMS

MOTION

Mr. Drobisch moved, seconded by Mr. Oliver to pay the Claims that have already been paid by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

C. APPOINTMENTS

6. Resolution G-3218-8-08 – Appointment to fill County Board Vacancy District #7

Michael Spent, 5575 River Bluff Ct., Box 31, Oreana, IL 62554
Term Expires: November 30, 2008

MOTION

Mr. Oliver moved, seconded by Mr. Snyder to approve Resolution G-3218-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

7. Mr. Sampson presented Resolution G-3219-8-08 which is appointing Jay Dunn as Vice-Chairman and John Snyder as Acting Vice-Chairman.

MOTION

Mr. Dudley moved, seconded by Mr. Williams to approve Resolution G-3219-8-08.

QUESTION:

Mr. Oliver: Mr. Oliver asked him to repeat that motion.

Mr. Sampson: Mr. Sampson said the resolution is to appoint Jay Dunn as Vice-Chairman and John Snyder as Acting Vice-Chairman which is the third in line.

ROLL CALL.

Ayes: Ashby, Drobisch, Dudley, Dunn, Hogan, Jacobs, Little, McGlaughlin, Oliver, Potts, Sampson, Taylor, Westerman, Wilkins, Williams, Yoder

Nays: (None)

Abstention: Meachum, Snyder

AYES = 16

NAYS = 0

ABSTENTION = 2

MOTION CARRIED.

8. Mr. Sampson presented Resolution G-3220-8-08 which is appointing Chief Deputy Thomas Schneider as Sheriff of Macon County effective September 1, 2008.

MOTION

Mr. Dudley moved, seconded by Mr. Potts to approve Resolution G-3220-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED. (MEACHUM & SNYDER SHOWED THEIR VOTE AS YES)

9. Resolution G-3221-8-08 – Appointment to the Niantic Fire Protection District

John W. Kirk, 102 W. Lockhart, Box 49, Niantic, IL 62551
Term Expires: May 2009

MOTION

Mr. Oliver moved, seconded by Mr. Hogan to approve Resolution G-3221-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

10. Resolution G-3222-8-08 – Re-Appointment of Rabies Control Administrator

Dr. Shelly Stevens, D.V.M., 1725 S. Fairview Ave., Decatur, IL 62521
Term Expires: September 1, 2009

MOTION

Mr. Potts moved, seconded by Mr. Snyder to approve Resolution G-3222-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

11. Resolution G-3223-8-08 – Appointments to the Macon County Electrical Commission

Rick Long, 3180 Boiling Springs Rd., Decatur, IL 62526
Earl Taylor, 376 E. Melrose Ct., Decatur, IL 62522
Shad Etchason, 4556 Lawson Dr., Decatur, IL 62526
Steven Ragan, 3125 Colorado Dr., Decatur, IL 62521
Keith Hackl, 447 S. Main St., Warrensburg, IL 62573
Terms Expire: November 30, 2011

MOTION

Mr. Dunn moved, seconded by Mr. Dudley to approve Resolution G-3223-8-08 by prior roll call vote.

COMMENT:

Mrs. Taylor: Mrs. Taylor said she would abstain from voting because Mr. Earl Taylor is her son.

Mr. Drobisch: Mr. Drobisch asked for a little background on this. The only person he is really familiar with on this is Keith Hackl. He asked what kind of background these individuals have in electrical contracting.

Mr. Dunn: Mr. Dunn said this ordinance was patterned on the city ordinance which requires a contractor, a representative which is Rick Long. He works for Bodine Electric and is their chief estimator and has been with them for many, many years. Earl Taylor is an electrician. Shad Etchason is a member of IBEW #146. Steve Ragan is an electrical engineer for an architectural firm. Keith Hackl is a fire chief. We still have two more members to place there. One is somebody that works for a company that makes electrical parts. He said that is a very hard position to find. The other one is a representative of a power company in Macon County for which he has asked Ameren to submit some names and so far he hasn't heard from them.

Mr. Ashby: Mr. Ashby asked if there was any consideration to staggering these terms so we don't elect a whole new board every 3 years.

Mr. Dunn: Mr. Dunn said since this is the inception of the thing we needed to get a group there to start it out. He said if we had put some thought into it we could have put some one year terms, two year, three year.

Mr. Ashby: Mr. Ashby said they might want to consider that the next time they appoint these commissioners.

Mr. Oliver: Mr. Oliver asked for clarification on what their duties would be and what kind of decisions they will make regarding the electrical code for the county.

Mr. Dunn: Mr. Dunn said they will work with the zoning department in case they have any problems as far as violations of the ordinance. They will also look at the ordinance and the National Electrical Code and make sure they are trying to provide safe electrical work for our citizens. Mr. Dunn said he is on the Electrical Commission Board for the city and they meet quarterly. It is not a monthly meeting. They look at safety issues. They spent a lot of time when the two gentlemen were electrocuted in the swimming pool a few years ago. There were some changes made then. Those are the type of things they look into if there is a problem out there. Hopefully somewhere down the line we can get licensing for the county. Right now it is not permitted, but in the city it is. Being on the City Electrical Commission for years, the inspector has done an extremely good job of trying to protect the citizens of Decatur. He enforces it very strictly. The guys that do

the electrical work have to know what they are doing or they don't do work in the City of Decatur. Hopefully that is what we would get some time in the county.

Mr. Oliver: Mr. Oliver asked if presently the county has an electrical inspector.

Mr. Dunn: Mr. Dunn said Tony VanNatta has been doing the electrical inspections.

MOTION CARRIED.

D. CONSENT CALENDAR

COMMENT:

Mr. Sampson: Mr. Sampson said we do not have a Consent Calendar because one member objected, so those items are going back under the Transportation agenda.

JUSTICE COMMITTEE

12. Mr. Snyder presented Resolution G-3224-8-08 which is approving the contract between the Macon County Sheriff's Department and the Decatur Public Building Commission.

MOTION

Mr. Snyder moved, seconded by Mrs. Little to approve Resolution G-3224-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

EEHW COMMITTEE

13. Mr. Dunn presented Ordinance O-74-8-08 which is regarding the adoption of an ordinance regulating the siting and construction of Wind Energy Conversion Systems within the unincorporated portions of Macon County, Illinois.

MOTION

Mr. Dunn moved, seconded by Mr. Williams to approve Ordinance O-74-8-08 by prior roll call vote.

COMMENT:

Mr. Williams: Mr. Williams said this was a really great effort on the part of the Regional Planning Commission and the EEHW Committee. We took into account several existing

county ordinances that were in place as well as a State ordinance. We offered the opportunity for public input. We received and took into account input from the Macon County Farm Bureau and a local school district. Geographically Macon County is located in an attractive location for a wind farm. It is very necessary that we have a thoroughly researched and well worded ordinance, which we have. He asked for unanimous approval.

Mr. Ashby: Mr. Ashby said one of the problems that the wind farms have is distribution. Can we meet the requirements for the projected output of the wind farm as far a distribution goes?

Mr. Williams: Mr. Williams said that is one of the reasons why this area is so attractive because of the transmission and distribution system that is in place. Another reason why the Illinois region is so attractive is because of the markets in the Chicago and St. Louis area. He believes that federal legislation dictates that 20% of the electricity that utility companies generate and sell must be generated by a renewable resource. He said if you couple those together we are quite an attractive area.

Mr. Sampson: Mr. Sampson said he wanted to second Mr. Williams in that this is one of the success stories of Macon County government and the Regional Planning Commission. Mr. Westerman, Mr. Williams, Mr. Meachum, Mrs. Little, and Mr. Dunn who took it through EEHW Committee worked hard on this along with some private citizens. Professor Horn from Millikin University was a major contributor to this ordinance. Kathy Merner was the chairman of the thing. Linda could tell you she was there, Dave and Don as well. He said it is a solid piece of work.

Mr. Dunn: Mr. Dunn said that Mr. Williams and Mr. Horn put a lot of time in on this and came to some agreements on it. We did make some modifications in EEHW and he appreciated their hard work in trying to get a balance between environmental issues and economic development. Sometimes it is hard to do. He appreciated everybody's work on that.

MOTION CARRIED.

OPERATIONS, PERSONNEL & LEGISLATIVE COMMITTEE

14. Mr. Potts presented Resolution G-3225-8-08 which is approving changes to the Sick Bank Policy and appropriation mechanism.

MOTION

Mr. Potts moved, seconded by Mr. Jacobs to approve Resolution G-3225-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

15. Mr. Potts presented Resolution G-3226-8-08 which is approving an increase in the mileage reimbursement rate.

MOTION

Mr. Potts moved, seconded by Mrs. Little to approve Resolution G-3226-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

FINANCE COMMITTEE

16. Mr. Dunn presented Resolution G-3227-8-08 which is increasing compensation of election judges.

MOTION

Mr. Dunn moved, seconded by Mrs. Wilkins to approve Resolution G-3227-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

17. Mr. Dunn presented Resolution G-3228-8-08 which is approving a budget amendment for Workforce Investment Solutions FY08 budget.

MOTION

Mr. Dunn moved, seconded by Mrs. Wilkins to approve Resolution G-3228-8-08 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.

TRANSPORTATION COMMITTEE

18. Mr. Snyder presented Resolution H-1599-8-08 which is approving a new entrance on Baltimore Avenue (CH 7) south of Harry Land Road.

MOTION

Mr. Snyder moved, seconded by Mr. Mr. Yoder to approve Resolution H-1599-8-08 by prior roll call vote.

COMMENT:

Mr. Dunn: Mr. Dunn said the reason he pulled it off the consent calendar is that this is one of many resolutions that comes from the Transportation Committee that doesn't seem to give us a lot of information on what is going on. This one might be a little better than some. He knows we have a new chairman there and would like to see more in depth resolutions come out of Highway. If you would look back at the EEHW resolutions, the Finance resolutions, the OPL resolutions you will always find some history on these things explaining where they are coming from and where they are going. It seems like these Transportation resolutions are a 1/2 page long and covering \$1,000,000 and we don't get a good feel, or he doesn't particularly, for what is going on over there, like how the committee voted. Sometimes he doesn't get to read all of the Transportation Committee meetings. He is just curious and naive and young on the board, but it seems these other committees have more in depth resolutions and he would like to see a change in that in the future.

MOTION CARRIED.

19. Mr. Snyder presented Resolution H-1600-8-08 which is appropriating funds to cover a 50/50 cost share project with Milam Township.

MOTION

Mr. Snyder moved, seconded by Mr. Hogan to approve Resolution H-1600-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

20. Mr. Snyder presented H-1601-8-08 which is approving a Memorandum of Understanding between the City of Decatur, Village of Forsyth, County of Macon, Village of Mt. Zion and the Macon County Soil and Water Conservation District.

MOTION

Mr. Snyder moved, seconded by Mr. Hogan to approve Resolution H-1601-8-08 by prior roll call vote.

QUESTION:

Mrs. Little: Mrs. Little said the Memorandum of Understanding talks about the costs for the project will be \$1,000 per member for education. It will be \$1,000 a year, and long-term inspections will also be \$1,000 a year. In reading through the Memorandum the education program.... Her question is why we are agreeing to \$1,000 a year from everybody instead of perhaps basing it on a per capita number of people actually in each one of those areas jurisdiction.

Mr. Lightner: Mr. Lightner said we wanted to get an agreement in place as quickly as possible, so \$1,000 per entity seemed a fair way to do that. There was discussion about proportional costs.

Mrs. Little: Mrs. Little asked if this Memorandum of Understanding is forever and ever or until somebody decides it is not anymore.

Mr. Lightner: Mr. Lightner said as he understands it each individual member entity is able to pull out of the agreement, if they chose, at any time. He believes it required a 60 day notice.

Mrs. Little: Mrs. Little said she would encourage Mr. Sampson or whoever is our county representative to perhaps at least in this first year see how the education is done and who is actually benefiting from it and see if it turns out that this is best, fairest way to do it.

Mr. Dunn: Mr. Dunn said under Article III – Agency Description in the first paragraph in the second sentence says the, “The incorporation took place on (need month date and year).” He thinks we still need the month date and year. Under Article IV – B it says for “Long term Strom water” should be storm water. It is a scribner’s error. He also wanted to point out in Article V – The District agrees to: D, “Provide a yearly spot check inspection of 25% of completed subdivisions to make sure storm water applications are still functioning as planned and provide a report of our findings.” He questioned whether this is done and can the county request that for certain areas such as Candlebrook or some of the areas we approved tonight. He thinks it might be good to check on some of this stuff that we continually hear about.

MOTION CARRIED.

21. Mr. Snyder presented Resolution H-1602-8-08 which is appropriating funds for design engineering on Section 07-01118-00-BR, a bridge on Drummer Road in Austin Township.

MOTION

Mr. Snyder moved, seconded Mr. Williams to approve Resolution H-1602-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

22. Mr. Snyder presented Resolution H-1603-8-08 which is appropriating funds for additional engineering expenses on Section 00-00155-00-BR, a bridge over the Sangamon River on Wyckles Road (CH 41).

MOTION

Mr. Snyder moved, seconded by Mr. Hogan to approve Resolution H-1603-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

23. Mr. Snyder presented Resolution H-1604-8-08 which is appropriating funds for additional engineering expenses on Section 00-14140-00-BR, a bridge on Archery Club Road in Pleasant View Township.

MOTION

Mr. Snyder moved, seconded by Mr. Hogan to approve Resolution H-1604-8-08 by prior roll call vote.

QUESTION:

Mr. Oliver: Mr. Oliver asked why these resolutions keep referring to additional engineering expenses. He asked what has happened that they have gone over the estimates. What has caused the increase?

Mr. Snyder: Mr. Snyder said the increase is due mainly to the fact that this money is estimated two or three years in advance and by the time we get to working on it the engineering costs change. The personnel cost increases with wages and so forth. He doesn't know that that accounts for all of it.

Mr. Meachum: Mr. Meachum said that construction material has increased 40% so that accounts for 99% of it.

MOTION CARRIED.

24. Mr. Snyder presented Resolution H-1605-8-08 which is appropriating funds for additional engineering expenses on Section 05-07161-00-BR, a bridge on Glasgow Road in Illini Township.

MOTION

Mr. Snyder moved, seconded by Mr. Hogan to approve Resolution H-1605-8-08 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

The Executive Committee had nothing to submit at the meeting.

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

CITIZEN'S REMARKS:

R. C. Bollinger: Mr. Bollinger is an attorney in Decatur for Erickson, Davis, Murphy. He is a resident of the Birchwood Estates Subdivision in Long Creek Township. He lives at 6420 Birchwood Lane. Gary Davis was with him and he is also a resident of their subdivision and lives at 6412 Cedar Crest Court in Decatur. They have a number of other residents from their subdivision at the meeting as well. They wanted to talk briefly about an issue of concern to them. Gary passed out some photographs of the condition of the roads in their subdivision. The Birchwood Estates Subdivision was platted around 10 years ago. These roads have not yet been accepted by the county. We have a number of young families. We have 30-35 homeowners in the subdivision. A lot of children ride their bikes and scooters on these roads. For years there have been efforts to try and patch them, but at this point the roads are beyond the point where they can just be patched and repaired. They are in a situation where the roads need to be replaced. Efforts have been made to contact the State's Attorney's Office. There were discussions with Mr. Waks. Efforts have been made to speak with the county Zoning & Planning, Mr. Lightner. He understands that both of these agencies have tried to assist us, and have indicated they have made contact with the developer. An ultimatum was given to the developer that if he didn't fix the roads, and it is his obligation to fix these roads and if he does not do so, then at some point the county will do that and charge the developer for that expense. Mr. R. C. Bollinger said he didn't think there had been any formal deadline imposed by which he would have to do that. At this point Mr. Lightner has made contact with the developer and suggested there be a sit down meeting with the Long Creek Township Highway Commissioner, Mr. Dean Rhoades to try and establish a timetable for this. Mr. Bollinger believes the developer has not been responsive to that meeting at this point. They were at the meeting to ask the board to consider assisting them in this effort to try and get the roads to a condition where they are safe for children. The entry road to the subdivision is eroded to the point where you really can't put two cars side by side. He believes the values of the properties in this subdivision are being negatively impacted by the condition of these roads. Mr. Bollinger said whatever assistance the county could provide to them would be greatly appreciated.

Mr. Yoder: Mr. Yoder asked if the comment he made about the county taking over the roads shouldn't actually have been stated as the township. He thought it was ultimately the township who would sign off on it for the responsibility of maintenance of the roads.

Mr. Bollinger: Mr. Bollinger said he believes that the county and or the township at some point will accept the roads once those roads meet the minimum standards that the county highway department has set. He does not believe they are at that point yet.

Mr. Williams: Mr. Williams said he is confused about what is currently going on. He asked if they have a neighborhood covenant or agreement or something. He asked when they moved in if the developer supposed to take care of the roads. How is it currently set up?

Mr. Bollinger: Mr. Bollinger said they don't deal particularly with a covenant.

Mr. Williams: Mr. Williams asked if they pay into that where part of the cost of their lot was to cover the maintenance.

Mr. Bollinger: Mr. Bollinger said it was understood that we would have roads that we could have our children ride their bikes on, and we could drive our cars on them without concern. If the county or township is not obligated at this point to accept them because the roads are not up to the minimum standards, then he has to ask whose responsibility is that. He would have to think that would be the developer's responsibility. When he sold us the lots and sold us the homes, he would assume the developer budgeted at some point to bring these roads up to the standards they would need to be. Mr. Bollinger doesn't know if the developer has done that.

Mr. Williams: Mr. Williams asked if Mr. Bollinger wanted the county to help them with the developer, or do they want the county to take the roads over.

Mr. Bollinger: Mr. Bollinger said what they would like, and he didn't mean to speak for everybody necessarily, but he thinks the collective consensus is that they would like the developer to be given a specific timetable by which he must get these roads fixed. If he fails to do so then the county would at that time replace them and look to the developer to reimburse the county for those expenses.

Mr. Williams: Mr. Williams asked the State's Attorney if that is something that the Highway Department can do. He asked if the State's Attorney could enlighten the board legally on this issue.

Mr. Waks: Mr. Waks has had a lot of discussions with Dan Lightner about this. It was a dedicated roadway by the subdivision developer. In order for this dedication to take place there must be acceptance by the governmental unit who is getting the dedication and it was never accepted. We have got a road that is really still owned by the developer. The governmental unit would be the township that would accept it, but they are not willing to accept a substandard road. As soon as it gets brought up to standard they are willing to

accept it. There was a subdivision bond. We are looking at the subdivision bond that the developer posted. As far as collecting for doing the work on that, whether the highway department would do this work or a road contractor we don't know the answer to that. We haven't talked to the Highway Department to see if that is something they would or could do, or if it would even be appropriate. Mr. Waks said off the top of his head it is probably best to bid that out to a contractor. We would attempt to get the bonding company to pay for it and if they don't there would be litigation to collect for the payment.

Mr. Drobisch: Mr. Drobisch asked how much the bond is that was originally put up.

Mr. Waks: Mr. Waks said he does not know the amount right now.

Mr. Drobisch: Mr. Drobisch asked who the developer is on this.

Mr. Lightner: Mr. Lightner said that David Birch is the developer. He is not certain of the exact amount of the bond either.

Mr. Drobisch: Mr. Drobisch said that is some of the questions he would like to get answers to, as to what the developer's financial responsibility is, and how much the bond is. We accept these bonds kind of blindly all the time and if they are not enforceable we have got to put some kind of instrument in place that is going to be able to enforce them without having to go through long litigation to get the matter resolved.

Mr. Lightner: Mr. Lightner said he didn't want to touch on the legal aspects of the bond itself, but he knows there is an estimate prepared and accepted by the Highway Department as to the amount of the bond and then the bond has to match with the estimate that was provided. The amount of the bond should cover the construction of the streets.

Mr. Drobisch: Mr. Drobisch asked if we are looking into that. As a county board member he doesn't want to commit to something unless we have got some way of funding it. This is not going to be an inexpensive project to take on.

Mr. Waks: Mr. Waks said no one was asking the county board to commit at this particular point. Mr. Bollinger is asking for the board's political pressure in order to try and get this moving faster.

Mr. Drobisch: Mr. Drobisch asked who we should squeeze to start to get this thing resolved.

Mr. Waks: Mr. Waks said the way to get it resolved is to get the developer to the table first.

Mr. Drobisch: Mr. Drobisch asked if the developer is still around.

Mr. Waks: Mr. Waks said yes.

Mr. Drobisch: Mr. Drobisch asked if the entire subdivision is sold out.

Mr. Bollinger: Mr. Bollinger said he believes it is fairly close. There may be one or two homes at this point that need to be finished.

Mr. Gary Davis: Mr. Davis said he lives in the neighborhood. He could give them a brief background. He believes the addition started in 1999. From the information he has gathered the bond was possibly issued in 1998. He said they broke ground in the neighborhood on their first construction in 2002. It was his understanding at that time that the roads, after all of the construction was done, would be rebuilt by the developer and then handed over to the township once the roads were brought up to an acceptable level. Years have gone by and the development has pretty much filled in, and at this time there are possibly two vacant lots left. So, right now we have a total of 35 property owners because Dave Birch still owns a lot and someone else owns a residence in the neighborhood but also owns a lot they have not built on yet. This has been kind of a sore subject for quite awhile within the neighborhood, watching the streets deteriorate over time. Last summer he spoke to Dave Birch himself on the telephone and asked him what the timetable was, and what his plan was in regard to the streets. Mr. Davis was told at that time that once the construction of the homes was complete was when he was looking at redoing the streets. Mr. Davis stated that Mr. Birch still had a couple of lots that were not sold yet and it could be years, and by then they were not going to have any streets left. Mr. Birch responded well 95%. Mr. Davis said he thought we were already to that number and we would sure like to have a little bit firmer timetable. Mr. Davis said they didn't get the answer they were looking for. At that point an informal letter circulated the neighborhood. Most of the residents signed the letter and it was presented to Dave Birch asking that the potholes at the front of the neighborhood be filled in immediately, and that they be given some sort of timetable by the first of May of 2008. The pothole was patched but beyond that there was no correspondence or communication with any of the residents as far as a timetable. Then they were concerned about what to do next so they went to the Long Creek Township and approached the board there. They agreed that the streets need repaired. Dean Rhoades agreed that it is time. He immediately talked to Dave and beyond that is where it began to stall. Mr. Davis' understanding was that when they began to check on the bond that is in place there was some problem with the bond in that it is believed that the bond had a one year expiration date from the time it was issued. He was no expert but if it was issued in 1998 then possibly in 1999 the bond would have become obsolete. Mr. Davis said the reason they were at the meeting was because they really don't know where to go at this point. They need help. It is a situation that has most of the residents upset and they can't seem to get any movement. They had been told that possibly the State's Attorney's Office would become involved. If push came to shove that the county would then come in and repair the streets and then pursue Dave to recover the cost. They are kind of looking at it like whose fight is it. They really don't know which way to turn and that was why they were there looking for some kind of help. They would like to get some clarification on whether the bond is obsolete and if it is then what next. Does the State's Attorney or the county want to get involved? Ideally for

them they would love that. The more power that can be put behind this the better. They are looking for those answers from the experts here.

Mr. Waks: Mr. Waks said this is a subdivision that was approved by the county. The county had the conditions set. The county is the one that makes sure that the subdivision was developed in accordance with the plans. It wasn't. It's the county's job to make sure that does get accomplished. Whose job is it to push this? It is the county's job in his opinion. Will the State's Attorney's Office get involved? Yes, it's the State's Attorney's job, if required, to go to court and make sure this is accomplished. Regarding the issue of the bond, it was an expiration of one year or, and the "or" is what we want to hang our hat on, completion of the public improvements. We are stating that the public improvements were not completed yet so the bond is still in force. It did say one year, but it said one year "or". It is our position that the bond is still in effect and we will attempt to collect on that bond. We want to try and get the developer to the table first, but he is not going to have forever. We will set up a timetable and if that is not complied with then we will take additional action.

Mr. Jacobs: Mr. Jacobs asked if Randy had read the bond and reviewed it.

Mr. Waks: Mr. Waks said yes.

Mr. Jacobs: Mr. Jacobs said it is one year "or" what.

Mr. Waks: Mr. Waks said it is one year "or" and he can't remember the exact language on the "or" part. He and Dan have talked about that extensively.

Mrs. Wilkins: Mrs. Wilkins asked what the additional action would be.

Mr. Waks: Mr. Waks said litigation.

Mrs. Wilkins: Mrs. Wilkins asked if that would be litigation with the developer or contractor.

Mr. Williams: Mr. Williams asked if litigation is something the State's Attorney would move forward with on behalf of these folks.

Mr. Waks: Mr. Waks said it won't be on behalf of those folks; it would be on behalf of the county. It is our job to make sure our subdivision is completed pursuant to our plan. If it is not, it is up to us to make sure they do.

Mr. Williams: Mr. Williams just asked that we move in an expedient manner for these folks. He certainly understands their frustration.

Mr. Waks: Mr. Waks said we are not doing it for them, but for the county, but obviously they are the ones that are going to be benefiting.

Mr. Dunn: Mr. Dunn asked Dan Lightner to review our subdivision ordinance and make sure, as Kevin pointed out the rising cost of road material and things like that to make sure we are getting a big enough bond. If this thing has been going on for 8 or 9 years the cost of everything goes up.

Mr. Oliver: Mr. Oliver said along those same lines when we do plats and subdivisions and all of these nuances are put in we need specific language as to when and what is going to happen with these bonds, and that the work that is expected to be done. We are in limbo on this one not knowing just what it really stated. The results are that these people are left in limbo. He thinks they should just tighten the procedure up.

Dean Padgett: Mr. Padgett lives at 3245 N. Susan Drive in Decatur Illinois. He heard via the grapevine that there was going to be a lot of discussion about water tonight so he came prepared. He was here to tell them that because of Dave Wolfe, who at the time was Chairman of this Board, along with 3 or 4 people who are normally present here, are the reason he and all of his supporters got the courage to fight the Conservation District for a poor trustee 3 to 2 vote to close Friends Creek Campground and an even worse decision for management to come up with lockjaw at this same time. Mr. Wolfe's ideas were very simple and direct as to how we needed to move in order to succeed. We had a meeting at Friends Creek and we called that meeting hide or seek at Friends Creek and it was open to everyone. That was very plain in the newspaper. The reason behind this was that you could hide behind a bad decision or you could seek a reasonable resolution. He still supports that. Most problems have a solution if you work together to solve it. We are half way home. He wants to be all the way home one of these days. Mr. Wolfe's complete concern about this terrible wrong, Mr. Padgett will always be grateful for the way he supported them in their endeavor. In closing, he would leave it up to them to decide which paddle is best is describing a reasonable solution. He held up two paddles, one said Wolfe's Fix and the other said Merner's Mess.

OFFICEHOLDER'S REMARKS

Mr. Dudley: Mr. Dudley said although he opposed the subdivision earlier he would like to thank Mr. Dunn, Linda Little, Joe McGlaughlin, Verzell Taylor, David Williams, and the late Dave Wolfe for doing such a great job, and putting in very many safeguards to help those people. He thanked them for that work.

Thomas Schneider: Chief Deputy Schneider said he wanted them all to know that he appreciated all of their support. He would not let them down and would work very hard for them. He just wanted to take the time to tell them that their support was greatly appreciated.

Mr. Sampson: Mr. Sampson asked Mr. Dunn to take the Chairman's seat, and he spoke from the podium. He said he would read his statement to be sure he had his language precise. Mr. Sampson read the following: Assertions regarding my motivation for removing Kevin Meachum from the Transportation and Finance committees reflect not

only on me but on how the Macon County board conducts its business. It is necessary to fully state my reasons for this action.

It is true that I advised Mr. Meachum to request a leave from his committee assignments. It is not true that my action was motivated by his opposition to the proposal now pending in Finance Committee regarding charges for fringes/benefits in the FY09 budget. My decision had nothing to do with the disagreement on policy and everything to do with our conflict on process. At the time of his removal, Mr. Meachum was the only vote, I believe, on the Finance Committee opposed to this policy. It has not been my practice nor will it ever be to remove committee chairs and members over policy disagreements.

The action I took involving Mr. Meachum was forced by several incidents dating back to the first weeks of my chairmanship. In sum, the steadily mounting evidence that Mr. Meachum could not run the Transportation Committee in a responsible manner nor serve with respect and civility toward his colleagues on Finance triggered my action – not his views.

During December 2006 and January and February 2007, Mr. Meachum, as chairman of Transportation, tried to interfere in the day-to-day operations of the Highway Department. His attempts to change the daily work hours agreed to in a contract ratified by the Department's workers and the County Board led to an unneeded confrontation with workers and a directive by the county's labor attorney to leave the day-to-day operations to the county engineer.

During this same period, Mr. Meachum was calling the County Engineer, by the latter's account, as often as three to four times a day about items such as the brand of windshield wiper blades used on county trucks. That call in particular came as the County Engineer and Department were attempting to deal with a blizzard.

As a result, I met with Mr. Meachum and David Wolfe and warned Mr. Meachum that I would remove him if he did not cease meddling in the day-to-day operations of the Department. He agreed to stop this behavior. Additionally, I asked Mr. Wolfe to, in effect, keep an eye on Mr. Meachum and help him avoid trouble.

For the next several months, Mr. Wolfe was successful in this task and Mr. Meachum stopped abusing the power of his chairmanship. However, earlier this year, as Mr. Wolfe's health deteriorated, I believe he was unable to exert that stabilizing influence.

Several months ago, one of Mr. Meachum's relatives became involved in a dispute with the Macon County Fair Board. Mr. Meachum attempted to use his power as chairman of the Transportation Committee to withhold certain services and equipment provided in the past by the County to the Fair. Again, I warned him that this was not proper behavior. A few weeks before the Fair opened, I had to intervene and ensure that the services were provided.

Earlier, I appointed Mr. Meachum to the vacancy created when Mr. Wolfe resigned from Finance, hopeful that he would rise to the occasion.

Mr. Meachum's problems on Finance stemmed not from his opposition to the proposed fringe/benefits policy affecting Highway but his manner of pressing that view. As I entered one Finance meeting, Mr. Meachum accosted me and loudly proclaimed his opposition to the policy and implying illegalities. Later, during the same meeting when Mr. Ashby tried to explain his views on the matter, Mr. Meachum interrupted to the point that Mr. Ashby gave up attempting to speak.

In our limited discussions on the disagreement over the fringes/benefit policy as applied to the Highway Department, I consistently urged Mr. Meachum to bring the sides together to discuss the issue and try to find middle ground. To my knowledge, he never attempted to do so.

There exists on this Board a wide and healthy diversity of opinion. To function effectively, all members of a legislative body must recognize the rights of others and conduct themselves in a civil and respectful manner during debate.

Taking all these incidents together, it became clear that, in my opinion, Mr. Meachum did not have the judgment and respect for the views of others needed to function as a Committee chair or as a member of the Finance Committee. To ensure an orderly process for consideration of the FY 09 budget, Mr. Meachum had to be removed from his positions—not because of his views but due to his conduct.

In closing, I believe my record as Chairman of the Finance Committee for five years and during my term as Chairman of the Board speaks to whether or not I would attempt to suppress views with which I disagreed.

A Chairman of the Board is ultimately responsible for its effectiveness in debating and deciding public policy. His or her responsibility must be to ensure that process has a chance to work without threats to the Board's integrity or to civil debate and discussion.

There was no old business presented at the meeting.

There was no new business presented at the meeting.

MOTION TO ADJOURN

Mr. Oliver moved, seconded by Mr. Dudley to adjourn until Thursday, September 11, 2008 at 7:15 p.m.

MOTION CARRIED.

Meeting adjourned at 9:00 p.m.

