

**PROCEEDINGS  
OF THE  
MACON COUNTY BOARD**

**MARCH 12, 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. Ashby and Mr. Snyder.

The board members introduced the 4-H member sitting next to them. The 4-H members were shadowing the county board members for the evening. The Macon County 4-H Members included: Josiah White, Joseph White, Blake Bowers, Olivia Bowers, Ember Workman, Erica Haas, Daniel New, Alyssa Philips, Chiann Bryant, Ian Gibbens, Shawne Lofton.

Mrs. Taylor led the members in prayer.

All led in the Pledge of Allegiance.

#### **A. APPROVAL OF THE MINUTES OF THE FEBRUARY 11, 2009 MEETING**

##### **MOTION**

Mr. Smith moved, seconded by Mr. Drobisch to approve the minutes of the February 11, 2009 meeting.

There were no questions or comments from the board floor.

##### **ROLL CALL.**

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

Nays: (None)

**AYES = 19**

**NAYS = 0**

##### **MOTION CARRIED.**

Mr. Dunn: Mr. Dunn said we have a University of Illinois Extension Presentation to Dan Lightner.

Mindy Peterson: Ms. Peterson said she is the Community & Economic Development Program Coordinator for the University of Illinois Extension in Macon County. She was here tonight to present Dan Lightner with the Certified County Officials Certificate and lapel pin. Mr. Lightner has completed 24 hours of credit to earn the CCO designation. Mr. Lightner and other county officials participating in the CCO Program take classes

covering topics such as financial management, risk management, land use, ethics and economic development. The classes are offered throughout the year in a variety of venues including teleconferences and on-site meetings. The Certified County Officials Program is a collaborative partnership between the U of I Extension and the Illinois Association of County Board Members and Commissioners. The purpose of the Certified County Officials Program is to strengthen the skills and leadership capacity of county officials. The CCO recognizes officials who demonstrate professionalism and dedication to enhancing their knowledge through advanced education. This career long learning program is a powerful strategy for increasing effectiveness in public office. We would invite each of you to consider the possibility of becoming a certified county official. There is a packet for each of you with additional information. She asked Mr. Lightner to come forward to receive his award. The University of Illinois Extension, Macon County congratulates Mr. Dan Lightner on his Level I Certification.

There were no zoning or subdivisions presented at the meeting.

## **B. CORRESPONDENCE**

A letter from University of Illinois Extension regarding audio-conferencing programs on Public Transportation and Accountability through Transparency.

A brochure from Macon County 4-H and Extension.

A notice from the Washington Division of URS Corp. regarding a mass layoff of approximately 54 of their employees from Caterpillar Corporation in Decatur. A second notice regarding 10 employees to be laid off by the Washington Division URS Corp. on March 20, 2009 and the positions they hold.

A copy of the Annual Assessment Letter on the Clinton Power Station from the United States Nuclear Regulatory Commission.

A letter from Comcast regarding additions to their Channel line-up.

A copy of the 2008 Year End Financial Statement from the Decatur Public Building Commission.

A copy of the FY08 Demographic Report from the Macon County Mental Health Board.

## **REPORTS**

Sheriff's Report – February 2009

Macon County Tax Collector Report – February 2009

Macon County Treasurer Fund & Investment Report – February 2009

Auditor's Report – February 2009

## **MOTION**

Mr. Drobisch moved, seconded by Mr. Smith 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.**

**1. CLAIMS**

**MOTION**

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

There were no questions or comments from the board floor.

**MOTION CARRIED.**

**C. APPOINTMENTS**

**2. Resolution G-3283-3-09 – Appointments to the Emergency Telephone System Board**

Jay A. Dunn, 3330 Forest Parkway, Decatur, IL 62521  
Term Expires: 2<sup>nd</sup> Thursday of February, 2011

Ed Culp, 333 S. Franklin St., Decatur, IL 62523  
Term Expires: 2<sup>nd</sup> Thursday of February, 2012

**MOTION**

Mr. Dunn moved, seconded by Mr. Yoder to approve Resolution G-3283-3-09 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

**3. Resolution G-3284-3-09 – Appointment to the Emergency Food and Shelter Program (EFSP) Board**

Patricia Cox, 4311 Andrews Street Rd., Macon, IL 62544  
Term Expires: November 30, 2010

**MOTION**

Mr. Dunn moved, seconded by Mrs. Little to approve Resolution G-3284-3-09 by prior roll call vote.

**QUESTION:**

Mr. Meachum: Mr. Meachum asked if this is the first time we have ever done this one.

Mr. Dunn: Mr. Dunn said he believes it is.

**MOTION CARRIED. (COX SHOWED HER VOTE AS PRESENT)**

4. Resolution G-3285-3-09 – Appointment to the Heartland of Illinois Resource Conservation and Development (RC & D) Council

David Williams, 750 East Wise Rd., Maroa, IL 61756  
Term Expires: November 30, 2012

**MOTION**

Mr. Dunn moved, seconded by Mr. Yoder to approve Resolution G-3285-3-09 by prior roll call vote.

**QUESTION:**

Mrs. Little: Mrs. Little asked what this is.

Mr. Williams: Mr. Williams said he has only attended one meeting but it is basically a consortium from 5 different counties, and it is an economic development tool. It was anticipated at one time that it would be funded by the State and there would be a paid position but that has not happened. So, the individual that chairs it is the Building & Zoning Inspector from McLean County. There is representation from the Soil & Water Conservation District here in Macon County, and himself. There is representation from Shelby County, Moultrie County and we meet once a quarter. We talk about various issues. The one meeting he has attended we spoke somewhat about electronic recycling in other counties. We also spoke about what we could do to generate some funds for this organization so we could do a few other things. They have been instrumental in getting some grant money down in Shelby County that set forth a Farmers Market.

Mr. Dunn: Mr. Dunn said he got mail for a long time from the Soil & Water meetings and he saw in there that we were supposed to have a representative. He thought Kevin was on that council at one time.

Mr. Meachum: Mr. Meachum said the council is set up so the rural community knows what the suburban community is doing so they can work together to bring economic stimulus into the region by agriculture, industry, etcetera. It is trying to bring everyone

together at the table to help bring up the economy as a whole for the whole area not just one county struggling to bring about economic development. It includes all five counties.

Mr. Dunn: Mr. Dunn said he asked Linda to start putting those minutes in all the EEHW Committee member's boxes.

**MOTION CARRIED. (COX SHOWED HER VOTE AS YES)**

There was nothing submitted on the Consent Calendar.

The Justice Committee had nothing to submit at the meeting.

**EEHW COMMITTEE**

Larry Clark: Mr. Clark is going to give a little report on the Siting Process. Chairman Dunn asked him to speak tonight. He had spoken to the board several months ago. You may have forgotten what he had to say but he wanted to just talk about a few of the high points. He passed around copies of an IEPA document. It is a summary of the siting process in Illinois. Rather than him going through the entire siting scenario he thought he would just give that to you. Hopefully it will refresh your memory as to how the siting process works. Most importantly, with regard to the siting process, to you, is that in order for a landfill or a transfer station or a number of other pollution control facilities to expand or be created or be sited they have to first come to either the county or a city if the facility is located within a municipal boundary to obtain approval. We are anticipating that Veolia will come shortly to you to ask for approval to expand their landfill. As part of this process the county board must listen to testimony. They will do that through the EEHW Committee. They will give a recommendation to the full county board who will then either grant the application, deny the application or grant the application with certain conditions. That is where you come in. If you are on the hearing committee you will actually hear the testimony. You will then debate the merits of the testimony based upon 9 statutory criteria. You will agree to recommend to the full county board to approve, deny or approve with conditions. It is a different role for county board members. You have all been elected as a legislator, as somebody elected by your constituents to listen to your constituents to act on behalf of your constituents. You are not going to do that in this case. It is not only difficult for you to understand that, but it is very difficult for your constituency to understand that you are acting in a different role here. You are acting as a judge or a jury in this case. You can't talk to outside people regarding the merits of the application once the application is filed. It is anticipated that, that application will be filed sometime within the next 30 days. Once it is filed you must cease discussing it with any members of your constituency because you are acting as a judge or jury. None of you would want to have a case of any sort where the judge is talking to different parties. It is the same here. You have an obligation to listen to the testimony and make decisions based on the testimony. You have an obligation to provide a fundamentally fair hearing. What does fundamentally fair mean? That means fair to both the applicant as well as to the public. The public has an opportunity to be involved in this process as well. They can participate in the public hearing, and they can provide testimony, written comment or

public comment. Once you make a decision if you grant approval that approval can be appealed by members of the public who may participate in the hearing. If you grant approval subject to conditions, those conditions can be appealed by the applicant, or if you deny the petition, that denial can be appealed by the applicant. The appeals go first to the Pollution Control Board and ultimately to the appellate court. What can they appeal it on? They can appeal on two things. One, they can appeal it on the evidence that is elicited during the course of the testimony. The second primary way they appeal cases is alleging that you have failed to give them a fundamentally fair hearing. When you get to that point where you have in most circumstances denied an application or maybe approved it with certain stringent conditions and there is an appeal, there is a possibility for the appellant to take your deposition, require you to provide written discovery, and go through a discovery process. This will put you on the spot if you will to determine if you have shown any bias or prejudice during the course of this hearing so as to deny them a fundamentally fair hearing. The courts have held that if you have an opinion and you have expressed an opinion prior to the application being filed, and that is the critical date, the date the application is filed, if you can put any bias or prejudice aside and determine your vote based on the application, that you still have a right to do so, even if you have expressed an opinion before the filing of the hearing. Once the application is filed the clock starts running and you're then on the spot. The hardest thing for you to do is respond to your constituency. You are going to get people who are going to come up to you. They are going to come up to you and say they just have to tell you this. They don't have time to do anything else and they just want you to understand their opinion. You have to tell them that you can not consider their opinion. You can't talk to them about the application. Some people will insist on telling you their opinion anyway, but you have to tell them that you are acting as a judge or jury here, and in this forum can not listen to their opinion. You can tell them you want to hear their opinion and consider their opinion so they should do it the right way. They should either participate in the hearing application, provide oral public comment during the course of the hearing and there will be times set aside specifically during the course of the hearing for members of the public to provide oral comment, or within 30 days after the last day of hearing anyone can supply written public comment. The members of the public have 3 different ways to participate. They can't participate directly by talking to you. You have to explain to them that you can not talk to them and that they should participate in one of these 3 ways, then you could consider their opinion. If they tell you here, not only would it subject the county to attack alleging that you were having private conversations with citizens and the hearing was fundamentally unfair as a result, but you can't consider their opinion. It is your job to try and educate the public on a case by case basis that this is the way you have to act, and this is the way you have to participate if you want your opinion held. If you do that you will hopefully keep out of trouble, and you won't be subjecting yourself to depositions or providing testimony after the fact.

5. Mr. Dudley presented Resolution G-3286-3-09 which is supporting the Macon County Citizen Corps Council.

## **MOTION**

Mr. Dudley moved, seconded by Mr. Oliver to approve Resolution G-3286-3-09 by prior roll call vote.

**QUESTION:**

Mrs. Little: Mrs. Little said it says the Citizen Corps includes the Medical Reserve Corps. She asked what else is in this corps and what is it planning to grow to and who is paying for it.

Mr. Dudley: Mr. Dudley said it is a grant.

Jerry Andrews: Mr. Andrews said the Medical Reserve Corps is a function of the Health Department. There are about 100 members of it. The Medical Reserve Corps is actually made up of medical professionals and non-medical professionals that can perform in the case of any disaster or accident of any kind. The funding comes from an association of city and county health officials. It was \$5,000 or \$6,000 which was approved last month by the board.

Mrs. Little: Mrs. Little asked if the Medical Reserve Corps is part of the Citizen Corps.

Mr. Andrews: Mr. Andrews said yes. They are one in the same basically. The Medical Reserve Corps includes non-medical people. It is all under one roof now. That is the best way he can explain it.

Mr. Oliver: Mr. Oliver: asked if when he said this was approved by a board last month was he talking about the county board.

Mr. Andrews: Mr. Andrews said there is funding that is paying for the services for training and that type of thing which was a resolution approved by the county board last month.

Mr. Oliver: Mr. Oliver said he was not at last month's meeting so that was why he was asking the question. He also asked if there are any local matching funds to go with this.

Mr. Andrews: Mr. Andrews said no.

**MOTION CARRIED.**

6. Mr. Dudley presented Resolution G-3287-3-09 which is approving the amendments to the Animal Control Ordinance.

**COMMENTS:**

Kris Horton: Ms. Horton said in the caucuses this evening we handed out the ordinance as we think it will be, how it will look when it is done. There is a little place at the top that says revised in green. On pages 1 and 2 anything in red are additions from the



ordinances. Page 1 and 2 are just definitions. When you get into page 3, number 1 is the same as the old ordinance. Number 2 is the new animals running at large which will also include livestock and such for the problems we have been having with people who don't seem to keep their fences in repair. We get called out repeatedly for livestock out on the highway. Before that was not included in our ordinance, so there was nothing we could really do. Now it will be. This does exempt dogs and cats not located within the unincorporated area which have been subdivided for resident purposes. That is your farm dogs, farmer's animals, and barn cats. They are still allowed to run as long as they don't go into the unincorporated, subdivided areas of the county. As long as your animal remains on your farmland, your neighbor's farmland then that is still allowed. That is the same as in the old ordinance. Number 3, Rabies Inoculation- Dog and Cats, in our old ordinance it was two separate, rabies inoculation dog and rabies inoculation cat. It was combined. In regard to the changes to that, we noticed that the way it was written before did not allow for the 3 year rabies vaccinations. What we did was make it so you have to re-vaccinate your animal within 30 days following the vaccination due date. So, if you get a 3 year shot it will be after the expiration of the third year. Numbers 4, 5, 6 were the same as in the old ordinance. Number 7 says harboring stray animals is restricted. If you find a stray you have to bring it in or notify Animal Control within 48 hours so that when people come into our shelter looking for their lost animal we'll have a better chance of getting it reunited with its owner. Number 8 is about the nuisance animals which is one of the things that actually started this. We had no nuisance ordinance for animals out in the county. Now we have better teeth for some of the problems that we had had that had been brought up at some of the past meetings. Number 9 is adequate space and tethering of animals. This provides that when your animal is outside if it is in a pen or run that it has plenty of room to sit, lie down, stand, and move around comfortably without laying in its own urine and feces. When it is tethered the tether can be no more than 1/10<sup>th</sup> of the animal's body weight so that will reduce some of the log chains and such that we see on a daily basis. It says that it has to be configured so that your animal doesn't get tangled up or strangled or could get over a fence and hang itself. Humane Care of Animals is in the State law. There are some that we go out on that are marginal. It could be better handled through an ordinance violation and education than with an actual criminal arrest. This will give us a chance to try and take care of that on a county basis for the ones who are not as severe and we don't think quite meet the threshold of the State law. Abandonment of Animals is another one that is in the State law. We just put it in here more so people would be aware of it when they read this and know you should not do that. Multiple Pet License reads that no person shall own more than seven dogs, cats or a combination thereof without obtaining a Multiple Pet License from Macon County Animal Control. Number 13 is the breeder's permit. It says that no person shall breed any dog or cat without obtaining a permit from Macon Control. No puppies or kittens shall be advertised, sold or given away without supplying a permit number. Number 14 is female dogs and cats in heat. Every owner of a female dog or cat shall maintain such dog or cat in a manner that prevents unplanned breeding. Numbers 15, 16, 17, and 18 are the same. Number 19 is redemption by person other than the owner. Upon expiration of 7 days from the date of impoundment, any unclaimed dog or cat which has been deemed suitable for adoption by the animal control officer or administrator, may be adopted by any person other than the owner upon payment of the adoption fees and an approved application.

We get a lot of animals that we have impounded that people don't want to pay the fines and fees they just want to turn around and readopt their animal for a lower cost. That is actually in the State law that they can't do that, but we wanted to go ahead and put it in here so people would know not to argue that point. Diseased or injured animals is also listed in the State law. Any animal which does not exhibit a valid vaccination or tag which reveals the symptoms of injury or disease, clearly not those of rabies, as determined by the administrator or his/her designated agent, may be subjected to disposal at the earliest possible time by Macon County Animal Control personnel. If we find a dog that has been hit by a car and is suffering or severely ill, if it is not wearing a collar or tag or is not micro-chipped, we don't have to hold that dog while it is suffering. We can go ahead and humanely euthanize it. Number 21 says the enforcement officer is not responsible for accident or disease to any dog or cat. That is basically part of State law too. Number 22 is the Multiple Pet License. Multiple pet owners shall obtain an annual license from the county upon payment of a fee of \$15.00. Such license shall be obtained no later than 30 days after assuming ownership of the eighth animal and shall be renewed annually by January 1<sup>st</sup>. The annual renewal fee shall be \$10.00. Payment by multiple pet owners shall not exempt such licensee from payment of county registration fees for each dog or cat. This section shall not apply to people licensed as foster homes, rescues, veterinary clinics, or shelters. The multiple pet owner license requirements are that an applicant for a multiple pet license shall consent to the inspection of the premises where his animals are kept or maintained. Such inspections shall be performed upon receipt of a citizen's complaint. Annual inspections may be required for multiple pet owners with marginally acceptable standards. If we get a complaint and we go out and the standards are not acceptable then this will give a chance to go back in the next year and make sure things have been cleaned up. Such inspections shall be performed by Macon County Animal Control. Failure to comply with a request for inspection is a violation of this ordinance. It lists the requirements. All dogs or cats over 4 months of age must be inoculated against rabies. Dogs or cats must be provided with fresh water daily, sufficient food to maintain acceptable body weight, proper shelter, protection from the weather, and sufficient veterinary care to prevent suffering. If they are maintained within the structure of a building such building shall be cleaned of feces and urine on a daily basis. They must not constitute a nuisance or danger to the health or welfare of its inhabitants nor surrounding residents. It must be well ventilated and maintained at an appropriate temperature to prevent suffering. Dogs and cats should be prevented from running at large and from causing a nuisance pursuant to the county ordinance. The property shall be kept free of all feces and urine to prevent its accumulation and constituting a health hazard or odorous nuisance. The applicant shall not be found guilty of more than two violations of the animal control ordinance within the previous three years. Owners shall immediately notify Animal Control of any change in the animals governed by the multiple pet license including the rabies vaccination and registration requirements. Number 24 is what constitutes a revocation of a multiple pet license which is upon conviction of a second violation of this article we can revoke the multiple pet licenses for a period of not less than 3 months and not more than 5 years. The length and revocation is determined by the number and severity of violations. After the revocation period they will have to reapply for a license. Number 25 is the impoundment of multiple pets. The administrator may impound the dogs and cats of any multiple pet

owner if such owner does not hold a multiple pet license. Such animals shall be redeemed by the owner upon payment to the administrator the lawful fees accrued pursuant to this chapter and after application and approval for a license. Number 26 is the Breeder's Permit. Any person breeding dogs or cats must obtain a Breeder's Permit. This permit requires a yearly fee of \$50.00 per female to be bred. With this permit the owner will be allowed to breed the female animal once a year. The female animal will be required to have current vaccinations and be proven to be in good health prior to breeding. All puppies or kittens will be required to be at least 8 weeks of age and must have had their first set of vaccinations before being transferred to their new owner. A copy of the animal's vaccination record and Breeder's Permit number shall be given to the new owner of the animal. The Breeder's Permit number must be included in any and all advertising of the puppies or kittens. Number 27 is the same. Number 28 changes at (c) which increases the penalties on our violations, before it was \$35.00 for all violations. This starts at \$50.00 and goes to \$150.00 and gives us a sliding scale per violation. Number 29, payment of citations is the same as the old ordinance. Number 30 is the penalties. It previously read that the penalties were between \$25.00 and \$500.00. This moved it to state not less than \$50.00 and no more than \$500.00.

#### **QUESTION:**

Mrs. Little: Mrs. Little said she had a question regarding point of order and that was whether this resolution needed to have a motion and a second before it could really be brought up for discussion.

Mr. Dunn: Mr. Dunn said he really wanted to hear the citizen's remarks before we did anything with it just to see where we are going with it.

#### **CITIZENS:**

Charlotte Purkes: Ms. Purkes said she lives in rural Warrensburg out on School Road. She has been raising collies for about 20 years. She knows the job of animal control is no fun and you have a lot of hard decisions. You have changed the ordinance 2 or 3 times from when we first saw it. It is really hard not to confuse it with some of the State ordinances that they are trying to change and get through. How much manpower is going to be required to enforce these laws? Is it going to change things? Is it going to change the manpower and how much taxes we are going to have to pay for Macon County Animal Control?

Lieutenant Hotwick: Lieutenant Hotwick said right now he doesn't see changing any of the manpower.

Ms. Purkes: Ms. Purkes said if you have got to have all of these inspections it would.

Lieutenant Hotwick: Lieutenant Hotwick said the inspections are going to be complaint oriented and we have sufficient number of people to go out on complaint oriented offenses.

Ms Purkes: Ms. Purkes asked if the citizens who make the complaints will actually put their name on it or will it be shown as anonymous.

Lieutenant Hotwick: Lieutenant Hotwick said if they come in as an anonymous complaint we will go out to the residence in the area. If there is an obvious problem of feces or smell coming from the house, something you can see obvious, then we can act on that. Obviously if you act on something like that you have to have probable cause and that would end up turning into a search warrant type situation where it would probably become a criminal offense.

Ms. Purkes: Ms. Purkes said her next concern is that in one of the drafts it says you can not give your own shots. As a dog breeder she buys them in bulk 25 or 50 at a time.

Lieutenant Hotwick: Lieutenant Hotwick said we understood that and took that into consideration because over the last couple of weeks we have had different calls come into the Animal Shelter and we also talked to some of the veterinarians. Some of the veterinarians expressed the same concern you had, and that is why we changed it in the ordinance so you will be able to give your dogs the first set of vaccinations before they are sold.

Ms. Purkes: Ms. Purkes said there was another section that said you could not put your own animal down. If she sees her dog with a broken back on the road, she wants to be able to go ahead and put him out of his misery at that time. It may be the State ordinance she is confusing that with.

Lieutenant Hotwick: Lieutenant Hotwick said he didn't see that. He doesn't think that is in the county ordinance.

Ms. Purkes: Ms. Purkes wanted to make sure because she has seen several different drafts and she wanted to make sure that her hands are not tied in that manner.

Lieutenant Hotwick: Lieutenant Hotwick said we understand that.

Ms. Purkes: Ms. Purkes asked about barn cats. She lives out in the country and it is really tough to go sink a lot of money into barn cats when the coyotes eat them as soon as you get them spayed and rabies shots. She has hers spayed and neutered, but it is expensive and it seems to attract the coyotes as soon as you get that stuff done.

Lieutenant Hotwick: Lieutenant Hotwick said we understand that there are a lot of feral and barn cats out in the county. We don't intend on sending people out to go looking or check up on that. That is not the intention at all and that is not his intention as long as he is out there.

Ms. Purkes: Ms. Purkes asked about the neighbor animals versus strays. As long as she knows who they belong to she won't get into trouble if they are running around out in her hayfield.

Lieutenant Hotwick: Lieutenant Hotwick asked if she is out in a rural area.

Ms. Purkes: Ms. Purkes said she is out in the rural area, very much so, and doesn't have very many strays, but her brother is in the same type of rural area and he has so many that he does complain about it.

Lieutenant Hotwick: Lieutenant Hotwick said if you are close to a residential area and your pet runs into a residential area causing people to call in to complain then that would be an issue, other than that it won't be an issue.

Ms. Purkes: Ms. Purkes said the Illinois Department of Agriculture requires a license on anybody with five intact females. She asked why they didn't go with those kinds of guidelines and just enforce those.

Ms. Horton: Ms. Horton asked if she was talking about the multiple pet license.

Ms. Purkes: Ms. Purkes said yes. Five intact females is what the Department of Agriculture goes by and that is what most people, prior to this ordinance have been basing most of their animals on.

Ms. Horton: Ms. Horton said five intact females require a kennel license from the State of Illinois.

Ms. Purkes: Ms. Purkes said, but as long as you have below that. She asked what the cut off is. She has 9 year old female that is sterile. She asked if they consider that a spayed animal since she can not breed anymore.

Ms. Horton: Ms. Horton said State law says breedable females are un-spayed females that are over 6 months of age and are considered to be breedable females.

Ms. Purkes: Ms. Purkes asked about an 18 or 20 year old dog. She was asking for other people and was playing the devils advocate here because she hasn't had any control issues with them.

Ms. Horton: Ms. Horton said believe it or not here in the last 2 days we've had a 14 year old female with puppies. We have had 12 and 13 year old animals with puppies.

Ms. Purkes: Ms. Purkes said she has heard of that occasionally happening. She has heard of an 18 year old cat. She just knows hers is sterile at this point.

Ms. Horton: Ms. Horton said if you have something from the vet saying your animal is sterile then it is sterile. But, we have had animals of that age pregnant and with litters of puppies.

Ms. Purkes: Ms Purkes said she has heard other people voice concerns about them just coming in and inspecting your property and they are not requiring any warrants. She asked if they would be giving any notices as to when they would be doing the inspections.

Ms. Horton: Ms. Horton said the inspections are complaint based now just like they are for any other call we get. We run basically on complaint based, and if anyone calls in a complaint we will go then and do it if someone calls in a complaint.

Ms. Purkes: Ms. Purkes said that was all she had to say but there were other people who had their issues to weigh in on. Like she said you guys have got a hard job, and trying to sew up the loopholes in this is difficult.

Sheriff Schneider: Sheriff Schneider said he wanted to make a couple clarifications. He said she was right that it had flip flopped back and forth, and he knows that and apologized for that. This has been an ongoing process amongst Animal Control for a long period of time. We tried to get the information out to bring people like you forward and to let the board members know what you feel. That is one thing that he expressed. He does see that there are some issues of intrusiveness, and thinks we have dealt with that a little bit more and we are here for input.

Ms. Purkes: Ms. Purkes asked about multiple people in a household. Are you considering the multiple pets to be 7 per adult person?

Sheriff Schneider: Sheriff Schneider said he would think it was household but would wait for an answer from those who dealt with the legal council in reference to this.

Ms. Horton: Ms. Horton said it actually reads that multiple pet owners means any person who harbors more than 7 dogs or cats or any combination thereof over 4 months of age on their property or in their dwelling unit, so it would be household.

Ms. Purkes: Ms. Purkes said she has a total of three litters. She wasn't expecting all three. They were purebreds and confined and everything. She asked when this goes through if she would be in violation because she doesn't have a breeder's permit, or does she need to run down the minute it goes through, or how will that work if you have puppies on the premises at this time.

Ms. Horton: Ms. Horton said this will be for future litters after the ordinance is passed. It would be for anything after the passage of the ordinance, so you would not need to run down for puppies that you already have at your home.

Ms. Purkes: Ms Purkes said so she is basically grandfathered in as far as the things that are born prior to this going through.

Sheriff Schneider: Sheriff Schnieder said before there would be any enforcement on this ordinance we would make the public aware of that through the local media to make sure they would know when the enforcement would take place. He would hope discretion would prevail.

Vicki Sheets: Ms. Sheets said she lives at 2227 S. Franklin Street Road in Decatur. You have a lot of animal activists here that are waiting to talk to you about multiple pets and some of this other stuff. What she wanted to talk to you about is the breeder's permit, which she doesn't think is a bad idea, but she is not sure you will get to the people you are trying to target. You will get to people like her. She breeds golden retrievers and is a dog show judge. She takes her dogs to the Uof I and gets them OFA'd which means their hips are certified, their elbows are certified, and their thyroid is tested. She gets their eyes certified. We have all of these health tests done before we ever even think about breeding. We take the dogs and compare pedigrees because we are trying to breed the best puppies that we can breed. If it is going to cost her another \$50.00 to do that that is ok with her because she has already spent a whole bunch of money before she ever breeds them anyhow. But, if you are going to do this, rather than just ask for that \$50.00, and anybody with 2 dogs that may or may not be the same breed but let's say they are and she's got a cocker spaniel and you've got one so lets breed them, if you are going to make them get a permit anyhow let's see some, beside just the vet saying these dogs are healthy, let's see a little more than just a health certificate. Are their eyes ok? Are their hips ok? A lot of people pay a lot money for a puppy and they think because it has AKC.... Now there is APR and ARA and all kinds of registries that people are just making up letters and telling people the dogs are registered. They are getting on the computer and making up a certificate and here are your registration papers. They are puppy mill puppies. Maybe as long as the vet's got an ok that the dog is healthy to breed let's go a little deeper and make them have some guarantees on the hips, and let's see an OFA rating. They do it in Germany. You can't even breed dogs in Germany unless you have it tested, health rated, and titled on one end or the other. So, let's go a little deeper. She is not against the breeder permit, but she thinks instead of encouraging people to pay \$50.00 and breed however you want; let's encourage them to breed good dogs.

Julie Simpkins: Ms. Simpkins lives on West Cantrell in rural Decatur. She really wasn't planning to speak but she had a few questions. You said that part of the ordinance involves livestock getting out, which we have livestock along with dogs and barn cats. She asked what that entails. We do have permanent fences and also we run temporary fences. We have run into horrid problems with the deer running through the fences. If our cows get out we go out and get them back in, but it still does happen. The second problem is the deer and coyotes. We have huge problems. She asked what they are trying to do about that. The third issue she had was what distinguishes a farm dog from another dog. What is the difference? You said something about the farm dogs.

Ms. Horton: Ms. Horton said the farm dogs are the animals that live out in the county in the unincorporated areas of the county that are not subdivided. We call them farm dogs. That came from someone here. If your land or property is not subdivided for residential purposes....

Ms. Simpkins: Ms. Simpkins said then the rules are different for her because she is zoned agriculture and has 40 acres of land versus if you live in the city.

Ms. Horton: Ms. Horton said that is correct.

Ms. Simpkins: Ms. Simpkins said we have Great Pyrenees and her dogs actually work. They actually run loose. They do not know the border. If they are on the trail of a pack of coyotes they don't stop at the fence, but they do pretty well stay on our property. The neighbors know our dogs so we don't have problems.

Ms. Horton: Ms. Horton said that is the reason that is in there because a lot of the people who live on farms have working dogs, and the dogs do go onto neighboring farms. That is the reason there is an exemption in there for them.

Ms. Simpkins: Ms. Simpkins asked what was said about the barn cats which are feral cats.

Ms. Horton: Ms. Horton said there are not the restrictions on those as far as running loose as there are in the subdivided areas because there is not the problem with your cats or dogs on your farm as there is with cats and dogs running loose in subdivisions.

Ms. Simpkins: Ms. Simpkins said something that Vicki started with a little bit, just because a breeder goes to a veterinarian and gets this paper that says a dog is healthy and has had its vaccinations it does not warrant that this is a good litter of puppies that need to be brought into the world. There is still nothing that says that litter needs to be born. She understands that it is a tough job, we know that. We understand that, but the things that are in here are penalizing the people who play by the rules now. We are the people who register our dogs. We are the people who are going to have to obtain the multiple pet license or the breeder's permit. The people with the puppy mills, the people with the dog fighting, and the people whose dogs are running loose in the middle of Decatur they are not paying now, so why are they going to pay when you impose this.

Ms. Horton: Ms. Horton said because when we impose this we will be able to go out and enforce it.

Ms. Simpkins: Ms. Simpkins said but you didn't. These laws haven't been enforced. If these laws that are on the books were enforced we wouldn't have as many problems as we have now. She asked if that was correct.

Ms. Horton: Ms. Horton said we did not have a nuisance animal provision in the county.



Ms. Simpkins: Ms. Simpkins said but we have a leash law so any dog that runs loose in the county is in violation of the leash law.

Ms. Horton: Ms. Horton said no we do not have a leash law in the county.

Ms. Simpkins: Ms. Simpkins asked if the leash law is only in the city. She said they were saying that the county does not involve.... The issues are different in the county versus the city.

Ms. Horton: Ms. Horton said the city has their own set of ordinances. They are different from ours. Before we redid these ordinances the city had probably 3 times as many ordinances as we did out in the county. Some of these ordinances were actually taken from the city's ordinances.

Ms. Simpkins: Ms. Simpkins said her biggest issues are, and those of a lot of her friends sitting behind her are, that you are penalizing the people that play by the rules. We are going to have more fees that we are going to have to pay and times are tough right now, and like we need to be paying more fees in order to take care of our pets. Her dogs, cats, cows and horses she would put them up against anything on how she takes care of them, and now she is going to have to pay more licensing fees to own these animals. She doesn't think the people you are really after are going to pay. They don't pay now. They don't vaccinate their animals. They don't register them. If you pick them up that is just fine because it is just one less they have to take care of and they will just get another one.

Sheriff Schneider: Sheriff Schneider said she actually makes some very valid points and we understand that. As a whole, everything looked good initially and then when you start hearing the people talk you start thinking wait a minute maybe something needs to be changed. You have seen plenty of revisions already. He was not saying that there can not be anymore revisions, but by us bringing this to the forefront this is where we make the changes. He does understand about the economic distress in the economy today that is being placed upon you and everybody else. So, by you coming forward we appreciate that.

Ms. Simpkins: Ms. Simpkins said if you had actually asked for input from the dog breeders and maybe there are some cat breeders, but mostly they are talking about dog breeders.

Sheriff Schneider: Sheriff Schneider said you are right but they have been working on this for almost a year and maybe it should have been an open forum type setting, he was not going to disagree with her on that, but he said they worked very closely with veterinarians and other people that are figureheads in this arena. They took that input and tried to put it into this form. When we found out there were problems we got it on the Internet and started putting out as much information as possible.

Ms. Simpkins: Ms. Simpkins said look at the changes that were made just tonight before we came in.

Sheriff Schneider: Sheriff Schneider said those changes were actually from the last meeting when everything came forward in the media. We then looked at those and he started hearing from people. He felt some of it did seem a bit intrusive and thought they should work on that. He thinks those changes have actually made an affect. If other changes need to made....

Ms. Simpkins: Ms. Simpkins said they have but she thinks there could be some more changes that actually define things a little bit better. She thinks there are still some areas that aren't clear, and the definitions need to be clear just as you are saying that it says any person with 7 or more, so it says 7 or more. She said that indicates to her that it is 7, but later on it says on obtaining the 8<sup>th</sup> animal you have to get the permit. Ms. Simpkins said it sounds to her like it is 7. It says any person on the property or in a dwelling. It doesn't say persons or multiple people, but you said it does mean the whole household there, but that is really not the way that it is worded. It is worded like it is each person in the household. She understands that not everybody in the house is going to have 15 dogs, but that is just one piece of it that doesn't seem to be clear in what it says. You could also work on having what it says about inspections a little clearer.

Sheriff Schneider: Sheriff Schneider asked her what aspect on the inspection she was talking about because he looked at that specifically. He asked what area she thinks needs adjustment there.

Ms. Simpkins: Ms. Simpkins said she had some people behind her that were saying it didn't seem clear on when they could.... Another citizen stated that the ordinance said that an applicant for a multiple pet license will consent to an inspection of the premises. Ms. Simpkins asked if the sheriff was saying that would only happen upon a complaint.

Sheriff Schneider: Sheriff Schneider said when somebody came forward to him and said you are not coming on my property; he listened to that person and felt that was a little too intrusive. He respected that enough to try and get that changed. He can't change everything, but this is the time we tried to come in here and he appreciated her input.

Sue Zientara: Ms. Zientara said she resides at 2708 Casner Road, Oakley. It is rural out by Mt. Zion. She is going to repeat some of the things Julie said because it is unclear on there because it says more than 7 dogs. A person can own more than 7 dogs. Now there is no time that she would own more than 14 dogs, her and her husband. It looks to her like he could own 7 and she could own 7 and she still wouldn't need a multiple pet license. A lot of this stuff like Julie said if people aren't following the rules now then they are not going to.... If there is somebody who has dogs that aren't vaccinated, dogs that aren't registered with the county on their rabies, then she doubts they are going to walk in and say they are going to breed their dog and need to get it checked out and buy a breeder's license. She wouldn't call herself a dog breeder. She has a litter right now and is kind of like Vicki where she has seen cardiologists, hearts, hips, elbows. She has done all the testing. She has probably spent more to breed the litter than she is ever going to make off the puppies even though they ended up with ten. She takes better care of her

dogs than most people take care of their kids. She doesn't think the people who aren't following the rules now are going to come up and say they have 8 dogs now and need to by a multiple pet license or that they are going to breed their dog and need come in and get a breeder's license. If she hadn't told you she bred her dog you would never know it. Nobody knows her dogs are out there and nobody knows she has a litter on the ground other than her friends. So, she could get away with breeding her dog twice a year if she wanted to, every year and you guys would never know it. None of the dogs will be staying here in Macon County and very few of them will even be staying in the state. She doesn't advertise the puppies. She sells them all by word of mouth so there is no way you could search for her on the Internet and find that she has had a litter of puppies. If she wanted to get away with it she could. It also says in the ordinance that the breeder's permit allows her to breed her dog once a year. She saw in the questions on the website that it is one litter per year, but that is not the way the ordinance reads. The ordinance reads that right now she could breed her bitch once a year. If she doesn't take or absorbs the puppies then she has no litter and technically she is not allowed to breed her again that same year even though she didn't well the litter. She does think it is unclear about the inspections. It says that if she wants a multiple pet license that she will consent to an inspection of the home. She is another one of those people where you are not coming in her house. Her dogs are in great shape. She takes really good care of them but she is still not going to let you in her house just to let somebody poke around her house. She doesn't know who you are. If it is an Animal Control Warden she doesn't know who they will tell what is in her house and so on, and so on, and so on. It's like you don't tell people when you are going on vacation, so they can case your house. The other thing she had was not one of the changes but if her dog is running at large and has no identification on it and she knows it has been picked up by Animal Control, how do you know that if she came into to adopt it 7 or 10 days later that it is her pet. How do you prove that? How does she not adopt her pet back out to avoid the fees? She doesn't know how you will prove that, because like she said if she was not following the rules anyway why would she come in and say it was her dog. She knows it is more expensive to bail him out than it is to re-adopt him in 7 days. Ms. Zientara said you would know it is her dog because they are all micro-chipped. But, most people who aren't following the rules aren't micro-chipping their dogs either.

John Paczak: John Paczak lives at 27 Maple Court. He has a farm in Long Creek. He asked what the point of the multiple license is. It looks to him that  $\$35.00 \times 8$  is  $\$280.00$  right there you will have from everybody. There is  $\$280.00$  and you now want  $\$15.00$  more. He asked what the point of this is. Was the number 7 arbitrary? Was there an outside study done to see that x amount of dogs give you this much trouble. What kind of study was done on this, other than just what Animal Control says?

Sheriff Schneider: Sheriff Schneider said he was going to get clarification on this, but he believes, and he was not part of it a year ago, but believes it was basically modeled after other municipalities.

Kris Horton: Ms. Horton said that is correct. We looked into 7 or 8 municipalities.

Mr. Paczak: Mr. Paczak asked what counties those were.

Ms. Horton: Ms. Horton said there was Macoupin County, Peoria County, East Peoria and few others but she could not remember all of them off the top of her head. Most of them were 4 to 5 animals and we decided to go with 7.

Mr. Paczak: Mr. Paczak said you decided.

Ms. Horton: Ms. Horton said we decided we did not want to limit the number to 4 or 5.

Mr. Paczak: Mr. Paczak said he thinks the number 4, 5, 7, 20, or 100 is arbitrary. There has to be some kind of data that would say somebody with x amount of dogs is causing trouble. He thinks, personally, that all this is, is an agenda so you can look on a paper and say let's just go see what his dogs look like. When there is a complaint he doesn't ever want to see that it is an anonymous tip from the Humane Society. It is not going to work anymore. An anonymous tip from the Humane Society is how these people get into anybody's house. An anonymous tip from the Humane Society, remember that, and that is what they do. Don't think they don't. You can't even deny it can you?

Sheriff Schneider: Sheriff Schneider said if Mr. Paczak was looking at him for a denial in reference to anything that he has dealt with, he was not going to sit here and deny that specifically here. Sheriff Schneider would tell him that when he read that part of it that is the reason why there has been a revision in that. He apologized because he knew they hadn't had a lot of the revisions to go over, but he asked them to look at the revisions and then tell him if that doesn't clarify and rectify what Mr. Paczak was talking about.

Mr. Paczak: Mr. Paczak said he is ok with things and he pays a lot of fees, but to pay \$15.00 extra is only putting a finger on him so they could do something, and he doesn't like that. Everybody that gets a permit that is just \$280.00 right now. So the \$15.00 is nothing. It's I want to put my finger on you, and he doesn't like it.

Sheriff Schneider: Sheriff Schneider said he knows Mr. Paczak is directing it toward them, but he is sure he is also directing it toward the board members so they understand exactly what his position is.

Mr. Paczak: Mr. Paczak said oh yes he wants them to listen because just because another county does it, is irrelevant.

Sheriff Schneider: Sheriff Schneider said it is not totally irrelevant.

Mr. Paczak: Mr. Paczak asked if you got data from them.

Sheriff Schneider: Sheriff Schneider said apparently they did. They put it all together.

Mr. Paczak: Mr. Paczak asked if that kind of data solves the problem.

Sheriff Schneider: Sheriff Schneider said if you identify a problem then there will hopefully be a resolution to that problem. We can't identify all problems and get resolutions with all problems.

Mr. Paczak: Mr. Paczak said that was his original question. What kind of data made you think to put a tag on everybody that has 7 animals?

Sheriff Schneider: Sheriff Schneider said their information and the data they had from the other counties is what they got for the derivative for the ordinance here in front of you.

Mr. Paczak: Mr. Paczak said he just wanted to be sure that we aren't over-governed. He thinks this is big brother.

Sheriff Schneider: Sheriff Schneider said if he wanted to know the conversation he had, that was one of the issues he had bigger than anything. He did not want to be that intrusive. That was why he wanted a change in it. This is a collective effort. It was spurned by people who stood in front of the board like him right now. That was how this all started with putting an ordinance together was based upon a citizen complaint that came before the board.

Mr. Paczak: Mr. Paczak said he understands. He said another point that he does know because he is up on most things and he is going to stay up on things. He has had several dogs for 20 years. He said they have not had a litter of pups for five years, and he kept all of the last ones. The litter before that was six years ago. So, technically we have not had a litter in five years and are probably not going to have any litters. He asked if he was grandfathered in on this because his 8<sup>th</sup> dog came 20 years ago. Does he have to sign up for something? His dogs have been here and he can prove it, the same ones, for the last five years. Does that mean he has to get this license too?

Sheriff Schneider: Sheriff Schneider said that is actually a very good question and he was going to ask for clarification and if it is not the answer he likes then he hopes Mr. Paczak would voice his opinion in reference to that.

Ms. Horton: Ms. Horton said there is not a grandfather clause.

Mr. Paczak: Mr. Paczak said there is not a grandfather clause unless he decides to take it to court and then we will see.

Sheriff Schneider: Sheriff Schneider said sure, absolutely that is what it is all about.

Mr. Paczak: Mr. Paczak said he just wanted the council to know that there may be a grandfather clause or maybe there should be. Should he have to take this to court to get a grandfather clause or should they just say hey there is a grandfather clause? Technically as soon as he gets one more dog he would have to do it, but if he has had the same dogs for five years, why.

Sheriff Schneider: Sheriff Schneider said he thinks that is a valid point.

Mr. Paczak: Mr. Paczak said that was about it. Again, he would just say that he had to wonder why they want \$15.00 fee on top of the minimum \$280.00.

Tiffany Wilkerson-Hood: Tiffany and her husband Tracy live at 2053 Ramsey in Decatur. Some of her concerns are, number one she is against the \$50.00 for breeding a female. She is against anyone telling her how often she should breed her female because she raises small dogs and small dogs don't come into heat every six months like a collie or golden retriever. Some times her dogs don't come into heat but once every 10 months. If her female comes in heat in January and then has a litter and then she wouldn't come into heat again until the end of year then she is being told she can't breed her again. If she had a c section she wouldn't breed her anyway because that wouldn't be in her best interest. If she gives the dog a vet check and the vet deems her that her uterine tone is in tact and that she is healthy and everything is fine and she could breed her, then she feels that is her decision to make not the government's decision or the city or anybody to tell her that. Her other concern is that she has 4 children. If somebody is going to make a complaint on her which she has been doing this for several years and she has not had any complaints except for, they raise small dogs and then have what she calls the wonder mutt which is a lab mix that they rescued, and he is loud. She has a neighbor that she feels is, she is sorry to the older population, but he is an older gentleman, and he is just a little bit cranky. She has had her phone ring at 11:00 at night and it is him telling her she needs to control her barking dog and it wasn't even her dog barking; it was somebody else's dog. He has also called Animal Control and they have been to her home, not because she has a lot of little dogs or because she is breeder, but because she has this one neutered wonder mutt that barks sometimes. She feels like if you are going to complain that it better be valid. It better be her dog barking. It needs to be valid because when that guy comes to her door with her 4 children, she has a 5 year old little girl, and she sees that badge she is going to get scared. She doesn't need that. That is one of her big concerns; it needs to be valid. She has four children and they get scared. The children know good cops they have friends who are cops and everything. They had an old neighbor who was a cop. When they see somebody who says they need to come into our home and inspect our home. Her other question is what if it is 8:45 a.m. and she is on the way to take her kids to school? Do they have to be late to school because Mr. Officer Animal Control needs to come look in our home right now? That is another concern of hers. The other concern would be disease. Let's just say they have been to two other kennels and they were in poor condition and the officer walked all through that, when they walk through her home they could be depositing parvovirus or all kinds of things that she didn't have as a problem until they walked in her house. What are they going to do? How are they going to assure her that they are not spreading that into her home? The other thing she wanted to say was that she understands what you guys are trying to do. She agrees with you. There are people who are doing wrong by animals. We are not one of them. She agreed with what the other lady said. The people you are going to be punishing are going to be people like us, people who already take good care of their animals. Her vet would give her a recommendation any day of the week. They are there

for her. They come in morning, noon and night. If she has a problem with a delivery, they are there for her at 2:00 a.m. because she is responsible breeder. He has told her that. He told her they will come in for her but they do not come in for everybody. They come in for her because she is doing right. The bottom line is that if there weren't any breeders then there wouldn't be any pets. Breeders kind of get this stigma that somehow they are lower class. But, if there was nobody breeding there wouldn't be any pets for anyone to enjoy. We are the pet producers. She thinks some of the things you have in here are a serious violation of her rights. She thinks they are taking into consideration like the six month heat; she thinks they are thinking don't breed more than one time a year. She is assuming they are taking that on a six month heat. Her dogs don't ovulate on that time frame, and she also has small litters. Sometimes she has one puppy. One puppy is not going to pull down a female and cause her to not be able to reproduce 10 months later. She doesn't see how you guys or this ordinance can tell her what is in the best interest of her female.

Sheriff Schneider: Sheriff Schneider said it is quite apparent that she knows far more about this than he does. There is no doubt about that. He stands before you to tell you that number one he doesn't want to be that police officer out there and he agrees with her 100%. He has hopefully made some corrections in that area to be able to alleviate that. He too has had a neighbor of his own back 20 years ago when his light was on in back on his dog and the neighbor yelled over and said turn your light off so he turned his light off, but he would have been that person who was complaining. He does understand that. Validity of complaints is always in question in law enforcement, and he hopefully has corrected that part of it. The other issues she brought before these people he feels a lot of them are valid. She educated him in reference to her type of breeding and he appreciated that.

Tiffany Wilkerson-Hood: Tiffany said she was a business owner here. She owned Bermuda Triangle for a long time down town. She had four children and decided she wanted to find a way to still make money because it takes two incomes nowadays and most people in Decatur feel that way. She wanted to be there for her children and be able to make a living. She couldn't be at Bermuda Triangle from morning to night and still be there to take her kids to school, to go on field trips and to pick them up. The opportunity to breed the dogs that she raises has given her an opportunity to contribute financially to her family, but also to be there to be a mom to her children. By imposing these kinds of things, obviously you are causing her financial hardship. The man that brought up the question about why the money, she thinks she knows the answer to that question. She has a kennel license through the State of Illinois. She has been inspected and she has the little booklet and knows all the guidelines. She does ship her puppies. She breeds a small breed. She sells all over the United States. She does the health certificates and all of that. She does the OFA like the other lady mentioned. They don't do elbows because our breed doesn't have that problem. It is a rare breed. They don't do hearts either. She does the testing just like she said and we are good people. We do what is right. She said if there is a complaint and you guys come knocking on her door at 8:00 in the morning and we are rushing around trying to get baths, breakfast, kids to school, and somebody wants to come in, we haven't had an opportunity to.... In the winter especially since we

have a small dog we don't let them go out a lot in the snow so we use piddle pads. She said piddle pads are small disposal square things for dogs to potty on. God forbid that there be a poo poo or pee pee spot on that pad. Are they going to come in and say there is feces on that pad, which is where they are trained to go anyway and she would be in violation because they found feces in her home. Those things can really be taken to the nth degree and cause someone like her who has a small breed and does piddle pad train her dogs. Her mom even litter box trains hers. To what degree, she asked if they understood what she was saying. In the morning they are getting ready and haven't had time to do clean-up on everything. We follow all the State laws. We go above and beyond. The lady at the State told her she didn't have enough cages because she had to be able to isolate all of them in case there was some kind of sickness or whatever. They are our pets. They are all in our home. We don't have a facility. We have neighbors left and right. We have been doing this for years and years and have never had anybody complain on us for the quantity or anything about little dogs only wonder mutt. So what would happen if they wanted to come in at 8:00 in the morning and we haven't had a chance to get the piddle pads cleaned up and put the fresh ones down like we would do once we got the kids to school? Are we going to be in violation?

Sheriff Schneider: Sheriff Schneider said he was going to tell her that she would not be in violation, but the counter to that from the individual who brought it up here before is that it is discretionary. He would hope that they would follow that and he would fight for her in reference to that. Again, as he stated some of these things are somewhat arbitrary. He was telling her as a functional leader of this department, would he want her to have any type of sanction for something like that, absolutely not. Would he portray that to the people who work for him? He would portray it to the nth. He would not allow for that type of stuff to go on. But, there is always going to be that one that says you did. He will try, if in fact this is to pass, to enforce that with the discretion that she would respect.

Tiffany Wilkerson-Hood: Tiffany said those are her concerns. She doesn't believe in the fees. She pays a \$25.00 per year license fee through the State of Illinois and she is inspected through the State of Illinois. She follows all the guidelines the State put before her as far as adequate size, water, food distribution, clean bowls, the spacing the health certificates that are required to sell a puppy. They don't allow you to sell a puppy before 8 weeks old and all the shots that have to be given. She does the testing on her females. She wants it to be her choice when she breeds her females and she doesn't think she should have to pay \$50.00 per breeding female to do that. She thinks that is ridiculous especially someone like her who may just have one puppy. She has small dogs and the average litter size is 1 to 4. She doesn't get 10 or 15 like a golden, collie or lab. She doesn't get that many puppies. If she gets one that is what she gets, and to make her pay \$50.00 per breeding female is a little bit.... She thinks that whoever thought of this was thinking pit bulls or the end of where we do want to control that kind of behavior. She also agrees that this is not the way you are going to get the people that you are really going for. You are going to get the people like us who are raising four kids. She does this on the side so she can be mom and feel like she is helping her family. She feels that she is the person they are punishing, not Joe Blow out there who has 12 pit bulls that he is



trying to fight and has chained to logs and things like. We don't operate that way, but we are the ones who will be footing the bill. She is definitely against it.

Ms. Horton: Ms. Horton said if she would notice under the multiple pet license and such that if you are licensed under the State of Illinois you don't have to be licensed in the county.

Tiffany Wilkerson-Hood: Tiffany asked if she has the \$25.00 thing then this won't apply to her. She won't have to pay the \$15.00.

Ms. Horton: Ms. Horton said not if you are licensed through the State of Illinois.

Tiffany Wilkerson-Hood: Tiffany asked if she has to pay the \$50.00 per breeding female.

Ms. Horton: Ms. Horton said not if you are licensed as a kennel through the State of Illinois.

Tiffany Wilkerson-Hood: Tiffany asked why the county isn't just making everybody who has a certain amount of dogs get licensed through the State of Illinois.

Ms. Horton: Ms. Horton said we can't make someone get licensed through the State of Illinois.

Tiffany Wilkerson-Hood: Tiffany asked why don't you just have something that says if we come to your home and you have x amount of dogs and they are un-neutered or un-spayed you have x amount of time to go get a license through the State of Illinois who already governs all of these things that she just described.

Ms. Horton: Ms. Horton said from experience the last time she dealt with the State of Illinois, you have to request a license. We have made quite a few arrests for running kennels without a license. At this point that is how it is if you don't get a license through the State then it becomes a criminal offense. The State of Illinois says you have to have a kennel license for more than 5 breedable females.

Tiffany Wilkerson-Hood: Tiffany asked if the county could make people get a kennel license that have that many.

Ms. Horton: Ms. Horton said we can not make them go to the State. All we can do is go after them criminally.

Tiffany Wilkerson-Hood: Ms. Wilkerson-Hood said if she has a license through the state then she doesn't have to pay any of this stuff and none of this will apply to her.

Ms. Horton: Ms. Horton said that is correct.

Mr. Dudley: Mr. Dudley had a question for Mr. Paczak. Mr. Dudley heard him say something about \$280.00 and he was confused and didn't follow what he meant by that and just wanted clarification because he just didn't get it.

John Paczak: Mr. Paczak said \$280.00 would be  $\$35.00 \times 8$  which is what we pay for the regular license fee.  $\$35.00 \times 8$  is \$280.00.

Mr. Dudley: Mr. Dudley said he didn't understand where he is getting the  $\$35.00 \times 8$ . He was told by several citizens that is what they pay for rabies. Mr. Dudley said he didn't know Mr. Paczak was talking about rabies registration.

Mr. Paczak: Mr. Paczak said for anybody who gets a multiple pet license they are going to be \$280.00 and we are already paying that now. The other thing he forgot which is probably just as big as the whole thing is this 2 strikes and you're out is ridiculous. There could be 2 little petty things in this 12 page thing, 2 little things in 3 years and they're going to impound all of your dogs. You have to think about that one. You ought to at least get 3 strikes and your out. Thugs get that. Two little things in this 12 page ordinance and they are going to impound all his dogs. Huh uh, that is a no. There are some pretty little things in there.

Jamie McMillen: Ms. McMillen said she lives in rural Macon and is kind of on the other side. She would like to get a multiple pet license because all of her dogs are pets. They are all spayed and neutered. They do delta therapy work and obedience. They are just pets. As long as she does not have a complaint and her dogs are kept you could knock on her door at any time. She asked if she would have any problems or was anything going to change as far as her dog life goes.

Sheriff Schneider: Sheriff Schneider said no.

Elizabeth Tate: Ms. Tate lives on North Church Street in Decatur. She had a question about #8 Section (e) which says a dog would be considered a nuisance if said animal chases, attacks, bites, or interferes with or physically intimidates any person while on or off the premises of the owner. Her dog is a family dog but he is also trained to be a guard dog. She doesn't live in the best part of town and therefore her dog is trained to guard her house. She asked if they were saying that if someone breaks into her house that her dog can't do anything or her dog will be taken away from her because her dog takes action.

Ms. Horton: Ms. Horton said Ms. Tate lives in the City of Decatur and this ordinance does not apply to the City of Decatur; they have their own ordinance.

Ms. Tate: Ms. Tate asked about all of the money that is being paid for the fees, where is all of this money going? Is it going into Macon County Animal Control to help put more officers out there, or is it going into somebody's pocket?

Lieutenant Hotwick: Lieutenant Hotwick said it goes in nobody's pocket.

Marcia Pense: Ms. Pense lives at 4336 W. School Road in Maroa, outside of Maroa, Illinois. She is not a breeder and never has been. However, she does hunt and if her dogs have had their vaccinations and are registered with Macon County, if she has more than the allotted amount of dogs don't you think having the additional fee for the multiple dog license is double dipping? She has 2 cattle dogs right now, but she rabbit hunts and coon hunts. If she pays the rabies fees the county requires why should she have to have a multiple license? Anybody that knows her knows her animals are taken care of. She makes her living raising cattle. She thinks this is a personal intrusion into people's lives and government has gone too far that way already.

Sheriff Schneider: Sheriff Schneider said in some cases he would agree with her. He does believe that some of these ordinances are valid ordinances. He says she brings an interesting point and he is sure the fee structure would be looked at further if in fact they felt it was double jeopardy.

Marty Uhler: Mr. Uhler lives out on Mt. Auburn Blacktop, very rural. His biggest problem is the accidental breeding and what constitutes a secure enclosure. He has had dealt with dogs for 40 years and has had studs who are after a bitch in heat that do outrageous things. There is no such thing as a secure enclosure if the dog is sufficiently inspired.

Ms. Horton: Ms. Horton said he may not have gotten a copy of the revised ordinance but that has been taken out. It just says that you must maintain a dog or cat in a manner to prevent accidental breeding. You do not have to put it in a secure enclosure.

Mr. Uhler: Mr. Uhler said that is the same question. How do you prevent an accidental breeding when he has had dogs go through the back door literally. He has had dogs eat through two kennel runs to get to a bitch on the other side. He has dogs that went through a concrete block wall. They eat through a wall. There is no such thing as a secure environment.

Sheriff Schneider: Sheriff Schneider said Mr. Uhler would have taken every step. A concrete wall and they get through that or around it then Mr. Uhler should give him a call if he gets cited for something like that. Sheriff Schneider said he took offense to this initially because he felt if a person puts the dog out in their yard and they have a fence up and a dog climbs over the fence, they would have been in violation then and he did not feel that was right.

Mr. Uhler: Mr. Uhler said he downloaded this off the website this afternoon and he did not know this had been changed.

Sheriff Schneider: Sheriff Schneider said that is not Mr. Uhler's fault. These corrections or attempts to correct have been made because of public complaints about this. These other complaints that are coming forward at this time, he hopes will be addressed.

Mr. Uhler: Mr. Uhler said he was going back to the point the guy made earlier about 2 accidental convictions. Some of these are.... If a guy from the office shows up you can have dirty runs it doesn't matter how often you go out and clean. If the guy shows up you are going to have a dirty run somewhere and 2 convictions seems terribly outrageous to lose all of your dogs. That seems outrageous at best. He is concerned about the money, the taxation. It seems like another tax. We are getting taxed to death. The other part you said is a State law but it bothers him that officers aren't going to be held responsible for damage to your dog. If they take it into their custody they should be able to be responsible for it. Mr. Uhler said if he takes care of another person's dog he is responsible, they ought to be too.

Mr. Dudley: Mr. Dudley thanked everyone for coming out tonight. That is what we are here for. We are here to deal with the public and we are glad you came out tonight to give us your thoughts on this animal ordinance.

#### **MOTION**

Mr. Dudley moved, seconded by Mr. Yoder to send Resolution G-3287-3-09 back to the EEHW Committee for clean up by prior roll call vote.

#### **MOTION CARRIED.**

#### **COMMENT:**

Mr. Dudley: Mr. Dudley wanted to again thank the citizens for their input because it takes a valid effort by everyone, not just the board, not just Animal Control but also the citizens of Macon County.

Mr. Williams: Mr. Williams asked if they could inform the citizens when the next EEHW Committee meeting is.

Mr. Dudley: Mr. Dudley said March 19<sup>th</sup> at 5:15, same place.

#### **OPERATIONS, PERSONNEL & LEGISLATIVE COMMITTEE**

7. Mr. Smith presented Resolution G-3288-3-09 which is accepting a one year proposal from Hartford Insurance for Property and Inland Marine Insurance Coverage.

#### **MOTION**

Mr. Smith moved, seconded by Mrs. Little to approve Resolution G-3288-3-09 by prior roll call vote.

There were no questions or comments from the board floor.

#### **MOTION CARRIED.**

### **FINANCE COMMITTEE**

8. Mr. Dunn presented Resolution G-3289-3-09 which is approving a contract with Fike and Fike, Inc. for network and server support services.

#### **MOTION**

Mr. Dunn moved, seconded by Mrs. Wilkins to approve Resolution G-3289-3-09 by prior roll call vote.

There were no questions or comments from the board floor.

#### **MOTION CARRIED.**

9. Mr. Dunn presented Resolution G-3290-3-09 which is approving a revision to the budget for the Computer Tracking Grant in the State's Attorney's Grant Fund for FY09.

#### **MOTION**

Mr. Dunn moved, seconded by Mr. Dudley to approve Resolution G-3290-3-09 by prior roll call vote.

There were no questions or comments from the board floor.

#### **MOTION CARRIED.**

### **NEGOTIATIONS COMMITTEE**

10. Mr. Oliver presented Resolution G-3291-3-09 which is approving the Macon County Command Officers Association Contract.

#### **MOTION**

Mr. Oliver moved, seconded by Mrs. Wilkins to approve Resolution G-3291-09 by prior roll call vote.

There were no questions or comments from the board floor.

#### **MOTION CARRIED.**

### **TRANSPORTATION COMMITTEE**

11. Mr. Potts presented Resolution H-1645-3-09 which is approving permission for Ameren IP to excavate and update pipeline protection at two locations on County Highways.

## **MOTION**

Mr. Potts moved, seconded by Mr. Yoder to approve Resolution H-1645-3-09 by prior roll call vote.

There were no questions or comments from the board floor.

## **MOTION CARRIED.**

12. Mr. Potts presented Resolution H-1646-3-09 which is appropriating funds for a 50/50 cost share drainage improvement with Blue Mound Township.

## **MOTION**

Mr. Potts moved, seconded by Mrs. Cox to approve Resolution H-1646-3-09 by prior roll call vote.

There were no questions or comments from the board floor.

## **MOTION CARRIED.**

13. Mr. Potts presented Resolution H-1647-3-09 which is appropriating funds to cover the construction expenses on Section 09-00225-00-RS, the 2009 Annual MFT Resurfacing Project.

## **MOTION**

Mr. Potts moved, seconded by Mr. Yoder to approve Resolution H-1647-3-09 by prior roll call vote.

There were no questions or comments from the board floor.

## **MOTION CARRIED.**

The Executive Committee had nothing submit at the meeting.

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

## **CITIZEN'S REMARKS:**

Dean Padgett: Mr. Padgett lives at 3245 N. Susan Drive. He said if they missed him last month he wanted them to please know that he was here on 02-12-09. It didn't take him long to realize you weren't here. After calling his friend David Williams he quickly learned it was a fact that he really did have what is commonly called a senior moment. Since retirement, he no longer gets paid for holidays. Each day is just another day. He

also hopes that Mr. Lincoln fully understands and forgives. At last month's conservation meeting he learned that nothing is going to be done at Friends Creek this year, to finish the electricity at the campground, even though money is available. He is sort of thinking impeachment. It works in Illinois. After all, our State removed the last donkey governor and it only took a few weeks to keep our numerous State Parks open. He would leave it to all of them to decide if impeachment is good or bad. In closing, what he is really thinking and trying to say is he would like to blow a KISS in the direction of the Conservation District. So that each of them knows what a KISS really is, it stands for Keep It Simple Stupid.

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

Mr. Williams: Mr. Williams thanked all the board members who graciously hosted our 4-H guests tonight. He also wanted to introduce Amy Leman from the University of Illinois Extension. She is the 4-H leader. He is sure they will look forward to doing this again next March.

Mr. Dudley: Mr. Dudley wanted to tell Melverta that they are thinking of her relative who is sick. Also, it is good to have Mr. Yoder back.

Mr. Smith: Mr. Smith wanted to make a comment about something all of them had probably heard that has been in the news for the last few days regarding the tragedy that happened down in Maryville in Madison County at a church last Sunday. He has a good friend who has a very close personal tie to that very tragic situation. It got him to thinking about what we take for granted on a daily basis. Coming here tonight and seeing some of the court security officers and sheriff's deputies and personnel that are here he really wanted to say thank you to them for the good job they do year around for the County of Macon. We don't think those things are going to happen. Those people are here in Macon County and are working and protecting us but we just kind of take it for granted. He just wanted to say thank you to them.

There was no old business presented at the meeting.

There was no new business presented at the meeting.

#### **MOTION TO ADJOURN**

Mr. Williams moved, seconded by Mr. Yoder to adjourn until Thursday, April 09, 2009 at 7:15 p.m.

#### **MOTION CARRIED.**

Meeting adjourned at 9:05 p.m.