

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

JULY 09, 2009

**Jay A. Dunn
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 Mr. Meachum and Mr. Yoder.

Mr. Dunn: Mr. Dunn said Macon County is honored to have the Boy Scouts here tonight. He said Mr. Baxter will explain more about that during officeholder's remarks. Mr. Dunn said they appreciated the Boy Scout's attendance tonight.

Mrs. Taylor led the members in prayer.

All led in the Pledge of Allegiance.

A. APPROVAL OF THE MINUTES OF THE JUNE 11, 2009 MEETING

MOTION

Mr. Smith moved, seconded by Mrs. Wilkins to approve the minutes of the June 11, 2009 meeting.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Ashby, Baxter, Cox, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jacobs, Little, McGlaughlin, Oliver, Potts, Smith, Snyder, Taylor, Westerman, Wilkins, Williams

Nays: (None)

AYES = 19

NAYS = 0

MOTION CARRIED.

ZONING/SUBDIVISIONS

1. Mr. Dudley presented Resolution Z-1095-7-09 which is regarding Case S-01-06-09, a petition submitted by Jeffery Hall for a Special Use Permit on 4.0 acres of R-1 Single Family Residential, for motorcycle trike conversions & dealership on property commonly known as 7575 Kirby Road in Whitmore Township. Staff recommended at the June 3, 2009 public hearing that the petition be denied. After hearing the evidence, the Zoning Board of Appeals voted in favor of recommending to the County Board that the petition be denied. The EEHW Committee met and reviewed the petition as requested and by a 5-0 vote recommended that the County Board deny the subject petition.

MOTION

Mr. Dudley moved, seconded by Mr. Potts approving denial of Resolution Z-1095-7-09 by prior roll call vote.

The petitioner was not 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. Dudley presented Resolution Z-1097-7-09 which is regarding Case R-02-06-09, a petition submitted by Richard & Gloria Hopp for rezoning of approximately 9.0 acres from R-1 Single Family Residential to RE-5 Single Family Estate on property commonly known as 5470 Old Stage Coach Road in Whitmore Township. Staff recommended at the June 3, 2009 public hearing that the petition be approved. After hearing the evidence the Zoning Board of Appeals voted in favor of recommending to the County Board that the petition be approved. The EEHW Committee met and reviewed the petition and recommended by a 5-0 vote that the County Board approve the subject petition.

MOTION

Mr. Dudley moved, seconded by Mr. Drobisch to approve Resolution Z-1097-7-09 by prior roll call vote.

PETITIONER:

Mr. Richard Hopp: Mr. Hopp lives at 5470 Old Stage Coach, Oreana, Illinois. He is one of the petitioners. He thinks you have the material on it. We would like to have the legal ability to put horses on property where there have been horses as he understands that have gone back about 75 years. It was pasture land when we bought it and put up the house. We would really simply like to devote the land to that. The horses in question are rescue horses, part of the Humane Society.

There were no objectors present at the meeting.

There were no questions or comments from the board floor.

MOTION CARRIED.

3. Mr. Dudley presented Resolution Z-1096-7-09 which is regarding case R-01-06-09, a petition submitted by Dennis & Betty Hughes for rezoning of 2.0 acres from A-1 Agricultural District to RE-5 Single Family Estate on property commonly known as 3727 Park Road in Hickory Point Township. Staff recommended at the public hearing on June

3, 2009 that the petition be denied. After hearing the evidence the Zoning Board of Appeals voted in favor of recommending to the County Board that the petition be denied. The EEHW Committee met and reviewed the petition and recommended by a 5-0 vote that the County Board approve the subject petition.

MOTION

Mr. Dudley moved, seconded by Mrs. Wilkins to approve Resolution Z-1096-7-09.

QUESTION:

Mr. Westerman asked for a clarification about the yes / no vote.

Mr. Dudley: Mr. Dudley said this does have to pass by a super majority. It has to be 16 yes votes in order for this to pass because it was denied by the Zoning Board. He thinks they will want to make a presentation on that for the board.

PETITIONER:

Darrel Parish: Mr. Parish said his office address is 132 S. Water Street in Decatur. He is here to urge you to vote for this petition. He brought a little low tech power point on one sheet of paper. First of all, rezoning this piece of land will allow the owners to sell their remaining 8 acres to the neighbor to allow him to have a larger conforming piece. There is already a non-conforming 9.17 acre tract in an agricultural zone next door to this. We have a contract signed with the owner of that property to purchase the remaining 8 acres of this 10 acres which we can't close on until we get this zoning approved. The use of the property is not really going to change. This is a house and has been a house since 4 or 5 years ago, so it is going to stay a house. This 2 acres will stay in residential use. As to the neighborhood within in ½ mile of this property there are already 13 houses. There are 9 in residential zones and 4 in agriculture zones. All of these houses, including the ones in agricultural zones, or most of them, are on an acre or less than 2 acres. There are a couple on tracts up to 4 acres. So, this is an area that has gotten a lot of residential use already. There are 16 tax parcels within ½ a mile of this one in residential use. There are 2 tax parcels in other non-agriculture uses. The City of Decatur boundary is ½ mile away. What we are talking about is north and west of Bearsdale. He thanked the county for having nice photographs on line. He showed them a photo of the piece of property. It is 2 acres. He pointed out where Bearsdale Road and Park Road are. He also indicated the intersection at the Interstate Highway and Route 121. We have several parcels zoned for residential on Bearsdale Road. We have other parcels in houses, and he indicated those. One of those is still a house and the other is burned and is not being used for residential at all. Zoning this piece of property residential would be consistent with your decision a couple of months ago in the Trent Doty case. Mr. Doty had a 4 acre tract or so west of Boody about a mile. If you want to add up all the reasons why you should or should not rezone any piece of land, he thinks the correct decision was made in the Doty case, but this case is even a stronger case in support of rezoning it. He would be happy to answer any questions and did urge them to support this petition.

There were no objectors present at the meeting.

COMMENTS:

Mr. Dannewitz: Mr. Dannewitz said he is the Chairman of the Zoning Board. He is not necessarily speaking so much against what Mr. Parish is presenting. What he is speaking against is the fact that at our zoning hearing Mr. Parish was not present and the information he is giving is additional information and legally should not have been presented at the EEHW Committee meeting. We are checking into that, so it is really up to the County Board on what they want to do with it. But, by rights what the Zoning Board voted on is what we heard out there and none of what he has added here was presented to us at all. So, that is what we based our decision on and why we voted the way we did. This gentleman who did have the property has owned it for a couple years and now he is separating off. It is just the fact that he is wanting to split it off all of a sudden, which just sounds like maybe he is doing it for a profit or doing it for the fact that it could cause other spot zoning in the area and this same situation.

Mr. Williams: Mr. Williams asked if it is not considered that residential zoning would be consistent with that area. Within a half a mile of this house on both the east and west side of Bearsdale Road there is existing residential. What perimeter do you look at when you look at the consistent zoning of the area?

Mr. Dannewitz: Mr. Dannewitz said we went by what was given to us as information by the Zoning Administrator. So he did not know exactly what the zoning in the area was. From where we stood there was mainly farmland all around.

Mrs. Wilkins: Mrs. Wilkins asked if with the new information that you have, that would change anything.

Mr. Dannewitz: Mr. Dannewitz said it may have. He couldn't say for sure right now because he was a little bit disturbed that this additional information was not presented at the hearing. If this gentleman would have been at the hearing presenting it we may have voted differently, but the way it is we did not have that opportunity.

Mr. Oliver: Mr. Oliver said that over the years he has been involved in the County Board he has seen many times where we have done special requests that wound up being special zoning and spot zoning. It has been presented to us tonight that there is property over here and some here that is already in the RE-5 category and it is contiguous and continuous zoning as has been done. But, all we have been doing is taking out farmland a little bit at a time. He can remember being on this committee and going down into the Pleasant View area and there was property down there that was totally out of whack and should never have been approved, but because we got a song and dance about a hardship that it was going to cause, which turned out not to be true.... He is just up in a quandary as to why we keep doing this and keep allowing this property to be picked off bit by bit. Pretty soon will have road after road with some here and some here and some there and all of the farmland will then be out of that category of being farmland.

QUESTION WAS CALLED FOR

MOTION CARRIED. (TO CEASE DEBATE)

COMMENT:

Mr. McGlaughlin: Mr. McGlaughlin said no matter whether this passes or not there are scribner's errors in the legal description that need to be corrected. One of them is the misspelling of intersection, and he can't tell with the rest of them because he does not have the original documents.

Mr. Dudley: Mr. Dudley said he would be in support of tabling this motion for further review regarding the fact of whether information given to the EEHW Committee should coincide with what was given to the Zoning Board. He has talked to Mr. Waks and he is willing to have something ready for us in a week. If the board chooses to vote on it he would abide by that, but he would like to have record say that he is for tabling this motion until we can get an opinion from Randy Waks.

Mr. Ashby: Mr. Ashby said we have already called for the question so tabling would be out of order at this point.

Mr. Dunn: Mr. Dunn said tabling is out of order at this time so we are going to vote on it.

ROLL CALL.

Ayes: Ashby, Baxter, Cox, Drobisch, Dunn, Greenfield, Hogan, Jacobs, Little, McGlaughlin, Potts, Smith, Taylor, Westerman, Wilkins, Williams

Nays: Dudley, Oliver, Snyder

AYES = 16

NAYS = 3

MOTION CARRIED.

COMMENT:

Mr. Dunn: Mr. Dunn said we have these cases come it seems like every two years and he has asked Mr. Dudley and Mr. Dannewitz to get together with Mr. Waks and discuss this new testimony as far as what is allowed and what is not. He has also asked Tony to get something to go with these petitions when the citizens ask for them so they are aware that the ramifications of not bringing all of their ammunition to the Zoning Board of Appeals could hurt them later on in the process. So they need to be fully prepared when they ask for these petitions. He knows that a lot of citizens don't understand the process, and it can be complicated and convoluted. Hopefully, we can get some information to them

informing them that they need to bring all of the information concerning the process, to the Zoning Board of Appeals meeting.

B. CORRESPONDENCE

A letter from Enbridge Pipelines (Illinois) L.L.C. regarding their Southern Access Extension Pipeline Project.

A Notice of Application for permit to manage waste from the Illinois EPA regarding modifications to the Veolia ES Valley View Landfill to allow processed sewage sludge as an alternative daily cover material.

A letter from the Sanitary District of Decatur regarding their petition for a Variance from discharge permit limits to the Illinois EPA.

Two letters from Comcast regarding additions and changes to the Comcast channel line-up.

A letter from Ameren IP regarding tree trimming that will be done in the Maroa Township area.

A copy of the Macon County Comprehensive Annual Financial Report for the fiscal year that ended November 30, 2008.

REPORTS

Sheriff's Report – June 2009

Coroner's Report – May 2009

Macon County Tax Collector Bank Report – May 2009

Annual Report of Official Fees submitted by Macon County Clerk – December 01, 2007 thru November 30, 2008

Auditor's Report – June 2009

MOTION

Mr. Smith moved, seconded by Mr. Dudley 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. (DUDLEY, OLIVER & SNYDER SHOWED THEIR VOTE AS YES)

4. CLAIMS

Mrs. Cox moved, seconded by Mr. Dudley to approve the Claims that have already been paid by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

C. APPOINTMENTS

5. Resolution G-3333-7-09 – Appointment to the Macon County Conservation District Board of Trustees

David Horn, 205 Glencoe Ave., Decatur, IL 62522
Term expires: June 30, 2014

MOTION

Mr. Dunn moved, seconded by Mr. Potts to approve Resolution G-3333-7-09 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

6. Mr. Dudley presented Resolution G-3334-7-09 which is approving and adopting the Macon County/Decatur Comprehensive Plan.

COMMENT:

Mr. Dudley: Mr. Dudley said each board member has a copy of the plan in front of them. There have been some questions by some board members who have not been able to review it all the way through. It is not imperative that we pass this tonight so tabling may be in order so everybody can get a chance to read it through, but he would leave that to the board. He would not make the motion on this.

MOTION

Mrs. Little moved, seconded by Mr. Williams to approve Resolution G-3334-7-09 by prior roll call vote.

COMMENT:

Mr. Dunn: Mr. Dunn said he wanted to thank the EEHW Committee and especially the RPC Committee for spending many hours on this project. He thanked them for their time.

MOTION CARRIED.

The Operations, Personnel & Legislative Committee had nothing to submit at the meeting.

FINANCE COMMITTEE

7. Mr. Ashby presented Resolution G-3335-7-09 which is approving a transfer in the Circuit Clerk's Automation budget.

MOTION

Mr. Ashby moved, seconded by Mrs. Cox to approve Resolution G-3335-7-09 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

8. Mr. Ashby presented Resolution G-3336-7-09 which is approving increase in appropriations in the Probation Grant Fund for Redeploy Grant.

MOTION

Mr. Ashby moved, seconded by Mr. Dudley to approve Resolution G-3336-7-09 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

9. Mr. Ashby presented Resolution G-3337-7-09 which is approving the transfer of funds between the overtime line of the County Clerk Election budget to the General County Clerk budget.

MOTION

Mr. Ashby moved, seconded by Mrs. Cox to approve Resolution G-3337-7-09 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

10. Mr. Potts presented Resolution H-1662-7-09 which is approving an intergovernmental agreement for the sharing of certain costs related to improvement of that portion of various county highways in Progress City, Macon County, Illinois between Richland Community College, Brush College LLC, and the County of Macon, Illinois.

MOTION

Mr. Potts moved, seconded by Mrs. Cox to approve Resolution H-1662-7-09 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED. (ASHBY SHOWED HIS VOTE AS PRESENT)

11. Mr. Potts presented Resolution H-1664-7-09 which is approving permission to install a new service drive to a new water tank on South Franklin Street (CH 16).

MOTION

Mr. Potts moved, seconded by Mrs. Cox to approve Resolution H-1664-7-09 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED. (ASHBY SHOWED HIS VOTE AS YES)

12. Mr. Potts presented Resolution H-1663-7-09 which is appropriating funds for the approval of an engineering agreement with WHKS on Section 05-00200-00-PV, the reconstruction of Elwin Road (CH 30) between Illinois Route 48 and U.S. 51.

MOTION

Mr. Potts moved, seconded by Mrs. Cox to approve Resolution H-1663-7-09 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:

Robert & Beverly Storm: Mr. Storm said they live at 1474 Linder Avenue. We bought our home last July. It is our summer home. We spend winters in Florida. We came back and everything was fine this spring. Mr. Storm said he noticed a bad smell in May, at the corner of the lot. It turned out to be sewage coming across a drainage ditch from a home that sits high on a hill on the other side of Taylor Avenue at 3501 Taylor. He went to Springfield to a lab. He has been going to Peoria to a lab, and has been sending it by UPS until he made arrangements there. He has tried to wave the owner down at various times. He stood in the driveway and waved at him and he just drives on by. He will be out in the yard working and he drives on by. He talked to Mr. Andrews on the phone today and has been to every county office in Macon County including your Health Department and they treated us like we had the plague. He has all the lab reports on what is coming out which all of the technical terms he did not understand, but they told him it is 80% to 90% pure human sewage running into his yard. Your Health Department, all of them, nobody asked to see the results of the tests. They have never contacted the man about the sewage problem. The Road Commissioner told him at one time that he would have to learn to live with it. He has talked to several people including one of your inspectors and he never came out. They were all going to get back with him and nobody ever got back with him. Mr. Andrews called him back. Mr. Van Natta returned all of his calls but he could not do anything for me on it. Mr. Storm said he has almost \$800.00 invested in lab work and running back and forth at .31 cents a mile he figured. Nobody has offered to do a thing about this. Apparently someone has contacted the homeowner in the last day or two. Mr. Storm said he saw the gentleman out sawing his PVC pipes apart where it runs into the ditch. Now it must be running into the ditch instead of his (Mr. Storm's) yard. Kevin Bird, the Township Road Commissioner has been good enough to come out 3 times this year with an end-loader and scoop all of the gravel out of his yard that comes through this drainage ditch because this homeowner doesn't have a gravel catch basin or anything. Mr. Storm said he has been running raw sewage since late May and nobody in this county has done a thing about it, nobody. He has talked to the EPA. He said the State of Illinois EPA is involved. The gentleman told him to try and handle this the best he can. If not we will take it to court and he can afford to take it to court if you folks can. He doesn't want to get that involved but he has a creek running through his property. It comes from the fairgrounds. If you folks want to see what comes through that creek from the fairgrounds the EPA would like to see it. He is trying not to get that involved. He wants the sewer problem fixed immediately. He has an appointment with a lawyer tomorrow and has been holding it off and holding off.

Mr. Dudley: Mr. Dudley asked for Mr. Storm's name and address again. He asked if Mr. Storm is saying that the source of the problem is coming from his neighbor. Is it coming from the neighbor's property onto Mr. Storm's?

Mr. Storm: Mr. Storm said his neighbor has what he thinks is called a sandpoint system. He also has a home in northern Wisconsin and they have one of those systems up there too, and it is a pain. The Health Department says he has a legal permit and there is nothing they can do about it. He asked about the permit and the Health Department said they do not issue permits for that septic. He has a copy of their permit, and they claimed they didn't issue it. He will give copies of the lab reports to Mr. Andrews as he requested.

OFFICEHOLDER'S REMARKS:

Mr. Baxter: Mr. Baxter said we have three Boy Scouts here and they are at the meeting to satisfy the requirements of their Citizenship in the Community Merit Badge. We have Robin and Cole Burdick, and Mr. Baxter's grandson, Jackson Hawkins. They voted for us in case you wanted to know who these voices were. Their parents are here, Brian Hawkins and Lynn Burdick. Lynn is his neighbor and his son-in-law is over there. They sat through the meeting and may ask you some questions because they are supposed to interview some people.

Mr. Dunn: Mr. Dunn thanked them for their attendance tonight and hopes they accomplish their goals in the Boy Scouts. He wanted to thank the Planning & Zoning Department, the Zoning Board of Appeals, and the EEHW Committee for all the work they do throughout the year on all of these zoning issues and subdivisions, petitions, variances and so forth. He knows this is not easy work to do, and not always do we agree on them but eventually we get through them. He appreciates all of the effort from everybody on that.

There was no old business presented at the meeting.

NEW BUSINESS:

Mr. Dudley: Mr. Dudley said he wanted to say that he is really happy about the Intergovernmental Agreement between the city and the county. He thinks it is a long time coming and it is the first one. It is a great start to a great relationship and team effort between the county and the city.

Mr. Dunn: Mr. Dunn said Monday night there will be a special Finance meeting where some officeholders will be coming in and presenting their budgets where the Finance Committee is the oversight. We will be talking about contingency plans. He has asked all of the departments and officeholders that receive state funding to provide a contingency plan to the Finance Committee under two scenarios. One scenario is that they lose 50% funding and one where they lose 100%. He has all of those and will be passing them out at the Finance meeting. We will just be looking at them and discussing

them. If any of the board members want to come join us in all of that fun you are welcome to.

MOTION TO ADJOURN

Mr. Drobisch moved, seconded by Mrs. Wilkins to adjourn until Thursday, August 13, 2009 at 7: 15 p.m.

MOTION CARRIED.

Meeting adjourned at 7:55 p.m.