

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

OCTOBER 09, 2014

**Jay A. Dunn
Chairman**

**Stephen M. Bean
Clerk**

The Chairman called the meeting to order at 6:00 p.m. with the Sheriff and State's Attorney present.

The Roll Call showed all members present with the exception of Mrs. Dawson, Mr. Minich and Mrs. Zimmerman

Mrs. Taylor led the members in prayer.

All led in the Pledge of Allegiance.

A. PRESENTATIONS

Macon County Employee of the Quarter – Q3, 2014

Mrs. Cox: Mrs. Cox said she would like to present the Employee of the Quarter for the Third Quarter for the Key of Excellence. She said they nominated Sherry Doty. Mrs. Cox said Gary Glosser, Lois Durbin's Chief Deputy was going to say a few words.

Gary Glosser: Mr. Glosser said he would like to be the first to congratulate Sherry Doty for her Employee of the Quarter award. Sherry has been with the Clerk's office since 1983. She is currently performing the duties of Supervisor of the Traffic, Criminal and Imaging departments. During the reign of the last Circuit Clerk, she essentially was the Circuit Clerk. Sherry is also in charge of the upkeep of the Evidence Locker, and has recently added the managing of the transition from paperwork to DVD form for our record-keeping. The amount of different hats that Sherry wears is a testament to the excellence of her employ. She is a master of detail, and has developed a warm and respectful relationship with the ladies in her departments. She has handled every task handed to her with due diligence and has been an excellent public servant. As many of our judges would attest she is the go to person in the Circuit Clerk's office. We all have tremendous respect for Sherry in our office. He believes her many years with the county and her great devotion to her job merits her election as Macon County Employee of the Quarter. In a county filled with excellent employees, he wanted to say that he felt they had chosen a fine example of that excellence.

Mr. Dunn: Mr. Dunn congratulated Sherry and thanked her for all her hard work. He also thanked Patty for putting in all the time to make this thing work.

B. APPROVAL OF THE MINUTES OF THE SEPTEMBER 11, 2014 MEETING

MOTION

Mr. Smith moved, seconded by Mr. Potts to approve the minutes of the September 11, 2014 meeting.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Ashby, Baxter, Bird, Brown, Cox, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jacobs, Little, Mattingley, Meachum, Oliver, Potts, Smith, Taylor

Nays: (None)

AYES = 18

NAYS = 0

MOTION CARRIED.

ZONING/SUBDIVISIONS

1. Mr. Dudley presented Resolution Z-1146-10-14 regarding Case S-04-09-14, a petition submitted by Hollie M. Burns for a Special Use Permit to operate an animal grooming and pet photography business in (R-1) Single Family Residential Zoning on property commonly known as 2727 W. Rock Springs Road in South Wheatland Township. After hearing the evidence, the Zoning Board of Appeals voted to recommend denial of the petition to the County Board. The EEHW Committee met and reviewed the petition and voted to recommend that the County Board deny the subject petition for a Special Use Permit to operate an animal grooming and pet photography business in (R-1) Single Family Residential Zoning.

MOTION

Mr. Dudley moved, seconded by Mr. Potts to approve Resolution Z-1146-10-14.

COMMENT:

Mr. Dudley: Mr. Dudley said this was denied by both the Zoning Board of Appeals and EEHW Committee. On the vote on this resolution you will vote yes to approve it or no to disapprove and our recommendation is a no vote.

PETITIONER:

Hollie M. Burns: Ms. Burns said her address is 2727 Rock Springs Road. She said she didn't really know what to say. She is kind of at a loss. She purchased the property from a friend/grooming client. She inquired about the property from Jennifer our Zoning Inspector, and she (Jennifer) said that she didn't see anything wrong with what Hollie was wanting to do. Ms. Burns had one property in mind which was the Fairview Animal Hospital for the same exact dollars. She chose this one and put her home up for collateral on this property to do grooming; and it turned out that she can't do that. Ms. Burns thinks maybe we should oversee some of our city officials a little better. Ms. Burns stated that Jennifer did give her false information about the property, and Ms. Burns took her word for it. She said that was all she had to say.

There were no objectors present at the meeting.

COMMENT:

Mr. Dunn: Mr. Dunn said he assumed that Jennifer had recommended to the Zoning Board to deny.

Jennifer Hoffman: Ms. Hoffman said yes she did.

Mr. Dunn: Mr. Dunn asked for the reasons for denial.

Ms. Hoffman: Ms. Hoffman said because it is a non-conforming lot and the house is torn down. It is zoned R-1 in the middle of residential, and it does not have a house on it. If we approve the Special Use Permit we are approving a business, a non-conforming lot and business in the middle of residential.

Mr. Dunn: Mr. Dunn said a yes vote allows them to have the Special Use Permit. The Zoning Board and the EEHW voted to deny it. That would take a no vote as Tim said.

ROLL CALL.

Ayes: Potts

Nays: Ashby, Baxter, Bird, Brown, Cox, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jacobs, Little, Mattingley, Meachum, Oliver, Smith, Taylor

AYES = 01

NAYS = 17

MOTION FAILED.

2. Mr. Dudley presented Resolution Z-1147-10-14 regarding Case S-02-09-14, a petition for a Special Use Permit submitted by General Assembly of the Church of God in IL (Camp Warren) to place two more manufactured homes for the use of the State Minister and the Executive Director in (A-1) Agricultural zoning on property commonly known as 4225 Camp Warren Road in Mt. Zion Township. After hearing the evidence, the Zoning Board of Appeals voted to recommend approval of the subject petition to the County Board with four stipulations. The EEHW Committee met and reviewed the petition and recommended that the County Board approve the petition subject to the four stipulations recommended by the Zoning Board of Appeals.

MOTION

Mr. Dudley moved, seconded by Mr. Mattingley to approve Resolution Z-1147-10-14.

There were no questions or comments from the board floor.

MOTION CARRIED. (ASHBY, BAXTER, BIRD, BROWN, COX, DROBISCH, DUDLEY, DUNN, GREENFIELD, HOGAN, JACOBS, LITTLE, MATTINGLEY, MEACHUM, OLIVER, SMITH, TAYLOR SHOWED THEIR VOTE AS YES)

3. Mr. Dudley presented Resolution Z-1148-10-14 regarding Case S-05-09-14, a petition for a Special Use Permit submitted by Robert H. & Aissa K. Norris to allow the holding of special events, such as educational tours; weddings/receptions; company picnics and family reunions in (A-1) Agricultural Zoning on property commonly known as 990 S. Meridian Avenue in Harristown Township. After hearing the evidence, the Zoning Board of Appeals voted to recommend approval of the subject petition to the County Board with twelve stipulations. The EEHW Committee met and reviewed the petition and recommended that the County Board approve the petition subject to the twelve stipulations recommended by the Zoning Board of Appeals.

MOTION

Mr. Dudley moved, seconded by Mr. Oliver to approve Resolution Z-1148-10-14.

COMMENT:

Mr. Dudley: Mr. Dudley said he wanted to say that this did pass the Zoning Board of Appeals and EEHW Committee.

MOTION TO AMEND

Mr. Dunn moved, seconded by Mr. Hogan to amend this by sending the Special Use Permit request back to the Zoning Board of Appeals for reconsideration.

ROLL CALL.

Ayes: Ashby, Baxter, Bird, Brown, Cox, Drobisch, Dunn, Greenfield, Hogan, Jacobs, Little, Mattingley, Meachum, Oliver, Potts, Smith, Taylor

Nays: Dudley

AYES = 17

NAYS = 1

MOTION CARRIED. (TO AMEND RES. Z-1148-10-14 BY SENDING IT BACK TO THE ZONING BOARD)

COMMENT:

Mr. Dunn: Mr. Dunn hopes that most of the board members who are interested in this, and he talked to quite a few that don't want to see this business fail, will show up at the

Zoning Board when they meet. He thinks there has been some misunderstanding and things that went on that can get corrected and make this a viable resolution to come back to the board. He would appreciate if they would attend that Zoning Board meeting. He asked Jennifer to have a special meeting to help facilitate and expedite getting this thing done.

Mr. Greenfield: Mr. Greenfield asked if it will go through EEHW again after that.

Mr. Dunn: Mr. Dunn said yes and we might end up having a special meeting there too. He doesn't want to drag this thing out but there are some things that have come up that need to be addressed.

C. CORRESPONDENCE

A notice from the United States Environmental Protection Agency regarding a public hearing on the ADM draft permit on Wednesday, November 5th from 7 to 8 p.m. at the Decatur Public Library.

Three letters from Comcast regarding changes to channel line-up in the community.

A notice from the City of Decatur regarding Temporary Sign Regulations.

A Notice of Application for Permit to Manage Waste from Advanced Disposal Services Valley View Landfill, Inc. regarding submittal of Construction Documentation Report for construction of above-ground leachate storage tank.

REPORTS

Sheriff's Report – September 2014
Treasurer Fund & Investment Report – September 2014
Tax Collector Report – September 2014
Coroner's Report – June, July, August 2014
Public Defender's Report – September 2014

MOTION

Mr. Potts 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. (DUDLEY SHOWED HIS VOTE AS YES)

4. CLAIMS

MOTION

Mrs. Cox moved, seconded by Mrs. Little to approve the claims that have already been voted on and approved by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

D. APPOINTMENTS

5. Resolution G-4165-10-14 – Re-appointment of South Macon/South Wheatland Union Drainage District #1 Commissioner

Lawrence “Neal” Wooters, 834 E. 2900 North Rd., Moweaqua, IL 62550
Term Expires: 1st Tuesday of September, 2017

MOTION

Mr. Dunn moved, seconded by Mrs. Cox to approve Resolution G-4165-10-14 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

E. CONSENT CALENDAR

6. Resolution G-4166-10-14 – Executing Deeds to convey property on which taxes were delinquent

MOTION

Mr. Smith moved, seconded by Mr. Meachum to approve the Consent Calendar by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

JUSTICE COMMITTEE

7. Mr. Mattingley presented Resolution G-4167-10-14 which is approving revenue in the Probation Grant fund termed Drug Court Enhancement grant.

MOTION

Mr. Mattingley moved, seconded by Mrs. Little to approve Resolution G-4167-10-14 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

8. Mr. Mattingley presented Resolution G-4168-10-14 which is amending the Probation's FY14 budget.

MOTION

Mr. Mattingley moved, seconded by Mr. Potts to approve Resolution G-4168-10-14 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

9. Mr. Mattingley presented Resolution G-4169-10-14 which is approving revenue in the Probation grant fund for IDOT DUI Grant.

MOTION

Mr. Mattingley moved, seconded by Mr. Drobisch to approve Resolution G-4169-10-14 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

10. Mr. Mattingley presented Resolution G-4170-10-14 which is approving an agreement for relocation during a disaster or extreme emergency between Main Place Properties and the County of Macon.

MOTION

Mr. Mattingley moved, seconded by Mr. Meachum to approve Resolution G-4170-10-14 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

EEHW COMMITTEE

11. Mr. Dudley presented Resolution G-4171-10-14 which is amending the Planning and Zoning Fee Schedule for the unincorporated areas of Macon County, Illinois.

MOTION

Mr. Dudley moved, seconded by Mrs. Cox to approve Resolution G-4171-10-14 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

OPERATIONS AND PERSONNEL COMMITTEE

12. Mrs. Cox presented Resolution G-4172-10-14 which is approving the Holidays for 2015.

MOTION

Mrs. Cox moved, seconded by Mr. Mattingley to approve Resolution G-4172-10-14 by prior roll call vote.

QUESTION:

Mrs. Little: Mrs. Little asked if these are in alignment with the courts.

Mrs. Cox: Mrs. Cox said they are.

MOTION CARRIED.

The Legislative Committee had nothing to submit at the meeting.

The Finance Committee had nothing to submit at the meeting.

The Negotiations Committee had nothing to submit at the meeting.

TRANSPORTATION COMMITTEE

13. Mr. Meachum presented Resolution H-1909-10-14 which is appropriating funds for Section 15-00000-00-GM the 2015 MFT General Maintenance Project.

MOTION

Mr. Meachum moved, seconded by Mr. Bird to approve Resolution H-1909-10-14 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.

SITING, RULES & ORDINANCE SUB-COMMITTEE

Mr. Potts: Mr. Potts said that Mr. Baggett and Mr. Bean are gathering together to come up with a solution for the Poker Run Ordinance, and hopefully it will be available soon.

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

CITIZENS' REMARKS:

Roger Major: Mr. Major lives at 545 Tohill Road. He is speaking on behalf of Hollie Burns. He said when we bought this property we came up to the Zoning Board before we ever did it and talked to Jennifer. This is what we want to do and this is how we want to do it, and she had no problem with it. It was all fine until we tore the house down. If we hadn't have torn the house down we would have been in violation then too for a nuisance. We tore the house down the day before the hearing, and they denied us because there is not a house on the property. How are you supposed to do that when a house burns down you have got to build another house but you have got to get the first one torn down right? You guys are essentially shutting her down in business. She has nowhere to do her business now, and she is going to lose everything if she doesn't get to work by you guys denying this. We are going to build there. It is just that we had to get the old place torn down first. So now we are stuck and we can't work. So what do we do? It is a business. She has been in business for 3 years out on Wyckles corner. She finally got to where she could afford her own place, her own piece of property. She did it and now she is just completely shut down. So, where do we go from here? Is there an outlet for us?

Mr. Hogan: Mr. Hogan asked at what point in our Zoning Ordinance she can file another petition.

Mr. Major: Mr. Major said the Jennifer told them when something on the property changes. So when we get a residence built we can redo it. But, we can't get a residence built without being able to work and earn the money.

Jennifer Hoffman: Ms. Hoffman said the Zoning Ordinance states that effective at denial no application which has been denied wholly or in part of the County Board shall be resubmitted for a period of one year from the date of the order of denial except on grounds of changed conditions.

Mr. Dunn: Mr. Dunn asked what a changed condition would be.

Ms. Hoffman: Ms. Hoffman said a changed condition would be a house on the property. It would change to a conforming lot an R-1 zoning.

Tony Chandler: Mr. Chandler said he would like to speak for Hollie as well. As of the last few weeks, several contractors and friends are coming in to modify the garage that is on the property. It has a full stem foundation and can be legally transformed into a home. This is in the process. It is going to have full plumbing and a full kitchen. It is a 24 x 24 establishment, but it can be legally modified to a home and it is in process right now. The framing has been done and the plumber is going to be there on Monday to assess the situation and take care of it. Is that along with what everybody wants to hear? This girl has been in business for over 3 years. She has multiple and multiple customers that depend on her, rely on her and support her. She is not a fly by night. She has been on the corner of Wyckles and Main for the last 3 years, but she was in a little closet of a shop. It was very, very small like 12 x 18. It was running high on rent and so she found this opportunity. He didn't think it was right if she was relying on a public figure to help steer her the right way, and it appears that she was deceived. She wants to do this all right, but he didn't think it was right to just throw her out to the curb. She has a lot of clientele. This building is being built. It is already standing but needs plumbing and electrical and sheet rock and it will be a house. He thanked them.

Mr. Dudley: Mr. Dudley asked if the garage is modified and deemed a residence, would that be a change in it.

Ms. Hoffman: Ms. Hoffman said yes.

Mr. Dudley: Mr. Dudley asked if that is deemed to be a change, then they could reapply immediately for a permit correct?

Ms. Hoffman: Ms. Hoffman said correct, whenever the deadlines are because we have set deadlines set by State Statute.

Mr. Greenfield: Mr. Greenfield asked if there was a reason why no one came to EEHW either for or against this.

Ms. Hoffman: Ms. Hoffman said she was not sure because the petitioners were given letters.

Mr. Dudley: Mr. Dudley said there was a sub-committee hearing on this where they could have stated their evidence and we could have possibly steered them in the right direction. Someone stated that she came to the first hearing. Mr. Dudley said that was the Zoning Board of Appeals, then it comes to EEHW.

Ms. Hoffman: Ms. Hoffman said all of our petitioners are given letters at the Zoning Board of Appeals meeting that state what the process is, and she also stated it in the minutes what the process is for a Special Use Permit and that it goes through 3 committees.

Tammy Jeffers: Ms. Jeffers said she was the property owner at 2727 Rock Springs Road for about 23 years. Prior to us purchasing that property there was a grooming business right on that property, so she doesn't understand the issue. She also knows there is a business next door to us out there that does not have proper zoning for their business. So, she doesn't understand why we are picking on Hollie when she is running a pet grooming business. It is not like she is running a big trucking business or something that is going to be loud and a nuisance to the neighborhood. Mrs. Jeffers also came up to the office to apply for the zoning permit because at the time that Hollie was in this process, she and her husband still owned the property. The person she spoke to in that office, and Ms. Jeffers did not get her name, and it was not Jennifer but another person in that office, asked her specifically about the property, the fire what caused the fire, and the extent of the damage to the home. Again, no one said she could not run a business without a home on the property. The house was damaged beyond repair because of the fire. So, she felt like there was some misleading information there.

OFFICEHOLDERS' REMARKS:

Jennifer Hoffman: Ms. Hoffman said the Macon County Planning & Zoning Department is driven by complaint. It always has been, nuisance complaints, any zoning complaints, building complaints. They are complaint driven. When we get a complaint we are asked to go and investigate it. People can apply for anything. Ms. Hoffman said she does not tell them yes or no at the time she talks to them because it is not her that votes. She gives a recommendation. It is the Zoning Board of Appeals that votes then it goes to EEHW, and then it goes to the full county board. So, when people come in and talk to her about things she can say yes or no. She is pretty straight forward. She thought they all knew that if anybody comes in she would tell them that she would recommend denial straight up. She is pretty straight forward with people. Ms. Hoffman said when this did come in she had heard through the grapevine that it did burn. It was asked. She did not know what the extent was until she went out to put the zoning sign up. That is when she goes to do her initial inspection. So they can come and apply for the Special Use Permit and then in about 12 to 15 days she goes to put the zoning sign up and that is when she does her inspection of the property. So, she has to have the petition first and then she goes out to do the initial inspection on that.

Roger Major: Mr. Major said in regard to what she just said, they came up and told her that the house had burned down and you could not save the house. She knew that in advance. She said that the process should be fine. Go ahead, take our money, and we would get our permit. Well we haven't gotten it. But, she knew the house had burned in advance because we had been up there two weeks before we bought it talking to her trying to get all of our ducks in a row and now we are here.

There was no old business presented at the meeting.

There was no new business presented at the meeting.

MOTION TO ADJOURN

Mr. Oliver moved, seconded by Mr. Potts to adjourn until Thursday, November 13, 2014 at 6:00 p.m.

MOTION CARRID.

Meeting adjourned at 6:35 p.m.