

**PROCEEDINGS  
OF THE  
MACON COUNTY BOARD**

**OCTOBER 09, 2008**

**Robert D. Sampson  
Chairman**

**Stephen M. Bean  
Clerk**

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

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

Mrs. Taylor led the members in Prayer.

All led in the Pledge of Allegiance.

**A. APPROVAL OF THE MINUTES OF THE SEPTEMBER 11, 2008 MEETING**

**MOTION**

Mr. Yoder moved, seconded by Mr. Dunn to approve the minutes of the September 11, 2008 meeting.

There were no questions or comments from the board floor.

**ROLL CALL.**

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

Nays: (None)

**AYES = 20**

**NAYS = 0**

**MOTION CARRIED.**

**ZONING/SUBDIVISION**

1. Mr. Dunn presented Resolution Z-1087-10-08 which is regarding Case R-01-09-08, a petition submitted by Larry & Linda Kallenbach for rezoning of approximately 1 acre from A-1 Agricultural District to R-4 Single Family Residential District on property commonly known as 4394 W. Elwin Road in South Wheatland 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 7-0 that the County Board approve the subject petition

**MOTION**

Mr. Dunn moved, seconded by Mr. Meachum to approve Resolution Z-1087-10-08 by prior roll call vote.

The petitioner was present at the meeting.

There were no objectors present at the meeting.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

2. Mr. Dunn presented Resolution Z-1088-10-08 which is regarding Case R-02-09-08, a petition submitted by Sharon Cunningham for rezoning of approximately 0.75 acre(s) from A-1 Agricultural District to R-1 Single Family Residential District on property commonly known as 8935 W. School Road in Austin 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 7-0 that the County Board approve the subject petition.

**MOTION**

Mr. Dunn moved, seconded by Mrs. Little to approve Resolution Z-1088-10-08 by prior roll call vote.

The petitioner was present at the meeting.

There were no objectors present at the meeting.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

**B. CORRESPONDENCE**

A Report of Official Acts (June 2008 – May 2009) – Macon County from the Macon-Piatt Regional Office of Education.

A Notice of Application for Permit to Manage Waste from the Illinois Environmental Protection Agency for Veolia ES Valley View Landfill – Unit 2.

Letters from the Illinois Housing Development Authority regarding two 12 unit multifamily developments in the name of Charles Street Supportive Housing and Camelot Supportive Housing.

A letter from the Village of Mt. Zion regarding an update of the Gustin and Nelson TIF Joint Review Board.

A copy of a recent inspection report of the Macon County Jail from the Illinois Department of Corrections.

The Lincoln Land Community College Annual Report 2007-2008.

## **REPORTS**

Sheriff's Report – September 2008

Treasurer Fund & Investment Report – August & September 2008

Macon County Tax Collector Bank Report – August 2008

Auditor's Report – September 2008

## **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.

There were no questions or comments from the board floor.

## **MOTION CARRIED.**

### **3. CLAIMS**

## **MOTION**

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

There were no questions or comments from the board floor.

## **MOTION CARRIED.**

## **APPOINTMENTS**

4. Mr. Sampson presented Resolution G-3235-10-08 which is the reappointment of Roger Eads as Drainage District Commissioner to the Oakley Drainage District #1.

## **MOTION**

Mr. Yoder moved, seconded by Mrs. Wilkins to approve Resolution G-3235-10-08 by prior roll call vote.

There were no questions or comments from the board floor.

## **MOTION CARRIED.**

There was nothing submitted on the Consent Calendar.

The Justice Committee had nothing to submit at the meeting.

**EEHW COMMITTEE**

5. Mr. Dunn presented Resolution G-3236-10-08 which is approving an equipment maintenance agreement between CDS Office Technologies and Macon County Solid Waste Management Department.

**MOTION**

Mr. Dunn moved, seconded by Mr. Dudley to approve Resolution G-3236-10-08 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

6. Mr. Dunn presented Resolution G-3237-10-08 which is approving a service agreement between Veolia ES Solid Waste Midwest, LLC and Macon County Solid Waste Management Department.

**MOTION**

Mr. Dunn moved, seconded by Mrs. Little to approve Resolution G-3237-10-08 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

7. Mr. Dunn presented Resolution G-3238-10-08 which is approving Intergovernmental Agreements between the County of Macon and Units of Local Government.

**MOTION**

Mr. Dunn moved, seconded by Mr. Smith to approve Resolution G-3238-10-08 by prior roll call vote.

**QUESTIONS:**

Mr. Jacobs: Mr. Jacobs asked if this is the one for the rural township. In the township business we already have our boxes. We have an agreement with Solid Waste. He asked if that is going to be nullified.

Mr. Dunn: Mr. Dunn said this will supersede it. He thinks the only change on this is that the County will provide the driver.

Mr. Jacobs: Mr. Jacobs said we have that now.

Mr. Dunn: Mr. Dunn said the old agreement said the township would provide the driver. This agreement says the county will provide the driver and the truck.

Mr. Jacobs: Mr. Jacobs said we have that situation at this time. We have a container it is there 7 days a week, and solid waste provides a driver to pick it up and exchange it.

Mr. Dunn: Mr. Dunn said the old agreement didn't reflect that, so this new agreement will reflect that we will provide the truck and the driver.

Mr. Jacobs: Mr. Jacobs asked if they will have the option of not signing. He thinks there are some conditions in there that need discussion before he will sign an agreement for South Wheatland Township.

Ms. Ludlam: Ms. Ludlam said this actual agreement is to supersede the old agreement and reflect the current policy, the current program as it is being run. The only major change in it is the driver clause. She said if Mr. Jacobs had some other clauses that are different than the agreement that they had....

Mr. Jacobs: Mr. Jacobs said they are perfectly happy, but he didn't want the county telling them what they have to do in South Wheatland Township.

Ms. Ludlam: Ms. Ludlam said she didn't believe anything is different. When they reviewed it, it was the driver clause because that is what they are doing now to make sure everybody's liability is covered.

Mr. Jacobs: Mr. Jacobs said he wants to read the agreement before he signs it.

Ms. Ludlam: Ms. Ludlam said it should be attached.

Mr. Dunn: Mr. Dunn said he is sure this agreement is like the old one and the county can terminate it in 30 days if they want and so can the township.

#### **MOTION CARRIED.**

#### **COMMENT:**

Mr. Dunn: Mr. Dunn said before he introduces the next resolution he would like to give an EEHW report from the committee that negotiated this which was Dave Williams and himself, Randy Waks, Dan Lightner and an attorney named Larry Clark who they hired that has extensive experience in negotiating landfill agreements. Mr. Dunn brought all of the paperwork he had to deal with and during these negotiations they have had quite a few meetings and quite a few e-mails and phone calls back and forth. They looked at over nine different agreements between other counties before they started this process.

They spent a lot of time on it and he thinks it is a good agreement, but he would like Larry to come up and explain some of the process they went through.

Larry Clark: Mr. Clark said he is an attorney and a substantial part of his practice involves solid waste. He has participated in a number of county solid waste plans of which he participated in Macon County's plan a number of years ago. He hasn't participated in any of the updates, but he knows the county has done a number of updates over the years. He has been through approximately 30 siting hearings involving everything from incinerators to landfills to transfer stations to even a fluorescent tube recycling facility. He has a lot of experience in this. In all but one case he has represented either, the local government, a county, municipality or a solid waste agency. In only one case has he represented the private industry. It is a little easier to wear the hat on one side or the other, and he has elected to work for public entities and that is what he did in this case. Mr. Clark was retained to help negotiate this Host Fee Agreement. In order to put that in perspective he wanted to step back a little bit. When you created your plan a number of years ago the plan had a number of provisions in it. He is not sure which update, but one of the updates to the plan, and it has to be updated every 5 years, says that if anyone comes to the county and wants to build a new landfill or expand an existing landfill that they must first enter into a Host Fee Agreement with the county. This is commonplace throughout the State of Illinois. He has negotiated a lot of these, and that is what Macon County's plan requires. As a result of this plan requirement, Veolia came to the county and said they wanted to expand their landfill, and they knew they had to enter into a Host Fee Agreement, and they wanted to participate in that. Mr. Clark said that was the point at which he was brought into this process. As Jay indicated we had about 5 meetings in this room. We have exchanged a number of drafts, and finally came up with a Host Fee Agreement that he feels comfortable with based on his experience, based on the location of this landfill within the state, and based upon the location of this landfill with respect to other landfills around the area. He believes the host fee amount that was negotiated is fair and reasonable under the circumstances and is pretty close to where he said they should end up at when we started this process. So, because the plan requires the county to enter into this Host Fee Agreement, that was done. Tonight is the termination of that process. It is the termination if you approve the Host Fee Agreement. From that point on the next step in the process is for the applicant, Veolia to file an application for what is called local siting approval. In the State of Illinois in order to expand a landfill or build a new landfill, a transfer station or a number of other similar types of facilities, you have to obtain approval from the local entity, either the municipality if the facility is located within the corporate limits of a municipality or from the county if it is located in unincorporated areas of the county. That is the step we are at, at this point in time. Once we get past the Host Fee Agreement, if it passes or eventually passes, then the applicant needs to file an application. In that application he will lay out all of the parameters of what he or she proposes to have in their landfill expansion. It will include things like days and times of operation. It will include detailed information regarding subsurface soil investigations, leachate management facility, gas management facilities. He anticipates they will see an application that will be fairly thick. We could negotiate some of those items in the Host Fee Agreement, and in fact we have negotiated some of the more important issues in the

Host Fee Agreement. But, by no means can you negotiate everything in the agreement. That is the purpose of the local hearing. At the local hearing, before the application is filed notice must be given to adjacent landowners as well as certain governmental state senators or state reps. Once the application is filed with the county the clock starts running. That clock runs for 180 days. During that 180 day period the county and any members of the public will have access to the application. It is his understanding that the County has already retained an engineering firm to review that application and intends to retain an attorney, hopefully himself, to help review that application, participate in the public hearing and make sure that what the applicant proposes is correct and will protect the public health, safety and welfare of the citizens of this county as well as a number of other criteria. There are actually nine different criteria that go into the determination of whether or not local siting should be given. That hearing has to start no sooner than 90 days after the filing of the application. People will have plenty of time to look at it, higher people if necessary to look at it if you don't understand portions of it. The first day of the hearing is again between 90 and 120 days after the application is filed. The hearing will be continued from day to day until it is finished. During that course of that hearing everyone who would like to participate will have an opportunity to participate. They will have an opportunity to ask questions of witnesses. If the information in the application is not clear they can do that directly. Also, as part of this process we made some changes to the siting hearing ordinance, the ordinance that actually governs how a hearing is run. We have expanded the ability of the public so you can participate as individuals, you don't have to hire an attorney to participate. You can come to the hearing and participate by asking questions and providing oral public comment and one or more times will be provided for you to provide that public comment. You can provide written comment during the course of the hearing or at any time within 30 days after the last date of hearing. The county board then has to assimilate all of that information and review the information given to them both during the hearing and within 30 days after the end of the hearing. They then have to make a determination within 180 days of the initial date of filing. They can say yes, this is a beautiful landfill or no it is not and we are denying the application for local approval, or the third option is to say yes we are going to approve it but we are going to approve it with conditions. Quite honestly, that is what is customarily done in Illinois is that you will see one or more small weaknesses in the application or one or more areas that aren't covered well enough and you are not comfortable with. They might want to make sure that there is no landfilling on Saturday night at 10:00 so they would approve this landfill subject to closing it at whatever time, like 3:00 on Saturday afternoon or whatever the case may be. The county will have the ability, if they make that determination, to approve this with conditions. Once that local approval is given then the applicant has the burden to go forward and file an application with the state which will contain much of the same information that they are going to file with the county. There may be a little more detail in some of the subsurface investigations. The State IEPA will then review that application and make a determination on whether they have met the requirements that they need to and will make a determination on whether to grant them what is called a construction permit. Once the applicant obtains that construction permit they will start digging and do all of the site work that they have to. During the course of that process there will be a third party engineer that comes in and reviews what they do and will review that information and



supply it to the state. The state will use that information as well as their own investigations. The last step of the process is that if the state feels the applicant has met their burden and have constructed the landfill as they said they would, and as it needs to be to protect the public health, safety and welfare, then the state will grant an operating permit. There are a number of steps in this process. If the county board determines that they have not met their burden and denies local siting the applicants only alternative is to appeal that decision and go through the appellate process. He said that is a little bit on how the scenario of the whole process fits together. He had a question earlier on why we are doing this Host Fee Agreement now. It is because A: your plan requires it now and B: because as county board members you have a unique roll. 99.9% of the time you act as legislators and garner information from your constituents and get feedback from them and you communicate with them. Mr. Clark said this is the one tenth of the time that you're not going to act as a legislator, but you will act as a judge. The day that the applicant files their application for local siting approval you then become a judge. You are going to make a decision based upon the application, all of the testimony, both from the applicant, any objectors, any private citizens, and any written comment provided by all of those parties. You are going to make a determination on whether or not they have met the necessary criteria. There are nine criteria. During that course of time from the day they file the application you can't talk to your constituents about this landfill application. You can't discuss it with them in a coffee shop. If somebody comes up to you, you are in a position to say that you wish you could talk about it, and you would like to talk to them about it, but you can't. What you need to tell them is that you want to consider their opinions, that you value them, obviously you value them because you take their opinions all the time, but they need to participate in the correct manner. The correct manner is that they participate in the hearing, ask questions, provide public testimony or public comment at the hearing, or they provide written comment during the course or within 30 days after the hearing. That is the way the public can be involved and make sure their opinions are communicated to you and that you can consider them. You can't consider something if your neighbor comes up to you at the coffee shop and says they really don't want that, please vote against it. You can only consider it if they put it in writing and make it a part of the process. That is how the process goes. It is difficult for county board members or city trustees if it is a city or alderman. It is a difficult process because you are acting in a different roll. It is hard for you to understand and it is much harder for the public to understand. He asking for the public to try and help understand what the process is, that your hands are tied once an application is filed. We went over some questions the other day that were posed by a group and the committee asked him to go over some of these questions and try to answer them. He would try to answer them specifically. He would not be able to answer everything in a specific form, but many of them are general in nature. There was a question regarding the length of the operating day and the hours the facility will be open. It is his understanding that there will be no change in the days or operating hours that the facility is open. In fact if the applicant wanted to change those they would probably have to go to the EPA as well as provide that information in the local siting process to get approval. You will see when they file the application when they propose to be open and when they propose to operate. The landfill property that was described in Attachment A of the Host Fee Agreement contains a legal description longer than his arm. He couldn't decipher it, nor would he attempt to

without an expert of some sort. That legal description includes all of the property that Veolia owns in that general area. It doesn't mean that they are going to put a landfill on every square inch of that property. In fact, we are going to have to wait and see until they file the application to find out exactly where the footprint of the landfill and the setback areas around the landfill are located. We will get a map and pictures of that. We will get a common sense description of that as well. It was his understanding, and he would be surprised to see anything other than them expanding the landfill to the north a little bit. It is not going to go across the highway or any other place. He thought there was some confusion about that. There was a question regarding the components of the gas collection and management system and where that is going to be located. That is specific information that will be contained in the application and will be reviewed. You will have an opportunity to ask questions and make determinations on whether or not it is too noisy, or whether or not the flare is going to be in your backyard and those types of issues.

Mr. Williams: Mr. Williams said we keep going back to the siting hearing and participating in the siting hearing, and the hearing dates. He asked where those hearing dates will be advertised. How will people get those dates?

Mr. Clark: Mr. Clark said by law the hearing dates have to be published. Once the county receives an application and reviews it at least facially to make sure that it meets the preliminary requirements which he is sure it will, then the county will make a determination on when to have the hearing. Those hearing dates will be published in the local newspaper as to when they are. There are a couple of different ways to do that. He would anticipate that it would also be part of your process because the county board is going to make some of those determinations as well. In addition, his experience is that the word gets out pretty quickly once you determine when the hearing dates are. Again, there is a time limit on that, no sooner than 90 and no later than 120 days after the application is filed. Banned waste, they want to know if further items should be banned from the landfill. There are a number of bans both state and federal and we will probably explore some of those if people are interested in further bans than what are already present. The property value guarantee plan, initially, well Veolia will tell you, not happily, but they will tell you that this is probably the biggest area ever served under a property protection plan. It is a little bit of an oblong if you look at the map and the legal description tells you part of what that is, but the purpose is that the primary effects of the landfill, the way that an operating landfill will affect you most importantly is traffic which is already there and he understands there is to be no change in the direction of the landfill traffic, odor and noise. With prevailing westerlies in this part of the country either from the southwest in the summer or the northwest in the winter, the biggest area of impact will be to the east of the landfill that is why the property protection area is extended abnormally farther to the east than it would be otherwise because the effect would be farther to the east. This is one of the first landfill agreements he has negotiated that the applicant actually said they would agree to extend it further to the east than we do to the west, even though he has asked for that a number of times. It is an attempt to make sure we protect everybody's property that could be affected. It is not a guarantee that it is not going to ever have an affect on somebody else's property. He would like to say we

could do that and have a plan that covers the whole county, but as a practical matter we know that the biggest effects are noise, odor and traffic. So the protection plan was created to address those issues. Quarterly groundwater monitoring; there was a question as whether it should be more often than quarterly. Quarterly is generally considered to be more than enough because of the volume of testing that is done. Each sample is tested by an independent party, not the applicant, and if the county wants split samples they can have them under most circumstances, because it is not any more trouble to collect twice as much as it is half as much. There is a tremendous cost in doing the testing. The testing is required to be done by a third party for 100+ different parameters. That information is taken back and you have to do that for each monitoring well. When you take all of that information it is a vast amount of information. When you factor into it that there are normal fluctuations in the concentrations of different constituents of groundwater that will change from summer to winter to fall to spring, you have to look at it in more of a gross form as opposed to looking at each individual sample because there will be variations in each well from one sampling event to the next. We could do more sampling but it really doesn't supply much more information because there is some natural change anyway. What they do is take all of these samples and test them for all the constituents and then put them in a number of different models to try and determine whether or not there is an affect on groundwater. So quarterly testing is probably going to be more than sufficient to tell us if there is an issue with the groundwater and more importantly if the issue with the groundwater comes from the landfill. There was a question regarding community relations or complaint resolutions. The writer of this thought it should be in a Macon County location and he agreed that it should be here locally. He anticipates that it will. If there is any question that it won't be and you deem fit to approve the application you could put that in as a condition. There is a question regarding reasonableness of different time frames, for instance the removal of hazardous waste and a couple of other things. Fortunately or unfortunately they say when you use words as a lawyer such as reasonable it is a lawyers relief fund because you can litigate forever on that. Sometimes, unfortunately that is the only word you can use that fits because you can't say hazardous waste has to be.... If somebody brings in a load of hazardous waste and drops it on the site you can't say you've got to pull that out of there in the next two hours because the State EPA and the Federal EPA have something to say about that depending on what the hazardous waste is. Unfortunately we can not tie everyone down to an exact time for instance in a case where somebody illegally brings in hazardous waste that's discovered and needs to be taken off site. There are, unfortunately, some grey areas in the application, but most of those grey areas are covered by state and federal statute. We wanted to bolster those requirements by saying that we wanted some oversight as well. We want to also make that determination that it is reasonable under all the circumstances. Do landfill design and operating standards have a requirement relating to well water contamination? He anticipates that the application will contain volumes of information regarding current testing done, the direction of groundwater flow, and the location of wells in the area that will contain both very technical data as well as summaries of that data. That information will be provided at the landfill hearing. You won't see an application that says there is going to be an impact because if the applicant did that they would know they would be denied. More importantly, they don't want to affect the groundwater either because it is an expensive

process to clean-up groundwater. By federal law if you do impact the drinking water, from the operation of the landfill or a leak in the landfill, you are required to take certain steps including providing palatable water including potentially bringing in water from the outside through water mains. The applicant doesn't think that is going to happen. They are going to try and prove their case at the hearing and their opinion is probably based on the general direction of flow of the groundwater. Groundwater is much like surface water it flows in a distinct direction. They are going to bring information in to show that they believe it runs to the south and away from the vast majority of the local wells in that area. The county is going to review that. Not only is the county going to hire people with expertise to review that, you certainly if any of you have expertise or have someone who has the expertise you are going to have the ability to do that. The next step when it goes to the State IEPA for their permits, the state is going to look at that as well. In addition, the state is going to look at their monitoring results over the life of the landfill. Because the monitoring wells are located around the base of the landfill, the idea is to find out if the landfill is leaking that you find out before that contamination reaches the boundaries of the landfill and before it could possibly get into somebody else's groundwater. That is theory and for the most part it works pretty well, but that is the determination the county board is going to make. In regard to highway upgrades, he doesn't believe you will see any change in the entrances or exits other than what is already being used. Again you will see that in the application. The next question was about the truck tarping plan which is one he feels very strongly about. We have indicated that we want to see a truck tarping plan. If it is not sufficient the county can dictate its own terms of a truck tarping program. His own belief on truck tarping programs is that you give somebody a couple of chances and if they have two or three strikes they are out for a year, and they can't bring waste to the landfill. It is something that is easily resolved and the landfill has the ability to do it. If somebody comes in twice without adequate cover and is losing their load then they should be barred from the landfill. The county's response for spills or releases, he thinks the lack of specificity regarding who has responsibility and timeliness is one of the questions, again that is one of the things that will be flushed out at the siting hearing. There is a question regarding the fees. This Host Fee Agreement has a provision that fees will, once the landfill gets their state operating permit or a date certain whichever comes first, the tipping fee or what is called the host fee will go from its current \$1.27 to \$2.25. That is a fee that will be paid on every ton of waste that comes into the landfill. It will go to the county board. Currently the way that is structured it will go into the county's General Fund. The money the county is currently receiving, they are receiving under the Solid Waste tipping surcharge statute that authorizes the county to impose a \$1.27 on each ton of waste that comes into the landfill, which you are doing and have been doing for a number of years. That money that comes in under that surcharge statute is restricted as to use. It has to be used for solid waste purposes. He knows the county has been using it in part to fund their solid waste department and that will change. With this host agreement if it is approved the money will come in and it will go into the General Fund. Then it is up to the county board to determine how much of that \$2.25 is going to go back into the Solid Waste department. It frees up the money so you can use it in ways other than for solid waste purposes. That is the customary trend. He has fought very hard in many places to get that provision into these types of agreements, and in general it is something the landfill

companies can give you because they don't care if it comes in as a tax or a fee; they are paying it either way. There was some question regarding capacity and why we are using different terms, like why we are talking about the landfill is to have approximately 9.5 million in place cubic yards of capacity. A cubic yard as you know is 3' x 3' x 3' which is a definite volume and we can ascertain that. The yardage that comes into a landfill however, is located in the back of a pick-up truck, in the back of a compacter truck, or some other sort of way. It may or may not be compacted. However, it comes in he could guarantee them that once it is deposited in the landfill and they run over it with the big tractors with the iron wheels, they are going to compact that further. The further they can compact it, the more use they can make of their available space. So, we can't make a direct conversion from a yard of waste that comes in on a truck to a yard of waste in the landfill. It doesn't convert because you don't know what the constituency is of that waste and you don't know how much it is going to get compacted down. What we do know historically is how many tons of waste the county produces on an annual basis. This agreement says that Veolia is going to guarantee you that much tonnage because we know what that tonnage is historically and reserve that much capacity for you. That is why there looks like there is a discrepancy between tons and yards. Finally, the insurance, he can never figure the insurance out himself. They did submit the insurance questions to county's insurers and these are the numbers that they came back with and recommended that we put into the Host Fee Agreement. He said they will probably look at that again. That is something that if they feel uncomfortable with it, if necessary it could be used as a condition of local siting approval. He has said a lot and knows it is a lot to throw at them. He would be happy to answer any questions.

Mr. Hogan: Mr. Hogan said in regard to the fees Mr. Clark had said that was a recommendation coming from him. Why is the increase such a large increase?

Mr. Clark: Mr. Clark said quite honestly they tried for a much higher increase. It is a revenue based situation. It brings revenue to the county. Most units of local government are crying for alternate sources of income. Every unit of local government he has negotiated a contract with welcomes a chance for another source of revenue, and that is what this is. Indirectly it comes back to the citizens. It does. For the \$1.00 increase per ton that the county, if this agreement is approved and if we go through siting gets, it's going to eventually trickle its way back to the homeowner. The homeowner produces in general about a ton of waste a year, so it could be a tax of a \$1.00 a household.

Mr. Jacobs: Mr. Jacobs said we are dealing with a fund where we have \$1,400,000 in it. He believes that is somewhat the figure for solid waste. So we go out and raise this fee, and you know good and well that it is going to come back to the consumer. He asked if this is somewhat taxation without representation. He thinks it is a way we have found to generate revenue for other purposes. Originally when the Solid Waste Department was started the funds were designated funds.

Mr. Sampson: Mr. Sampson said Mr. Clark just explained that.

Mr. Jacobs: Mr. Jacobs said he understands that the \$1,400,000 is a designated fund, so are we going to hang on to the \$1,400,000 or are we going to spend the \$1,400,000 and then use the other money for other county purposes.

Mr. Sampson: Mr. Sampson said he would think that the board would determine how they are going to spend that \$1,400,000. You could run the Solid Waste Department off that \$1,400,000 for probably a couple of years.

Mr. Jacobs: Mr. Jacobs said he just thinks we are passing on a fee to the taxpayer or the consumer that is unnecessary.

Mr. McGlaughlin: Mr. McGlaughlin said he would like to address a point of order. If we are going to debate the question he thinks we need to get it on the floor.

Mr. Sampson: Mr. Sampson said we are still in the report stage from the EEHW Committee and we will have the question on the floor before long, but we are trying to give people an opportunity to get some things out in the open before we get to that point. Hopefully, that would simplify debate but he is starting to doubt that's going to work. Mr. Sampson asked if the attorney from Veolia would like to make a brief statement.

Gerald Callaghan: Mr. Callaghan said he represents Veolia and he participated in negotiations for the Host Agreement. We appreciate your attention to this, this evening and ask that you consider it and vote on it. Mr. Callaghan said he will answer any questions the board might have.

Elmer Turner: Mr. Turner lives at 7135 W. Cantrell in the City of Decatur, Macon County, Harristown Township and planet Earth because we love the landfill. He gave them some of his background. He is a Millkin grad so he has been around the area for a long time. He spent a dozen years with Price Waterhouse as a senior manager auditing and consulting with lots of big companies. Mr. Turner spent about 25 years with Illinois Power managing their corporate accounting and finance functions, and then several years up at the nuclear station as a financial controller, so he is familiar with regulated industries and some of things that you get into. He was at the meeting tonight to speak for, for lack of a better word, a coalition of Harristown residents. We have been getting together for about a year to try to follow developments with respect to the landfill. He wanted to clear the air for the record. We have never taken a position that says, let's close the landfill. We are not opposed to a Host Agreement that has to be part of the process. We have felt somewhat left out. Mr. Clark referred to the legislative mode earlier. We don't feel we have been a part of or as a constituent of a part of a legislative mode. A lot of the issues, questions, concerns, and thoughts we have had could have been conveyed and discussed informally much earlier in the process. Essentially we have been focusing our concern on what we view as health and safety issues. Certainly, we also have property value issues. We have the overall environmental concerns but it was indicated those would be addressed in somewhat more detailed siting application process. The board members all received information detailing the points we had put together. We tried to go through that draft agreement very carefully. So having the comments

from lawyers and so forth and going through his list they have tried to address some of those. He wanted to add that this afternoon they had an opportunity to meet with Tim Curry, one of the engineers from Veolia, in kind of a get together that they have wanted for a long time to be able to sit down and say here is an issue, let's talk about it. Some of the issues as cited by Mr. Clark will be addressed in the siting application process. He thinks there are still some other concerns that we have. The Property Value Guarantee Program when you stop and look at it, how did you reach a decision on those particular boundaries. If you looked at it and took for example Joynt Road, you will have people one tenth of a mile away from the site without property guarantee protection. You will have people  $\frac{3}{4}$ 's of a mile away in the other direction that will be under the program. Lots of us live not next door to the landfill. We may live 1 mile, 2 miles, 2.5 miles down the road, but rest assured as this landfill expansion progresses, how it progresses, how it is perceived to progress, whether it's aesthetics or is there confidence in testing. If you look at it and ask what test our solid waste people perform, or what test the EPA performs, most people don't know. He would have to tell them that he doesn't know. People would say that you have to have confidence and trust. Look at Wall Street in the past two weeks and the big companies. Everybody had trust in the folks doing their testing and following the regulations and so on. It is an important issue. We raised the question about the capacity. The big picture is that the landfill is an asset. It is an asset to Macon County. It is an asset to Veolia. Without the operating permits and so forth it is not an asset to Veolia. They're in business and they're a good company. They are out to make a profit and there is nothing wrong with that. By the same token, the folks in Macon County have to look at this landfill and feel it is an asset to them. One of things we still don't understand is that when you look at the 118,000 tons a year, and do some rough calculations, and put it in the big picture prospective he thinks you would find that the use of the landfill over the next 25 years, about 35% maybe 40% of that asset is dedicated for the use of Macon County. The other roughly 60% is going to be utilized by refuse being brought in by from other counties. There are 10 or 12 other counties he doesn't remember the exact number. His point remains the same. That is why one of the points we had on our issues paper that asked how you give the residents in the township in the proximity of the landfill a bit of confidence and a feeling that yes we are in a safe environment. If wells go dry what do you do for water? One of the things we put in there was the question of adding a surcharge to the non-Macon County waste. The folks that are using up our landfill and deferring their decisions to invest money and build landfills though it might make more business for Veolia in the long run, has anyone looked at that perspective. Some of those monies could be used to fund some of the additional testing. Frankly, we need more information about the groundwater issues. He understands what's been said. There is a lot of non-understanding with respect to exactly what the aquifer situation is in that area. When you start building a new cell and you're draining water from beneath that cell, and wells nearby start to go down, is there a relationship? Which way does the water flow? Some may say it flows this way. How do we know? He said that is his nuclear background. How do you know? What gives you that confidence? It is out of concern that we raise these points. We are hoping that at some point in the process, going back to the Property Value Guarantee Program, is that set in concrete with this Host Agreement? He calls it a Host Agreement. Mr. Clark called it a Host Fee Agreement. Mr. Turner said in his view it is more than just about

fees. It sets the stage for a number of things in here. Is that an area that could be modified beyond any decision tonight? We came here tonight before these other presentations to ask the board to respectfully table it for a month. In the big picture, and the whole process of approvals, a month is immaterial to any of those processes. Secondly, to sit down with representatives from our district 5, single person, two people, whatever and spend some time over a cup of coffee and go through these issues and try to understand where we are coming from. Mr. Turner thanked them for giving his group a few minutes at the podium. Hopefully our comments are understood in the sincerity with which they are presented. We need to be a part of the process. He hopes going forward that they will be more included in the process and have an opportunity to get the information and make appearances or present their views, and have people at the right time and place to listen. He feels there are still issues here that haven't been resolved. He thanked them.

Mr. Clark: Mr. Clark wanted to address the issue on the surcharge for out of county waste. Unfortunately, garbage is considered an item of interstate commerce so you can't discriminate against an item of interstate commerce by charging someone from out of state a disproportionate fee or tax. There has been a whole litany of cases that have gone back about 12 or 15 years that have found that unless you meet a certain number of very regulated circumstances you can not discriminate on out of state waste. Since you don't know where the waste is coming from, if it comes from out of county it is considered to be out of state. So you can not put a surcharge tax on something that comes from somewhere other than Macon County, unless basically you own the landfill.

8. Mr. Dunn presented Resolution G-3239-10-08 which is approving a Host Agreement between Macon County and Veolia ES Valley View Landfill, Inc.

#### **MOTION**

Mr. Dunn moved, seconded by Mr. Williams to approve Resolution G-3239-10-08.

#### **MOTION TO AMEND**

Mrs. Little moved, seconded by Mr. Jacobs to amend 6.1 at the Payment Per Ton Article to reflect, and this is not proper verbiage but that is why we have lawyers, that the \$1.27 stays designated to the Solid Waste Department and the \$0.98 and whatever increases come with that on the annual basis would go to the General Fund.

#### **COMMENT:**

Mr. Sampson: Mr. Sampson said he could only say that as a county board member for the last 6 years he could remember a time when we were sitting in this room laying off people because we didn't have any money in the General Fund. He hopes we never get to that again. That \$0.98 that you're likely to take in exchange for the \$1.27 may look awfully good at that point.



Mr. Dunn: Mr. Dunn would speak against this himself. He would like to remind everybody that Solid Waste has \$1,400,000 in reserves and has enough money in there to carry their expenses budget for several years. He is pretty disappointed in what the Solid Waste Department has done in the past as far as spending that money for recycling. He has a State's Attorney's Office that has been trying to get clear streams which cost \$50.00 to the county, for 9 months and hasn't gotten them. We have had townships that have tried to get cargo recycling trailers for months. He thinks the money we've amassed in there has not been spent like it should. He thinks we need to get it into the General Fund where we can have more control over it and do more recycling for our citizens.

Mr. Meachum: Mr. Meachum asked how much it costs to run Solid Waste. Does it take 25% of this host fee to run it? Earmark the appropriate money to run the office, not just say \$1.27 since we have got \$1,400,000. What does it take to run the day to day operation per year and give it some latitude like maybe \$0.50 of this host fee to run that office properly. The rest of it could be used to run the county. He asked if that is a possible compromise here.

Mrs. Little: Mrs. Little said Solid Waste does have \$1,400,000. At the current rate of budget, at least with last year's budget, that is just over 3 years of operations if they do not get any General Fund monies. But, on various occasions in EEHW it has been brought up that Solid Waste should have a permanent facility. While it would be nice to blame Solid Waste that, that hasn't been pursued, some of that responsibility goes onto the EEHW Committee, of which she is a member, and that they have not directed the department to do that. We have not given them any guidelines for what we would like to see in a permanent facility. As a county if that is the avenue we want to take, then we need to get proactive on that with our Solid Waste Department and pursue it, or we need to drop it and stop bringing it up at random meetings and give all the money to the General Fund and just do what we're doing now status quo.

Mr. Oliver: Mr. Oliver said this county has gone through some very hard times in the last few years, and the thing that bailed this county out regardless of what anyone wants to say was the LEST Law Enforcement Safety Tax. That gave us some breathing room to get our bills straightened out and our debt paid off, and that money is going to disappear very shortly. There is going to have to be something to take the place of that to keep this county operating in any kind of condition like it is now and for any new operations or costly operations that are going to come up. One thing that really takes a lot of the county's money is the employees and fringe benefits. We are constantly negotiating contracts and constantly tapping the General Fund out. We get a built in cost every year of 3% to 5% without having anything to do about it at all. It is just the nature of the beast for doing business. These things will come regardless of what happens. If we don't have a new source of revenue, somewhere to cover what we are going to be losing, we are going to be losing out. He is not in favor of the amendment.

Mr. Sampson: Mr. Sampson asked Mrs. Little to repeat the amendment.

Mrs. Little: Mrs. Little said she would like the section 6.1 to be worded so that the \$1.27 that is currently designated to Solid Waste would continue to be designated to Solid Waste and the \$0.98 plus the annual increases that are written into this would go to the General Fund.

Mr. Sampson: Mr. Sampson said a vote of yes would change the Host Agreement to reflect that, and a vote no leaves it as it is in this particular section.

**ROLL CALL.**

Ayes: Cox, Drobisch, Hogan, Jacobs, Little, Westerman, Yoder

Nays: Dudley, Dunn, McGlaughlin, Meachum, Oliver, Potts, Sampson, Smith, Snyder, Spent, Taylor, Wilkins, Williams

**AYES = 7**

**NAYS = 13**

**MOTION FAILED. (AMENDMENT TO G-3239-10-08)**

**ROLL CALL.**

Ayes: Cox, Drobisch, Dudley, Dunn, McGlaughlin, Meachum, Oliver, Potts, Sampson, Smith, Snyder, Spent, Taylor, Westerman, Wilkins, Williams

Nays: Hogan, Jacobs, Little, Yoder

**AYES = 16**

**NAYS = 4**

**MOTION CARRIED.**

**OPERATIONS, PERSONNEL & LEGISLATIVE COMMITTEE**

9. Mr. Smith presented Resolution G-3240-10-08 which is approving voluntary annual reporting of payments to lobbyists.

**MOTION**

Mr. Smith moved, seconded by Mr. Dunn to approve Resolution G-3240-10-08.

**QUESTION:**

Mr. Bean: Mr. Bean asked if this includes if we pay dues to an association and part of those dues are....

Mr. Smith: Mr. Smith said it has nothing to do with that. The only thing we really pay a lobbyist firm for, and it's kind of a pass through, is the paragon group we have been involved with through the Chamber of Commerce. We pay dues to that as you know, and some of that for road projects that we have been involved with. He would refer to this more as sunshine because, spreading a little more light on it, we don't have to do this. This is something we talked about. There are good governmental organizations out there that want to see where this money is going. So we decided to just offer this up on an annual basis. It is very little compared to some other organizations and governments throughout the country and we decided just to do that.

Mr. Andrews: Mr. Andrews said they belong to two state associations which, one, the director of the association is a registered lobbyist and the other, a lobbyist firm actually runs the association. He asked if that would include dues they pay to those associations from the Health Department.

Mr. Smith: Mr. Smith said he did not think it would.

Mr. Sampson: Mr. Sampson said the simplest thing is to just turn them in. Make that part of the thing. The idea of this is as much sunshine as possible. It is going to be a piddling figure anyway but at least it's there and nobody will say those rascals in Macon County are hiding this under a bushel basket. He doesn't think it is going to be that much trouble.

Mr. Andrews: Mr. Andrews said he would agree because we have 85 to 100 members of others counties who are involved. It is not just us who are involved. We would be in the minority if we didn't.

Mr. Sampson: Mr. Sampson said he wanted to thank the Auditor, Chairman Smith and the OPL Committee for taking leadership on this. It is not a big thing but it is an important thing.

#### **ROLL CALL.**

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

Nays: (None)

**AYES = 20**

**NAYS = 0**

#### **MOTION CARRIED.**

10. Mr. Smith presented Resolution G-3241-10-08 which is approving the Holidays for 2009.

**MOTION**

Mr. Smith moved, seconded by Mrs. Cox to approve Resolution G-3241-10-08 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

11. Mr. Smith presented Resolution G-3242-10-08 which is approving changing the date of the Macon County Board meeting in the month of February due to the Holiday Schedule for 2009.

**MOTION**

Mr. Smith moved, seconded by Mrs. Cox to approve Resolution G-3242-10-08 by prior roll call vote.

**COMMENT:**

Mr. McGlaughlin: Mr. McGlaughlin believed the board rules addressed this issue.

Mr. Bean: Mr. Bean said it does, but it says the board would have to meet on Friday.

**MOTION CARRIED.**

**FINANCE COMMITTEE**

12. Mr. Dunn presented Resolution G-3243-10-08 which is executing deeds to convey property on which taxes were delinquent.

**MOTION**

Mr. Dunn moved, seconded by Mrs. Wilkins to approve Resolution G-3243-10-08 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

13. Mr. Dunn presented Resolution G-3244-10-08 which is approving an increase in appropriations in the State's Attorney's Grant Fund FY08 budget to accept new Domestic Violence Grant.

**MOTION**

Mr. Dunn moved, seconded by Mrs. Wilkins to approve Resolution G-3244-10-08 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

14. Mr. Dunn presented Resolution G-3245-10-08 which is approving Macon County Geographic Information System (GIS) data distribution policy.

**MOTION**

Mr. Dunn moved, seconded by Mr. Yoder to approve Resolution G-3245-10-08 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

**NEGOTIATIONS COMMITTEE**

Mr. Oliver: Mr. Oliver said the parties that are about to enter into negotiations for the Command Officers of the Sheriff's Department have met and will be starting to conduct negotiations in a very short period.

The Transportation Committee had nothing to submit at the meeting.

The Executive Committee had nothing to submit at the meeting.

**MACON COUNTY BUILDING SUB-COMMITTEE**

15. Mr. Drobisch presented Resolution G-3246-10-08 which is approving addendum to lease between Macon County and the Decatur Public Building Commission to provide lease abatement.

**MOTION**

Mr. Drobisch moved, seconded by Mr. Yoder to approve Resolution G-3246-10-08 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

**CITIZEN'S REMARKS:**

Dean Padgett: Mr. Padgett said he has a good idea where that \$1,400,000 could go. Mr. Padgett lives at 3245 N. Susan Drive in Decatur, Illinois. If you go back several months he said at this podium that he thought our Director of the Conservation District needed medicine. He asked if they remembered that statement. Reading in the paper what our donkey "bag-o-chips" and no pun intended here, governor wants to do with some dozen state parks, he finally figured out what was really wrong with the "Joe Sick Pack of Crook County". Spending most of his time in the air going to and fro forced him to overd on Dramamine. Mr. Padgett read from the paper from Monday, October 30, 2006, "Kathy Merner, Executive Director of the Conservation District stated that the campground didn't receive enough money to warrant spending this kind of money to restore the electricity." Most of them knew that he thoroughly disagreed with this quote. Personally he said that in 3 to 5 years the campground would be taking in enough money to pay back whatever was put into this campground, and at the moment it is \$38,000 that they have put in and half of the campground is not electrified. Using only Macon County figures, which he knows is not true because he has been out there camping a couple of times and there have been people out of the county that can, in this entity, be charged more money than those dumping whatever they want to dump in our city or county or whatever. Here are the figures he got from Kathy, which are not realistic, so it is more money than he is going to tell them. For the months of April, May, June, and July the campground has taken in \$11,805, and we still have two months to go. As he told them, his figures are conservative because he is not charging \$3.00 more a day for people, and when he was out there, there were 7 or 8 campers from out of the county. He is now wondering if our Executive Director used to work for AGI or could it be that she just didn't get her massage. According to some who believe she is a better manager now than in the very beginning, he wanted to close with his AFLAC commercial. UMMMM!!

Tim Walker: Mr. Walker lives at 3710 Christmas Tree Road in Decatur, Illinois. He and his son Cody attended the meeting last month. Mr. Walker made a statement last month that was he was willing to do whatever it took to get a situation resolved. The situation is for those who may not have been here is that we moved a house which we acquired a permit to do. We followed all the rules we were told and jumped through all the hoops we were told to jump through, which was quite a few. Some of those were questioned by contractors, and some raised questions in his own mind. Yet, we followed through and did everything we were told we needed to do. Mr. Walker said he didn't mention it last meeting and didn't want to get into pointing fingers at this point or anything but we have been told to do some things, and then we were told that we didn't need to do them, and then we were told we did need to do them. All he was asking.... He would like to address Mr. Lightner. All he wanted to know is what we need to do. Mr. Lightner talked to an attorney who is not representing him (Mr. Walker). He was just helping trying to help get this situation taken care of. It was John Barr. Mr. Lightner's last correspondence with Mr. Barr which may have been his only one, was basically a fishing expedition to try to place blame or try to throw another problem out there to prolong this, whatever is going on, why we can't get an inspection on a house. Mr. Walker said he paid for a permit and the permit did expire. That was Mr. Lightner's final reason why they were not going to do the inspection because the original inspection expired. Yes it

did, after the building inspector Tony Van Natta refused to do the inspection. We attempted several times, some through Dave Wolfe then after his sickness progressed we then started to try and do it personally again. Each time we were given some reason why we couldn't progress with the process. Mr. Barr told him that Mr. Lightner's final comment was, the original permit has expired therefore we are not going to do the inspection and we don't care what you do. Mr. Walker didn't feel that was appropriate. Again, he is asking if Mr. Lightner could tell him exactly what he wants him to do. If it is reasonable and in line with the law, he is willing to do it. Whatever it takes, we are willing to do it. But, we are not getting any cooperation whatsoever, and that is all we are asking for. Mr. Walker's first encounter with Mr. Lightner became adversarial right off the bat. Mr. Lightner informed Mr. Walker that anything Mark Smith had approved or had said when he was in the office, did not count anymore because he has nothing to do with the office. Mr. Lightner also informed him that there was no written record of Mr. Smith approving the Walkers putting this house on the property. Mr. Walker said right there is the written record. Mr. Van Natta introduced him to Mr. Smith who then approved this and told Mr. Van Natta that it was approved and he should issue Mr. Walker a permit. He issued Mr. Walker a permit. We invested \$68,000 in putting this house on the property. All of a sudden Mr. Lightner is in the office through the year long process and he told Mr. Walker it was illegal. Mr. Lightner also made the comment to attorney Walter Burger that if we did certain things that it would be sufficient and everything would be ok with that. Then he has made comment that it wasn't. Mr. Walker just does not understand what the problem is and he would just like for somebody to help him understand what the problem is. He doesn't know if it is just him, but he knows of a lot of other people who know of this situation and he thinks it has gone on a little bit too long and it raises questions. He would think that it would raise questions with some of the county board members on what exactly is going on. Mr. Walker welcomed any questions private or public. He would comment on anything that they would like for him to tell them. Mr. Walker does know for a fact that he has been perceived, and Ken Boles was the gentleman who told him this, that he has been perceived by some to be.... Mr. Walker said he would quote what Mr. Boles said, "There are people on the county board who froth at the mouth at the mention of your name." Mr. Walker said he doesn't know anybody on the county board, and nobody on this county board knows him well enough to be frothing at the mouth. He would like to get to know some of them. He has been acquainted with a few of the members. But, there are two sides to every story and he would welcome any questions private or public and he would answer them. He would just hope that, it has been mentioned about justice and right and wrong tonight and that was all he was looking for. If he has done something wrong, give him the opportunity to make it right, but don't target him and his son. If he has done something wrong, please don't target his son and daughter-in-law. He would answer to anything that they want to ask him. He was asking that they please help him. Help him to understand and get through this.

Susan Walker: Mrs. Walker lives at 3710 Christmas Tree Road. She was at the meeting to look for some justice for her son. Her son is a 20 year old hardworking man that makes a payment of \$500.00 a month for a home that he can not live and can not get inspected. He pays property taxes of \$1,700 on a home that he can not live in. She does

not understand why he has to pay them. Mr. Lightner had mentioned to Mr. Barr that he would not inspect the property because the permit had expired, so is that what we need to do. Do we need to obtain another permit? If that is what we need to do we would like to know so we could do that and get this situation taken care of. She thinks that what has been done is unfair to anybody that this would happen to. She is looking for justice. She is looking for help for her son and daughter-in-law. She thanked the board.

Mr. Spent: Mr. Spent said he does know Mr. Walker. He lives in Mr. Spent's township. He doesn't know what the problem is between the zoning and Mr. Walker, but he has never seen a problem that has no solution. There has to be a solution. Mr. Spent said we are going to try and find out what it takes to solve the problem. He said that was all he could do for them at this point.

Mr. Oliver: Mr. Oliver said he wasn't at the last meeting, but in reading the minutes of the last meeting, and it has been a month ago, he asked why the gentleman hasn't received any kind of answer to his appearance before this body.

Mr. Sampson: Mr. Sampson said he has had a long conversation with Mr. Lightner about this case. He would encourage board members to have a long conversation. It is a complicated situation, and one that he was not going to open up here because he was not qualified to speak on it, but it is not black and white or cut and dried. Another thing Mr. Walker should know is that when he became County Board Chairman he told Mr. Lightner to strictly enforce the zoning laws, so if Mr. Walker is going to get mad at somebody he should get mad at him.

Mr. Oliver: Mr. Oliver said regardless of what, and he didn't know what the circumstances are, but as a citizen of this county and that township this man deserves an answer of some kind whether it is negative or positive in his favor. He needs to get an answer to it and Mr. Oliver doesn't think it should be dragging out like this and go from one month to the next without an answer. There is an answer to this as stated by his peer here on this board. There has got to be an answer and there should be an answer. What all the circumstances are behind it he does not know, but there should be some kind of resolution coming and this man should have an answer at least by this time next month. He has come two times to find out what is wrong with his property and why it can't be worked out or denied. It should be given to him.

Mr. Sampson: Mr. Sampson said he agreed. This is a situation, in his opinion, where you have a he said, he said, they said. Some people think Mr. Walker has been given an answer, but he apparently doesn't. So, he needs to work that out with Mr. Lightner and figure out what needs to be done. Mr. Sampson said he doesn't know why they can't seem to get together but they need to.

Mr. Oliver: Mr. Oliver agrees with that. He doesn't know whether Mr. Walker has ever been given a list of what is wrong with his property. He should be given one. If it is the case that he is not following the zoning laws of this county, there is a reason why he is



not getting any results. So, if there is something wrong he should be given a list and an answer to why he is not getting any results and that should be done posthaste.

Mr. Sampson: Mr. Sampson said, again the problem seems to be how they interpret that information, whether they've received it or haven't received it. Again he suggests they have a conversation with the zoning department and get their side of the story.

Mr. Walker: Mr. Walker said he does have a letter with him and he thinks this might be the problem. It was commented that Mark Smith's approval was not binding. After the investment of all the money and the house being placed and all, he was then told that he had to do a minor subdivision. Walt Burger, on Mr. Walker's behalf approached Mr. Lightner and asked him if doing something, they had sold a piece of property with a measurement and he was not aware of what is called the Plat Act. So, when he sold a piece of property he sold it with a dimension. It came up to 4.6 acres. Therefore, it didn't fall into what is called the Plat Act. This was when he was informed that the house and things weren't right. Mr. Burger approached Mr. Lightner and asked if we added enough area to make this 5 acres would that suffice to resolve this problem, then the property would fall into the Plat Act. Mr. Lightner commented that yes that would resolve the problem. So that is what we did. After that, he heard through other people that Mr. Lightner was saying that did not resolve the Plat Act and that this house and things were still not right. But Mr. Lightner never told Mr. Walker, Mr. Burger or anybody else that in fact this was not resolved. Tony Van Natta got very upset and told him he was not going to do the final inspection. Mr. Walker could get into a lot of things. Mr. Van Natta also told him they had moved a house and would have to also tear the walls out so he could do a rough in framing inspection and he needed to do a rough in wiring inspection. Mr. Walker asked why somebody would move a house if they had to tear it apart. That didn't make any sense. Later he found out it qualifies as a refurbishing and the only thing to be inspected is anything that is changed on the structure. The last comment we had was the reason they were not going to do the inspection was because, and he has correspondence from Mr. Barr and from Mr. Burger. Mr. Burger said he did not want to come to the meeting tonight to represent him because he may have to testify, which were his words. Mr. Walker does not want this to get to that because he can't afford that. He feels like that may be the ultimate goal here to carry it on until he just can't fight it anymore. In any case, that was the last comment that the reason for no inspection was because the original permit has expired. Also, the fishing expedition that he referred to was that Mr. Lightner asked the attorney John Barr if Mr. Walker had done any work or improvements to the house since the original permit expired. Mr. Barr said not that he knew of, but he might have Mr. Barr didn't know. Then Mr. Lightner said if he has he can get in a lot of trouble. Mr. Barr told Mr. Lightner that the Walkers had talked about hiring somebody, which they did. Mr. Walker said they didn't hire them; they did it pro bono. There were two professionals that came in and inspected the two things that need to be inspected by the county which is the plumbing and electrical hook-up and they said everything was fine in their professional opinion. No work has been done, but it is like they are just looking for something.

Mr. Oliver: Mr. Oliver asked how much of these things he was mentioning did he have in writing in regard to the county saying they either looked at it or didn't look at it or didn't approve it. All he is telling them is what someone said. If all of these things happened it should have been done.

Mr. Walker: Mr. Walker said he has an original building permit which was issued....

Mr. Oliver: Mr. Oliver asked if he had it signed off on by the inspector that came out there to see. Did he mark it as ok or did he mark it as insufficient? Does he have any of those kinds of papers?

Mr. Walker: Mr. Walker said not with him.

Mr. Oliver: Mr. Oliver asked if he has them in his possession.

Mr. Walker: Mr. Walker has a building permit which was issued. He has an electrical hook-up inspection which was made and approved. He has the foundation which was poured by a contractor. The contractor who has been in business for 40 years called him and said they had never had the building inspector come and question them like they did about Mr. Walker. He approved that after it was poured. So, those two things have passed inspection. The two things left that were changed are the front porch and the plumbing. Those are the only things that have been changed on the house, below the house level, the hook-ups to the plumbing below the house level. So, the final for occupancy has not been inspected. Tony Van Natta refused to do that. There were witnesses there that saw that and witnessed him doing that and leaving. He left in a tirade and stopped the plumbing inspector at the end of the drive and told him not to come down.

Mr. Dunn: Mr. Dunn asked if Mr. Walker has taken out another permit since the original one expired.

Mr. Walker: Mr. Walker said no; he had not. We haven't done anything since the original one expired. It was done. We called for a.... But, if that's what it takes he will. If that is what you need, he would do that. If there is a minor subdivision that needs to be made he would do that. He has checked into it. The cost for him will be substantial. He is not a rich person and doesn't know why people think he is. It is substantial and he was told he didn't need to do that so it was should he do it, shouldn't he do it, should he do it, shouldn't he do it. Financially he is not able to do it right now. He said he would take that back. He would find a way to do it if that is what it is going to take. He will do whatever it takes. He was not there to try and get anything for free. He never intended to do any of that. There are other things that have gone on out on his property which have been misconstrued and nobody has ever heard from him about them, but he is sure they have heard from the county servants about them.

Mr. Oliver: Mr. Oliver said he was the one who opened it up and gave Mr. Walker a chance to speak again and from what he could see Mr. Walker was asked to get another permit because that one was invalid.

Mr. Walker: Mr. Walker said he has never been asked. He has never been told he needs to.

Mr. Oliver: Mr. Oliver said Mr. Walker stated earlier that he was told to get another permit because the one that was issued to him earlier by the gentleman that is gone from here is no longer valid and that he needed another one for re-inspection. Mr. Walker has now heard that so he should get that permit, get it straightened out and let's see what goes from there because Mr. Walker does not have a legitimate permit right now. The time ran out on it which Mr. Walker even said he lost out because he let the time expire on the permit. Get that permit and then come back.

Mr. Walker: Mr. Walker said ok but that was not what was said.

Mr. Oliver: Mr. Oliver said you are not going to get anything without a permit.

Mr. Walker: Mr. Walker said we had the permit and we asked for the final within the time frame of the permit and it was refused.

Mr. Sampson: Mr. Sampson said this has gone on for quite awhile. He urged Mr. Walker to follow Mr. Oliver's advice. If he wants to argue about that we can argue but we are not going to argue about it now.

Kelly McCourt-Edwards: Ms. McCourt-Edwards said she attended last month's meeting in support of possibly looking at a nuisance law for the county for residential areas. She was just asking if there had been any findings on that. She knows Mr. Waks has worked very hard on it. She could not say enough about how supportive the Sheriff's Department has been, and she is grateful. She was asking if there had been any new findings or possibility of a nuisance ordinance.

Mr. Dunn: Mr. Dunn is the committee chairman. The Animal Control, Sheriff's Office, Mr. Waks and a couple of the committee have met and we are working on re-writing some of the ordinance that hopefully will help her situation and a lot of other people's.

Ms. McCourt-Edwards: Ms. McCourt-Edwards thanked the board.

Gary Miller: Mr. Miller lives at 3680 Stare Road in Oakley. He was at the meeting tonight to help Tim Walker try to get his situation solved. Mr. Miller said he was at the Walker's property when Tony Van Natta came out to inspect the house. As soon as Mr. Van Natta got there and got out of his car he made the statement, "I can tell right now that I am not going to pass this house." That was basically the end of it, and then Mr. Van Natta and Tim got into an argument and Mr. Van Natta said he would never be back to inspect this house. Mr. Miller just wanted to make the comment to the county board

that this is a bunch of baloney the way this is going on. It shouldn't happen. It shouldn't happen to Walker. It shouldn't happen to anybody. Mr. Miller can't understand why this county board is allowing it to happen. He thinks it should be changed and it should be changed pretty quickly. Mr. Miller said he knows he is just one person, but he has a lot of friends. He said that is not a threat. He was not threatening anybody. He was just saying that this kind of issue should never happen.

#### **OFFICEHOLDER'S REMARKS:**

Mr. Smith: Mr. Smith said you have probably all heard there is an old saying about throwing out babies with their bath water. In other words, splashing around inside that basin of dirty water is a clean and happy baby polished up and ready to face all the promises of life. He thinks the same can be said for the Constitution of the State of Illinois. This year, as is the case every 20 years, voters will decide if they want to call a new Constitutional Convention. They would write a new State Constitution. As voters go to the polls on November 4<sup>th</sup> they are going to carry with them all sorts of thoughts about their government and how best they can confront the problems that face all of us today. Let's not kid ourselves, each one of you sitting here tonight is an elected official and we know that some voters are pretty unhappy. Their personal concerns, and many voters are unhappy about the way some government officials operate or serve them. But, they also hear and see stories about public officials that sometimes make them think that the system, not the people inside of it, is to blame. With all respect to the citizens of the State of Illinois he was of the belief that our system is sound. Yes, there may be some grime soaked up in that bath water but the baby, our State Constitution, is as bright and shiny as when it was newborn in 1970. In 1970 the Constitution was long overdue. It had been over 100 years since the Constitution had been rewritten, and it had been over 100 years since Illinois had revisited its constitutional roots. People had changed the way they lived their lives between the 19<sup>th</sup> and 20<sup>th</sup> centuries. When those delegates convened to write a new State Constitution some of the most talented, most thoughtful, and most dedicated citizens of the State of Illinois took on the task of writing a new document on which all of our laws would be based in this state. Now, almost 40 years later scholars still view the Illinois State Constitution of 1970 as one of the most thoughtfully written, sound constitutions of all state governments. It has proved to be grounded yet flexible. Ten times during its 38 year history it's been amended. It has met the test of time and has passed with flying colors. Twenty years ago in 1988 the same question was posed to voters in this state and by a margin of 1,800,000 the voters of Illinois rejected the calling of another Constitutional Convention. But, this year could present us with a little bit different voter attitude. If a voter is unhappy with the way life is treating him or her, is it possible that he or she may back out of all the rules and laws established? Of course it is possible. That possibility only exists if voters don't understand what is at stake. He stands before you tonight because he thinks it is incumbent upon all of us to help educate our fellow officials, our constituents, our family and friends about the uncertainties that are out there within a new Constitutional Convention. To be quite sure, there are more unknowns in this equation than there are certainties. For example, if a Constitutional Convention were called who would the delegates be? We have all heard the term Special Interest Politics. Special Interest Politics has exploded in the State of Illinois in the 38

years since our Constitution was written. Will the special interest groups elect the majority of the delegates? Who knows. If they do, who will they be? What will they want to achieve? How much will a new Constitutional Convention cost? The last Constitutional Convention cost \$14,000,000. Guesstimates that have been made now say that a new Constitutional Convention, if it were called, would cost anywhere between \$78,000,000 and \$100,000,000. Are people unhappy with a specific public official? Yes, he is sure some are. But, if so there are ample provisions currently in our State Constitution and in our laws to help get rid of those individuals. If we change the entire system because of our dissatisfaction over the performance of one person, that could be a horrible mistake. What if these special interest groups gain control over a new convention? What will happen to the tax structure in the State of Illinois? We are always talking about taxes. This is one of the most truly frightening unknowns that our friends and neighbors need to consider when they go into vote on whether or not to call a new Constitutional Convention. Mr. Smith asked his fellow board members to explain to your friends, to your family and read up on this for yourself the ramifications that could exist within the confines of a new Constitutional Convention. There are many groups out there that are opposed to it. Some of us in this room are members of the Farm Bureau, the Taxpayers Federation, the AFLCIO, and The Illinois Federation of Teachers. These organizations are all opposed to the calling of another Constitutional Convention. He would close by saying that for 38 years we have worked within the framework of a very solid and thoughtful constitution here in the State of Illinois. Let's not throw it out because we don't like the looks of the bath water.

Mr. Dunn: Mr. Dunn said he remembered Mr. Walker from last month and had planned to check on that and it kind of slipped his mind but the EEHW will look into his problem.

Mr. Sampson: Mr. Sampson reminded them that Monday night the new city manager is having a reception at City Hall from 5:00 to 7:00 p.m. He is one of us so to speak. He is a county guy, a Republican from Sangamon County. If you get a chance, stop by and see him. He wished all those that are on the ballot, irregardless of party, the best of luck because we won't meet again until all the shouting is over.

Mr. Bean: Mr. Bean said we will have to have a Special Call Meeting to organize on December 1<sup>st</sup>.

There was no old business presented at the meeting.

There was no new business presented at the meeting.

#### **MOTION TO CLOSE SESSION**

Mr. Dunn moved, seconded by Mrs. Cox to go into closed session to discuss personnel issues and pending litigation by prior roll call vote.

**MOTION CARRIED.**

**MOTION TO OPEN SESSION**

Mrs. Little moved, seconded by Mr. Williams to return to open session by prior roll call vote.

**MOTION CARRIED.**

**MOTION TO ADJOURN**

Mr. Yoder moved, seconded by Mr. Oliver to adjourn until Thursday, November 13, 2008 at 7:15 p.m.

**MOTION CARRIED.**

Meeting adjourned at 9:25 p.m.