

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

SEPTEMBER 10, 2015

**Kevin Greenfield
Chairman**

**Stephen M. Bean
Clerk**

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

The Roll Call showed all members present with the exception of Mr. Bird and Mr. Oliver.

Mrs. Taylor led the members in prayer.

All led in the Pledge of Allegiance.

Mr. Oliver is now present at the meeting.

A. APPROVAL OF THE MINUTES OF THE AUGUST 13, 2015 MEETING

MOTION

Mrs. Little moved, seconded by Mr. Drobisch to approve the minutes of the August 13, 2015 meeting.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Ashby, Baxter, Brown, Cox, Dawson, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jackson, Little, Mattingley, Meachum, Minich, Noland Oliver, Potts, Smith, Taylor

Nays: (None)

AYES = 20

NAYS = 0

MOTION CARRIED.

COMMENT:

Mr. Greenfield: Mr. Greenfield said they would move from the regular part of the meeting and move forward with the wind turbines. Mr. Greenfield first wanted to thank everyone for coming tonight. He saw about as many green stickers as he did red stickers. Unfortunately tonight, when we vote, probably half of those present would be happy and half would not. He hates that as a chairman and as a board member. He knows that all of the board members do too. In a perfect world we try to make everybody happy, and unfortunately in this situation that is probably not going to happen. He asked all of them to please be courteous to one another, and be professional. The agenda will be as follows: He will give a representative from E.ON 3-5 minutes for their introduction because they are the petitioner. There are 36 objectors who have hired an attorney, so he would give their attorney up to 20 minutes to speak. After the attorney for the objectors

speaks, he would let E.ON finish their 20 minutes. After that, the people who are not represented by an attorney, he would let one person who is in favor speak first and one against speak second, up to the total of 20 minutes. After that, Mr. Baggett, the Assistant State's Attorney will follow up with what he feels the county's regulations are and our duties as board members. After Mr. Baggett is done, he would ask Mr. Dudley to introduce the resolution and providing there is a second, he would ask all the board members for any questions. The board members can ask anyone questions at that time. A board member may ask questions of anyone who is speaking as long as they raise their hand and are recognized by the chair.

Michael Blazer: Mr. Blazer said he is the attorney for E.ON and Twin Forks Wind Farm. His office address is 3023 N. Clark St., #214, Chicago, IL. He said first of all they appreciate this opportunity. He was not going to take 3 to 5 minutes. He said at two of their proceedings already before the ZBA and EEHW that he would keep his comments brief and frankly, he lied both times. This time he is really going to try and do it in the introductory part and reserve most of his comments until he hears what his friend Mr. Porter has to say, although he has a feeling he knows what he is going to say. He thanked them for the opportunity. Your Zoning Board of Appeals unanimously recommended approval of this permit. We certainly hope you will follow that recommendation. We believe as your ZBA found that this application, this project, complies with every single requirement of your Wind Ordinance and your Zoning Ordinance. He would defer the rest of his time to his response to Mr. Porter.

Rick Porter: Mr. Porter said he is an attorney that represents 36 land owners who recently hired him to proceed on an objection to the application filed by Twin Forks for a wind turbine facility. He has been involved in wind turbine litigation and wind turbine siting hearings for a number of years now, about a half dozen years in relation to his practice at Hinshaw & Culbertson. When he got hired about a week and a half ago and turned his attention to this file, he found it to be the most egregious violation of due process he has ever seen in the 10 years he has been dealing with wind turbine projects. He said they were all given a copy of a Motion for Denial of Special Use Application. He made sure he had a copy for each one of them and has extra copies if anyone needs it. That details are what he is going to walk them through today. In Illinois it is well established that the requirements concerning the notice and hearing for a Special Use Permit are mandatory and jurisdictional. You have to follow the procedures. Simply put, if the State and County requirements for notice of the public Zoning Board of Appeals hearing were not followed, then you as the county board do not have jurisdiction to even vote on the application yet this evening. If you do so, all you are doing is buying yourself almost a guaranteed reversal of that approval a year from now. In Illinois there is a statute and it is called the Special Use Statute. It is 55 ILCS 5/5-12009.5. He doesn't know why we use so many numbers in Illinois. That is the statute. It is the Special Use Statute. It explicitly requires that for a special use to be awarded there has to be a published notice of the zoning hearing. It has to appear in a newspaper. Indeed there was a published notice and he will talk about that a little bit more later. It goes on to provide that in addition to that notice if you are an owner or an owner of land adjacent to or immediately across the street of the proposed special use area, you're entitled to

additional notice. The way every other county does it, you get mailed a notice, usually a certified mailing of that notice. What we learned here is that there is one application for a special use here. This is unlike most other applications he has seen which have an application for every wind turbine. This one is a single application with a 24,000 acre footprint. It is contained in your application which is now online and you can see what that special use area is. Under the Illinois statute, everyone adjacent to the special use area is entitled to a written notice. In this case there are many land owners who are within the footprint itself; they are literally in the special use area and did not get any written notice of the hearing that took place on August 11, 2015. Not to mention, all of the properties adjacent to that footprint did not get any notice. As a matter of fact your Zoning Board of Appeals acknowledged that the location of the special use area is in indeed 24,000 acres, and this is how they described it, “commonly located within Illini Township, Austin Township, Maroa Township, and Hickory Point Township.” That is your special use area. It covers 4 townships, and yet the only notices that were sent.... He learned by speaking to Mr. Baggett at the State’s Attorney’s office and eventually getting a response to a Freedom of Information Act request which was responded to yesterday or two nights ago, that the only attempted written notice here was to properties that were adjacent to a proposed wind turbine site. In this application there are lease sites, many lease sites within the footprint. Some of the lease sites are proposed to get a turbine and the only people that were sent any notice according to the State’s Attorney’s office were those that were next to a proposed turbine site. So, everybody in the footprint that is next to a lease site or not next to a lease site but within the footprint, did not get notice. It is a per say, clear violation of the Illinois Statutes that will result in a reversal someday; but it gets worse. It will continue to get worse and you will hear this snowball. There are many clients that he represents like Alan Ruwe and Allan Hans who reside adjacent to leasehold sites, but never got any written notice. Their affidavits are attached to the pleading that he sent out to all of them. Mr. Porter said worse, there are clients that he represents and others who live in sites that are right next door to proposed turbines. So, remember the State’s Attorney’s office said that notices were sent to those who are next door to a proposed turbine area, not true. They will see in the pleading the affidavit of Mr. Falk. Mr. Falk owns property immediately adjacent to property where Turbine 051 is proposed. He never received notice, not one time was notice even attempted to him. We know that because last night he finally received a response to his request for evidence of what notices were sent. The State’s Attorney’s office sent him a spread sheet. That spread sheet identifies who the State’s Attorney’s office believes are adjacent turbine property owners, so people who are adjacent to areas where the proposed turbines are proposed to be located. Mr. Falk’s property is not on that spread sheet, nor is his name. He never got notice. The State’s Attorney has admitted that they didn’t even try to send notice to that individual. Likewise, Steve and Maria Braden who are in the audience today, own a variety of parcels adjacent to proposed turbines, specifically turbines 36, 38, 39, 40 and 41. The Bradens never got notice. Furthermore, even those people who were sent notices were only sent them after they contacted the Planning & Zoning department. Specifically, there was a posting in some ditches; and the posting only provided a phone number. It didn’t say what you were supposed to call about, just that there was a zoning action and call for further information. People would pick up the phone, some people did, and call to find out what is going on. They were told they would

be sent a notice. So, only after they would call, would a notice be sent. Those notices that were sent were received by many of his clients way after the 15 day date. You have to get notice at least 15 days before the public hearing, that's what the law is. They were received for example by Mr. Chad Lerner whose affidavit is in the materials that was sent. He called Jennifer Hoffman shortly after seeing some postings in a ditch. Mr. Lerner was told by Ms. Hoffman that he would receive a packet of material identifying the date of the hearing. However, it wasn't sent to him for two weeks. He got it two days before the hearing on August 11th. That is when he finally got the published notice. That notice said the hearing was on Wednesday. It wasn't. It was on Tuesday. That same notice was published in the newspaper that the hearing would be on Wednesday, August 11. It wasn't. It was on Tuesday. So, if anybody happened to read the newspaper notice and thought they would show up on Wednesday, the hearing was over. They never had an opportunity to participate. Likewise, Debbie Leach and David Dickerson called Jennifer Hoffman on that phone number and were told they would be sent a copy of the notice. The notice came, but it came way after, again, the date that was required. They had less than 15 days before the public hearing. So what does that matter? They found out about it. It matters because they couldn't hire him (Mr. Porter) because they didn't have time. They couldn't hire an expert. They couldn't allow an expert to review the application to prepare cross examination questions for the hearing. Most of these wind turbine hearings that he has been involved in take multiple days. For example, the one in Bureau County started in May. It is going on again next week. It is only 2.5 hours, you guys had a whole day. They do them only at night. But most of the time it takes dozens of days to get through one of these hearings because there are a lot of issues. You've got noise. You've got shadow flicker. You've got the impacts to wild life. There is a panoply of things that need to be covered, and should be covered with experts in the room. His clients never had the opportunity to do that because they didn't get the notice they were entitled to. It gets worse. The publication notice that was sent out, the one that went into the paper, went into the Decatur Herald & Review. However, it again said the hearing was on Wednesday, and it wasn't; it was on Tuesday. That same notice that was published in the paper did not identify the location of the turbines. What it did, and it is attached to the pleading and is a lengthy document, it identified parcels where proposed turbines are located; but those parcels are farmland, 80 acre, 160 acre parcels. Most of them were described in over 100 acre parcels. The turbines go on less than an acre. They didn't identify where the turbines were going to be located. So if you read that notice and you're a neighbor you had no idea that a turbine might be 1500 feet from your home. No clue that that was occurring because the notice was deficient. It only provided the big parcels of farms where the turbines might be located. It gets worse. Remember, there is one special use application. The notice did not identify the boundaries of that special use application, so if it's a one special use area, there should have been a description of the entire boundary, which would include his clients' properties. It never happens. The posting, let's talk quickly about that. The signs were posted. Some of you may say they should have known because the county put signs up in the ditches by where the turbines are going to be located. Those signs said it only provided an action under Macon County Zoning Ordinance has been requested on this property. Mr. Porter said the county's ordinance requires a posting. It is Section 155.026 (D)(2) of the Zoning Ordinance. He said the posting has to say, "Notice that an

application for zoning action has been filed.” The notice that was posted never said that. It made no mention whatsoever that an application had been filed. So, if you read that you didn’t know to even ask for an application. It didn’t even contain the language that the county’s ordinance required in the postings. Mr. Porter said Macon County’s ordinance is strange because it doesn’t mention that there has to be a mailing either. He has never seen one like this. The mailing requirement for special uses has been around for a long time, and your ordinance doesn’t reference it. It gets worse. Macon County’s ordinance does require that there be a certified mailing if you are an interested party. At 155.026 (D)(3) it says a notice and copy of the application shall be served by the applicant, a notice and copy of the application on each co-owner or those having an interest in the property. He said in person, meaning personal service or by certified mail within 10 days. So, your ordinance actually requires that if you have an interest in the property that is at issue, you get a copy of the application and personal service or certified mail. His clients all live in the footprint. They live in the special use area, not one of them was given certified mail. Not one of them was given personal service. Not one of them was given a copy of the application. It gets worse. The objectors, the ones that did find out went to Ms. Hoffman at the Planning & Zoning department and asked to see the application. Basic due process. What’s the hearing about? I want to see the application. Mr. Porter said they were told no, you cannot see the application for the use that is going to be next to your property. They were told the reason was because we may want to redact some material in that application, specifically names. They wanted to remove names out of the application. In the materials they would see the sworn affidavit of Mr. Hans which provides that on July 31, 2015 he asked Jennifer Hoffman to see the application. Ms. Hoffman told him he could not do that because we might want to redact some material. You have to submit a FOIA, Freedom of Information Act request. Mr. Hans submitted a Freedom of Information Act request. The law gives them five days to respond to that. On the fifth day Mr. Michael Baggett, the Assistant States Attorney sent a letter saying they were going to take an extension to August 18 to respond to the request to see the application. The hearing was August 11. He was told he couldn’t even see the application until August 18. It’s insane. Mr. Porter said he has never heard of such a due process violation. It gets worse. The night of the hearing Mr. Alan Ruwe attended. He went through the rigmarole of figuring what is going on here and managed to figure out that there was a hearing and showed up. He asked to see the application at the hearing and again was told by the Planning & Zoning department, no you cannot see the application. We may want to redact some material from it. Mr. Porter heard that a conversation was had at the end of the hearing, after it was over, that the applicant’s counsel was involved in where the applicant’s counsel said, “You know it’s a public record. He ought to be able to see it.” Two days later, after the hearing, it was indeed published on the county website. The first time the public got to see the application was two days after the required public hearing. The wind turbine statute in Illinois requires there to be a public hearing. It never happened here. You never had an adequate public hearing. The Zoning Board of Appeals never had jurisdiction because notice was improper. Mr. Porter said the board did not have jurisdiction to vote on this application tonight. Notice was improper. Mr. Porter asked how much time he had left.

Mr. Greenfield: Mr. Greenfield said 4 minutes.

Mr. Porter: Mr. Porter said they had supplied to the county a petition that has 159 of the county's citizens' names on it. If the applicant has taken the position that these are separate special use applications, they have the names of the people that are the only adjacent landowners to that application. The county's ordinance provides that if there was 20% of the owners of the perimeter of a special use application filing a protest, that the board in order to pass any type of vote, if they decided to vote tonight, need a $\frac{3}{4}$ majority. Mr. Porter said they suggest to the board that the petitions that have been supplied to the board, more than meet that requirement. There are many parcels on that proposal, that they have several adjacent land owners, way more than 20%. Mr. Porter said the board will need to pass, if they are going to pass this or vote on this, to do it by a $\frac{3}{4}$ majority. A simple majority cannot prevail now that we have filed that document. Those are the major topics. He did want to tell them that there are big problems with the application. The county's own Zoning Board of Appeals explicitly found it did not meet the criteria for awarding a special use. They found that it could be injurious to the use and enjoyment of other property in the area. They found that it could impede the normal and orderly development of the property, and that the establishment of the special use could be detrimental to or endanger the public health, safety and welfare. That is what your ZBA found and then went ahead and recommended approval. It makes no sense. He did have the opportunity to look at some of the application. Be aware that there is a noise study in that application, a model shows that it will indeed violate the Pollution Control Board regulations. It shows that there will be exceedances of the PCB regulations at 26 homes, and 38 homes are at the absolute maximum of the PCB limitations. He thought no one probably knows what they did. They subtracted two decibels from their model finding, in order to fabricate compliance. Mr. Porter said he has been involved in these for 10 years. There is a 3 decibel margin of error to that model. You are supposed to add decibels, not subtract them. No expert was there to point this out. No lawyer was there at the hearing to point this out. He said the county's ZBA has no clue that this happened because notice was improper. Finally, somehow you decided to get to a vote on this. He has attached a Property Value Protection Plan that he hopes they would take a look at. The county board can condition any approval. One of the things they should condition on is that property values be protected in the area. He has supplied one for them. Be aware that people do get sick. People do have major problems living in and among these. He is involved right now in a hearing in Bureau County. There are people coming from Brown County Wisconsin. Four homes have been abandoned because of living near turbines. Three homes have been abandoned in Fond du Lac because of people living near turbines. It is not unusual. There is noise. There is fatigue. Certain people have vestibular problems associated with living among these. None of this was addressed at the Zoning Board of Appeals hearing because they didn't get to hear from the experts of the opposition. The applicant had all of their experts lined up and ready to go. The opposition did not have the opportunity because notice was improper. For those reasons, the application should either be denied tonight, outright; or remanded back to the Zoning Board of Appeals to hold the hearing only after appropriate notice. Then a proper hearing where experts are allowed to come testify and are then subject to cross examination. He thanked them for their time. Mr. Porter had one point of order. Yesterday, Mr. Baggett indicated to him.... He informed Mr. Baggett that he was hired after the ZBA. He didn't actually attend that hearing, so he wanted to

be sure his clients had an opportunity to speak at this public forum. Mr. Porter said he was sent an e-mail that indicated that they indeed would have, subject to the 5 minute restriction, the opportunity to talk to this board where they could tell them more about the substance of the application. He talked to them a lot about procedure. Mr. Porter was told that had been approved and he had an e-mail to that effect. But, that's not what the chairman had indicated in his agenda a moment ago. He asked that the public be allowed at least 5 minutes, including his clients, to make their points.

Mr. Baggett: Mr. Baggett said as parliamentarian for the board he wanted to address the point of order Mr. Porter brought up. He indicated that he had received a mailing from Mr. Baggett himself regarding the opportunity for his clients to be able to speak after the petitioner is allowed an opportunity to speak, and after he has been allowed an opportunity to speak. The agenda that is before the board tonight that lists the manner in which comment from the parties will be heard was the same one. There have been no changes since it was e-mailed to him yesterday. Item #3 on the 6a portion of the agenda indicates that any other interested persons will be allowed up to a total of 20 minutes to address the board with 5 minutes maximum per person. Mr. Baggett didn't believe there was anything that the chair said earlier with regards to switching back and forth between anyone who is in favor of or in opposition of the application. He didn't think there was anything that derogates from what the agenda for this meeting has set forward.

Mr. Porter: Mr. Porter asked if he could respond.

Mr. Greenfield: Mr. Greenfield said he knew what Mr. Porter was going to say so he would tell them what he was going to do. During the next 20 minutes after E.ON is finished if one of Mr. Porter's clients wants to speak, they can go first and then someone in favor can go second and we will take that up through 20 minutes. His point was that he would like some of the people who didn't hire an attorney to have the opportunity to speak, but he was not going to be here until 11:00 tonight. That was his plan, to give them an opportunity also. Mr. Greenfield said if one of Mr. Porter's clients wants to step up and take somebody else's spot, he was fine with that. He said someone representing E.ON could finish their presentation.

Michael Blazier: Mr. Blazier said he lost count but thinks Mr. Porter said, "it gets worse" seven or eight times. Here is where it really gets worse. Mr. Porter has completely misrepresented the law to the board members for his own benefit. Mr. Blazier said he did not say that lightly. It might come as a surprise to some, but lawyers do have rules they have to abide by. Mr. Porter just violated at least 3 of them. The principal one being, you're not supposed to stand up before a body like the county board and misrepresent the law; and that is exactly what he just did. The law in Illinois could not be more clear. The Illinois Supreme Court has explicitly said that statute like the one we are dealing with here, the special use statute, where a statute like that provides for the sending of notice, unless it specifically says you also have to provide proof that it was received, proof of receipt is not required. There is a reason for that because everybody knows what the postal service is like. The General Assembly knows what the postal service is like. The Illinois Supreme Court knows what the postal service is like. So, this

statute does not require that anyone have actually received the notice. It requires only that your Zoning Administrator have sent it out. Mr. Blazier believed Mr. Baggett is familiar with that case. It is *People ex rel. Devine v. U. S. Currency*. It is a 2002 Illinois Supreme Court case. Somebody may say that Mr. Porter was not familiar with that particular case, maybe he made a mistake. There is a big problem with that. Mr. Porter told them he is with the firm of Hinshaw & Culbertson. Mr. Blazier said lawyers don't like to do what he was about to do. Lawyers don't like to tell you about the occasional case they lose. Mr. Blazier said he lost one last year to Mr. Porter's firm where he argued that a statute like this requires evidence that a notice was received. Mr. Porter's firm argued exactly the opposite. The opposite of what he is telling them now, that the only thing that is required is evidence that it was mailed, and that receipt is not required. The Second District Appellate Court in the matter of *Maggio v. the Illinois Pollution Control Board* agreed with Mr. Porter's firm based on the Supreme Court case that he just mentioned to them. They said likewise, receipt, timely or otherwise, is not required. So, what Mr. Porter just spent 20 minutes telling you it gets worse, it gets worse, it gets worse, is an absolute fabrication. It's just not true. As far as what did happen, he had to tell them he is quite sympathetic with Ms. Hoffman and her department because we believe that she did an absolutely outstanding job. What you are hearing here is not just fabrications of what the law is, but an insult to your Zoning Administrator. Mr. Porter is telling you that she didn't do her job, and that is just shameful. Mr. Blazier had a list of every party that she sent notice to in accordance with the statute. It is 8 single-spaced pages long. It includes all but one, and he would get to the one in a second. He said you know the old saying that even a blind squirrel can sometimes find an acorn. There is only one landowner that there is a problem with and he would get to that one in a second. Let's go through the ones that Mr. Porter identifies in what he filed, the people who filed affidavit. Mr. & Mrs. Braden on the second page of the list were sent notice. Mr. Lerner on the first page of this list was sent notice. Ms. Leach who is on the seventh page of this list was sent notice. Mr. Dickerson is on the fourth page of this list and was sent notice. They don't say that they didn't get the notice; they said they didn't get the notice until after the 15 day period. But, as he just advised them Illinois law does not require that they get the notice within the 15 day period; it only requires that Ms. Hoffman have mailed it before the 15 days. He believed she would confirm if they asked her, that she did. There is only one like he said where the blind squirrel did find an acorn. It is Mr. Falk. He would have to give Mr. Porter his due on that one; he is right. For whatever reason, and Ms. Hoffman could explain it, it is an issue with the county's GIS department. That individual did get missed. Notice did not go to Mr. Falk. That one involves Turbine #51, one turbine out of 140. How do we solve that problem? We solve it very simply. Mr. Blazier said they propose because Mr. Falk didn't receive notice, and clearly that's the case.... Mr. Blazier corrected himself and stated Mr. Falk wasn't sent notice because whether or not he received it is irrelevant. He was not sent notice so they will withdraw Turbine #51 from their application. So, rather than 140 turbines they are talking about 139. Mr. Porter had stated that in his vast experience.... Mr. Blazier said he has been doing this in Illinois since 2004. First of all his notion that every county deals with this if you have 140 turbines then you will have 140 special use permits, is also nonsense. Mr. Blazier said the very first project he was ever involved in, which was the second commercial utility wind farm in Illinois, was in Bureau County. It was called

Crescent Ridge. That was the only one he was ever involved in where they had 67 turbines and they had 67 special use permits. Other than that, nobody does it that way. Nobody. He said as far as the 24,000 acres, the requirements of notice and what this permit seeks is approval of 139 turbines, minus #51 with associated utilities, the grand total of all of that is approximately 100 acres. That all came out in the ZBA hearing. Why is that? Why do we need 24,000 acres? There are several reasons. First and foremost is because of the county's setback requirements. Secondly, because technically in order for these wind turbines to operate properly they can't be too close together. A project like this, while it requires a lot of overall space, the actual space when you take the turbine and the access road into account, is not an acre, he doesn't know what he is talking about. It's roughly 0.6 of an acre per turbine. That is where we get 100 acres total out of 24,000. That is the sum and extent of the amount of property that will be taken out of production during the course of the operation of this project. He mentioned this issue of sending certified mail, notice, or copies of the application to the parties involved in the project. Mr. Blazier stated and Mr. Baggett could confirm, that provision of the county's ordinance doesn't relate to non-participating property owners. It relates to the people who own the property on which these facilities will be located, not to anybody else. The problem with that argument, and of course it is inconvenient for Mr. Porter to discuss it, is that the leases that E.ON has entered into with the participants grant all rights in that portion of the owners property to E.ON for the purpose of this project, and waives all rights in connection with that project. The only party who would actually be entitled to receive a copy of this permit is the party that filed it, E.ON. So, that one doesn't apply at all. In terms of how the notice happened, the dates, and Ms. Hoffman would confirm this as well. June 3rd the application was submitted. June 21st signs were posted. June 22nd notice of the hearing was posted in the Herald & Review. June 23 to 24 notice of hearing packets were sent to the entire list he had referenced earlier. He said that is not him telling them this; it will be Ms. Hoffman if you ask her. Mr. Porter mentioned that the original notice said Wednesday, August 11th. August 11th was in fact a Tuesday which was when the hearing took place. It is a typo. Frankly, it is non- substantive typo because the critical issue is the date, not the day of the week for purposes of notice. Nevertheless, when Ms. Hoffman noticed that there was that typo what did she do? He showed the original notice that was sent to the entire list of people which was 26 pages long and described the project in detail. She then sent out on June 27th a corrected notice of public hearing identifying the fact that August 11th was a Tuesday. Your Zoning Administration complied completely with the law, the real law, not the law Mr. Porter tried to convince you is actually applicable here. Mr. Blazier wanted to say one brief thing that Mr. Porter didn't cover tonight, his assault on Mr. Noland. Those who read the motion know what he is talking about. The first question would be and Mr. Porter obviously doesn't know this, which of the two Mr. Nolands is he talking about because he doesn't identify it. More important than that, he again misrepresents the law to the board. Here again there is another case directly on point, which specifically says somebody who has a lease hold or other indirect interest in a property that is the subject of a pending permit. An example is someone who farms a property for hire doesn't have an improper conflict. It doesn't exist under the statute. If you glance through Mr. Porter's motion you will notice he did not site a single case, a single authority because there aren't any. The ones that exist all say he is wrong. Mr.

Blazier said he is baffled by why Mr. Porter has to address the Mr. Noland issue because at the end of the day, whichever Mr. Noland we are talking about, both have said that with respect to the four turbines that are on the property that is owned by someone else but that they farm, that they are going to recuse themselves from voting on those four turbines. That is what happened previously, and he assumed that is what would happen tonight. Why this was even raised, other than to insult one of the members of this board, frankly is completely beyond him. He wanted to turn to from Mr. Porter because he noticed in the audience an individual and since he won't have a chance to come back after the comment period he wanted to raise a few points. This individual tries to go around the state opposing wind farms. He has a feeling you will hear from him in a few minutes. This individual lives in Vermilion County. He goes around the state claiming noise has forced him to move his family out of his house and that they have all kinds of health effects. He doesn't demean that sort of thing. If any of them have looked at the record of the ZBA hearing they know what the law and the facts are. There are no adverse health impacts from wind farms. If there were you would hear a lot of complaints from the 18 counties in Illinois that host one or more wind farms. There are literally thousands of wind turbines in this state. You are going to hear from one person who doesn't like them. Speaking of Vermilion County, he was going to tell them what the Vermilion County Board, your counterparts in Vermilion County, and the Vermilion County State's Attorney, their counterparts, have to say about these complaints. The first letter is from October 3, 2013 and was written by the State's Attorney on behalf of the Vermilion County Board in response to a letter that was sent to the board by a school superintendent by the name of Mulvaney. Mr. Blazier said they have been following a website these folks have established and they posted a letter from Mr. Mulvaney. Mr. Mulvaney's letter said it appeared that some of his students, who happen to be this individual's children, appear to be suffering some adverse effects from wind turbines. Mr. Blazier said he wanted to read a portion of the letter. Again, it is from the Vermilion County State's Attorney speaking on behalf of the Vermilion County Board. "The county also attended meetings elsewhere and spoke to school superintendents and met with other officials to gain from their experience. None of the comments made by you seem to reoccur in Bloomington or Champaign. We appreciate your comments and if you have more specific information we would be happy to forward it to the appropriate persons. My experience in court shows that judging cause and effect should be carefully done. Other communities observe no such issues, and even here other residents have no such complaints. There are many assumptions about the effects of wind farms and the research is at least split on that issue. So far both state and federal law regard wind energy as a legitimate operation and have not issued warnings or expressed concerns; however we monitor these issues and even now a sound study is being conducted by independent acoustic engineers retained by the wind developer to assess some of the claims. We would be happy to forward specific information to them." Mr. Blazier said that is the State's Attorney talking about these alleged health impacts in Vermilion County. He wanted to go back to something Mr. Porter said. Mr. Porter is a lawyer not an acoustical engineer, but he claims there is something wrong with the sound study that was attached to E.ON's application. First of all, the ZBA conducted a daylong hearing and found unanimously that E.ON meets all of the requirements. Second, what Mr. Porter was talking about is an adjustment to the model that has been accepted all over the

country based on the fact that the model that's used, over predicts the amount of noise based on actual operating measurements where people have gone out and actually measured the noise of wind turbines. They have determined that when this model is run properly it overestimates the amount of noise by 2 decibels. So, when you are submitting an application like this you have to adjust it for reality, not make believe like Mr. Porter is telling you. The reality is that a proper model will reflect real world conditions which means in a case like this you have adjust the noise level down by 2 decibels. Mr. Blazier said he would get back to Vermilion County. Did this Mr. Mulvaney or the person you are going to hear from respond to the Vermilion County Board or the State's Attorney? Well, not directly. He did indirectly a year later. Mr. Blazier had a newspaper article from November 23, 2014. "Superintendent Bill Mulvaney said the wind turbines more than doubled the school system's equalized assessed valuation. They have been a huge boon, and from a financial point of view they will keep us alive for a minimum of 10 years said Mulvaney who knew the big payday was coming. Even before construction began on Invenergy's 130 plus turbines that stretched from Pilot Township to western Vermilion County to Compromise Township in eastern Champaign County, there was speculation in Armstrong about the expected revenue boost and how the money would be spent. 'You try not to count your chickens before they're hatched Mulvaney said. I just kept cautioning everybody that it is not ours until it comes into our accounts. I knew it would probably double revenues, but I certainly wasn't willing to spend any money until we had it in our pockets. More than anything the money has got to be spent on the kids said Mulvaney.'" Vermilion County wasn't done. They received an inquiry just this past January from another County Board Chairman. Here is the response. "To confirm our recent conversation with regard to Mr. Mulvaney's letter, we have not received any report from a licensed physician or qualified medical person to substantiate any of the points raised in Mr. Mulvaney's letter. No medical or scientific evidence has been forwarded to the Vermilion County Board to substantiate any medical issues related to the operation of wind farms in Vermilion County." Finally, the person you are going to hear from also tried to get the Vermilion County Board to amend their wind ordinance to make it virtually impossible to site another wind farm. It didn't make it out of committee. It was shot down 6-1. Mr. Blazier said he appreciated their time.

Mr. Greenfield: Mr. Greenfield asked if someone who is in favor of the wind farm like to speak.

Robert Chamberlain: Mr. Chamberlain lives at 9288 Poland Road in Warrensburg, IL. He has been a resident of Macon County for 41 years and lived in Illini and Austin Township. He has served as Township Supervisor for 27 years. The wind farms are something he feels the total community and county can be proud of if it passes and is accepted. There are pros and cons granted, from the standpoint of certain issues we all have our own opinions. A lot of these have been voiced. He feels quite comfortable having two wind turbines in his back yard if this happens. As a township we stand to see increased revenue that will almost double our income. As our roads decline because we are not able to financially purchase oil and rock in the quantities that are needed because of increased prices. We are strictly a rural community with no businesses, and this is one

opportunity to provide for the next generation to keep things improved and to provide the proper roads and bridges that our people deserve in our community.

Mr. Greenfield: Mr. Greenfield asked if someone who is against would like to speak.

Ted Hartke: Mr. Hartke said he lives at 2121 E. 2350 North Rd., Fithian, IL in Vermilion County. Mr. Blazier claims that this is not a problem. Before the wind turbines were built near his home, he was in favor of this project. We were doing a lot of things to our house, making it nice and fixing it up even while they were hauling in turbine parts and blades. We even had a gravel road for a while. As soon as they turned on the turbines we lost all of that. We lost our ability to sleep in our home, and living near turbines for his family is unbearable. Mr. Blazier acts like Mr. Hartke is the only one this is happening to, and that is not true. There are 21 households in his neighborhood who are having issues. Mr. Blazier points out and talks about the Vermilion County State's Attorney who name is Bill Donahue. Mr. Hartke said Bill Donahue has been caught in many lies to our county board. It has been a big problem and our county board is having a lot of issues with many things he has done. Mr. Hartke said he could come right outright and tell them that Mr. Blazier himself has lied to Mr. Hartke's county board. Mr. Blazier defers, deflects, denies and wants to act like these problems are internet science. Mr. Hartke said for him personally it has been very, devastating. It is very, very difficult to come to hearings like this and hear things told to groups like you that are not true. Mr. Hartke said he and his wife and children tried to live in their home after they turned on the turbines and they lasted only 11 months. His children were getting bad grades in school. It was very hard on his marriage because he and his wife were up at night 2:00 or 4:00 in the morning arguing about what to do against a billion dollar energy company. People thought we were crazy. People thought we were greedy. People thought we were just overly sensitive. Mr. Hartke said he was embarrassed to have been so wrong and to have supported it at the beginning. If there was no problem why would Invenenergy agree to turn off the turbines 51 times? That was because they were trying to get through a rehearing to have the zoning setbacks changed and they continued to turn off turbines in an attempt to keep us quiet before that process was through. As soon as that process was done they refused to turn off turbines at night. Mr. Hartke said when he called on Mother's Day in 2013 and they refused to turn them off, he was crushed to realize that he had been asking permission to sleep in his own house from a person who was operating wind turbines from Elgin, Illinois. Mr. Hartke said he did not wish for this to happen to any of your citizens. This problem is really real. The reason you don't hear from hundreds of people in other wind farms is because those people have had successful lawsuits and have been bought out or pleaded out, or taken care of. He thought Mr. Porter could verify that with them. Mr. Hartke said he is at a loss for words of how to convince you to either table this until you have more time to see if this is what you want in your community or asking you to vote no. Mr. Blazier is in a huge hurry to rush this through to give you a high pressure sales pitch to make this happen now like the train is leaving the station. If you postpone this, it affords you more time to look carefully, and give proper notice to all the citizens and people who are going to be deeply affected by this wind farm. Mr. Hartke said he has never said this is going to affect every person; and he does have next door neighbors who don't have a problem with this with the noise at night time. He guaranteed them that this is a big problem. This is like the future of

cigarettes and lead paint poisoning and asbestos. He thanked them for their time tonight. He appreciated it very much.

Paul Heft: Mr. Heft lives at 11025 W. Lake Fork Rd., Kenney, Illinois. Mr. Heft said he is the Austin Township Highway Commissioner. He had a bunch of notes and decided to change this up and keep it brief. Many of you that have been here as long as he has since 1999. He has begged Macon County for cost shares for road improvements and bridge improvements. With the state funds drying up, that makes it difficult. Over the past, there have been two great gentleman Bill Mitchell our State Representative and State Senator Duane Noland. That is another Noland mentioned tonight and we won't confuse Nolands. Mr. Heft said Duane Noland was very great in granting grants for him. One of the main grants he granted was in the winter of 1999/2000, the great snowfall. Mr. Heft said he obtained the proper records from Macon County to get the Snow Disaster Funds, and he was granted a road grater by Duane Noland and Bill Mitchell from the state in regards to that. He said that is not his point, the point is that is all over with now and he has more problems now with the roads and the bridges that he talked about at the other two meetings two weeks ago, and this is about E.ON's wind farms. He can't help with this last gentleman where he lives. Mr. Heft said he went Paxton and has been there twice in two years, in 2013 after the grants were granted for the substation in Austin Township he went and visited. The roads are great that they built. He went back two weeks ago, the day after the EEHW meeting. He goes out into the fields. Mr. Heft said he trespasses and goes out on the access roads. He sits on the ladders. He studies these towers and check them at different times when the sun is setting or before. He said he was in Paxton for an hour and a half. Then he drove around and rechecked the roads the same route that he went before. Everything is great. There is no noise out there. He said you can hear the transformer, and it is probably not any louder than when you have a portable generator on. If you get away 50 feet from there and you don't hear it. The blades are up there and only go one speed. They don't make noise. He did not see any flicker because he is out in the field with all these towers. In Paxton, he looked at approximately 40 towers in different sun angles. He didn't see that. Bob Chamberlain forgot to mention when he spoke, that yesterday they took a wild trip to E.ON's other wind farm in Tipton, Indiana called Wildcat 1 & 2. Their roads are beautiful there. We got there right at 5:00 and one of their technicians was just leaving and we spoke with him. We then drove to the wind farm. He wanted to talk to someone from that area. Mr. Heft said when he went to Paxton they were all for it. There was no resistance and those towers start right outside the east side of town, closer than what some people were concerned with up in Maroa with the setbacks and Route 51. They are closer in Paxton. You could all go up there on your own, but he knows they are all busy. Mr. Heft said he is doing this because he has been involved since 2009 with this wind farm. In Indiana he didn't want to go to peoples' door because anymore if you go to the door you could possibly get shot. He saw a man walking a dog in the front yard so they spoke to him and he was happy with the farm and has no problems. This man has 7 towers on different farms. We didn't see any property for sale. Also, in Paxton there were no signs out for property for sale and there were a lot of improvements on the farms. Mr. Heft said he just hopes they support Austin Township and Maroa Township and this project.

Alan Ruwe: Mr. Ruwe lives at 13247 Oakland Ave., Maroa, Illinois.

Mr. Blazier: Mr. Blazier has a question regarding a point of order. He believes Mr. Ruwe is one of Mr. Porter's clients.

Mr. Greenfield: Mr. Greenfield said he believes that he is, but they are going to waive that if he wanted to take somebody's turn then that is fine.

Mr. Blazier: Mr. Blazier was just asking if he was the one who was going to do that.

Mr. Ruwe: Mr. Ruwe said low frequency noise is a problem with wind turbines and it exists contrary to everything else you have been told. One of the easiest most objective places to read this is a study done by our space agency NASA. In the late 80's they identified that low frequency noises come from wind turbines. They are not dampened by the atmosphere and the land as high frequency noises are; they travel great distances. Unlike, high frequency they are not filtered out by dwellings and walls, instead they go right through. Our rooms, in our homes happen to be fairly close to a dimension where they are actually amplified inside a house just like a sounding board on a guitar or violin. There are many, many medical records and experts out there that tell you that these exist and are a health hazard. The symptoms that are experienced are headaches, nausea, insomnia, dizziness, and ringing of ears. It won't do any good for you to drive to a wind farm and stand out and try to hear them because you will have the background noise around you and the wind. You have to be inside a room before you are able to hear these. It won't do you any good to knock on a door and ask someone who has a wind turbine if they enjoy that wind turbine. Mr. Ruwe said every lease they sign has a gag order that says they cannot talk against the turbine or the wind farm, in a public, administrative, or judicial forum. So, they have no choice but to tell you that everything is ok. He said he has tried to do quite a bit of research on different wind farms. He could tell them that he has not found a wind farm that is located so close to a large population as this proposed wind farm. If you look at Maroa, in 2013 there were approximately 1,800 residents. Warrensburg in 2013 had approximately 1,200 residents. That is 3,000 residents. There is a wind tower located 1/3 of a mile from Maroa's school. If you take a radius of 1.2 miles you envelope the whole city of Maroa. If you go down to Warrensburg, the closest tower is .7 miles from the school. If you take a 1.2 mile radius it envelopes the whole community of Warrensburg. If you go to Forsyth the towers are farther away, but if you go with a 2 mile radius you are down past Weaver Road. The population of Forsyth is 3,000 and he doesn't know how many would be included out of that 3,000 in that radius. So, it is very easy to see that you are going to have more than 3,000 people within 2 miles, 1 1/2 miles of this wind farm. The World Health Organization recommends a setback of 1 1/4 miles. There has been a lot said here about the junk you find on the web. He is not recommending you go out and do your own research. Don't go to a pro website and don't go to an anti-website, instead go to the county board, your peers and look at their websites. It will be real easy for you because they are laid out just like yours so it is easy to navigate. You can find agendas and minutes. One place he would steer them to is a county just north of us by about 300 miles, Brown County in Wisconsin. They have had a wind project going for 4 years and had so many complaints from their citizens that

they decided to have their own Environmental Welfare and Safety group go out and do their own research. They did a literature research and when they found viable information they posted it on their website. It is a beautiful list. You can look at it yourself. They brought in experts and listened to them, independent from what was in the application back at the time it was approved. They had citizens come in and talk. Then there was testing done in the field by recognized acoustic engineers and experts in the field. They used micro-barometers. At 6 miles you can measure and see the pulse from each blade. At 4 miles is where people start reporting symptoms. The pulse was very strong. He encouraged them to go to that site. He asked them to look at the October 2014 meeting minutes from their board. You will find they made a motion and passed it to declare the industrial wind turbines of Shirley Wind Project in the town Glenmore in Brown County, Wisconsin a human health hazard. It is for all people, the residents, the workers, the visitors, and sensitive passerbyers who are exposed to the infrasound and low frequency noises and other emissions potentially harmful to human health.

Donna Shull: Ms. Shull lives at 4710 W. Duroc Road in Maroa. They have heard from the opposition about the noise caused by the wind turbines. She went to the internet that they like to brag about and found some decibel readings. Some of the decibels she found are: normal conversation at 3 feet away is 60 to 65 decibels, and quiet library whispers are at 30 decibels. Your power lawn mower at 3 feet is 107 decibels. A crying, 2 month old baby is 122 decibels. The wind turbine and transformer, if you are standing outside is approximately 37 to 39; and indoors it is approximately 20. It has also been said that E.ON cares nothing about our birds. She could strongly disagree with this statement. She lives on Duroc Road. Shortly after this project began they noticed a pick-up sitting east of their house. After seeing this truck sit there a few times, we stopped and asked the man who and why he was there. He told us he was doing a bird study for E.ON. He showed up several more times for several hours a day. As she said before, if there is something going on in their neighborhood that they don't know about, they will find out what because they will stop and ask questions. She said they have a small stream with several trees that run between their properties. In 2013 they received a phone call to let them know they would be camping out around their stream for a few days doing a bat study. They said they would have about a 2 week period in the middle of May to do this study. They were actually looking for a rare or endangered species of bat. Ms. Shull said they do not get a turbine on their property because they found the Shull's have a bat habitat. There is not enough land space between where these bats are, and the road, so they do not get a turbine. She is a person who loves to watch wildlife and birds so to her this was a big plus for E.ON in her book. Next, she wanted to find out about the property values that are supposed to drop because of wind turbines. She phoned a real estate agent in Lincoln, Illinois where there is a wind farm, to ask. She was told that a tax assessor would be better qualified to answer her questions. She called and spoke with Mo a tax assessor in Lincoln. She asked him about property values and how the roads were handled after the turbine crews finished the project, and about the flicker issue. He said the property values did not drop, and in fact, the values had gone up. Mo also said the roads were also put in very good shape after the turbine crew left. He said the flicker issue is very minimal. It happens for a short period of time when the sun is rising or setting. You only see the flicker if you chose to look at the turbine during these periods.

Mo also said there is talk of another wind farm coming close, and the people seem to be looking forward to it coming. He also said people certainly were not fleeing the area because of them. As far as vertigo, she probably had one of the worst cases of vertigo that you could have back in 1989 that hospitalized her for 3 weeks. She couldn't stand. She couldn't see and was totally disabled, bad enough that when she gets tired, even yet today, her eyes will still go into a small seizure. She has watched these turbines close-up and from afar and have never gotten dizzy from them. Ms. Shull truly hopes the board passes the E.ON project. As far as the wildlife they say these turbines scare away, no. When they were farming before her husband retired from it, she could look around behind her tractor and disk and she would have a coyote following her getting mice. It would be nothing to see the deer standing along the stream eating when their tractors were going back and forth. So, the wildlife can adapt to them. She said they sat and watched a Blue Heron fly toward a wind turbine up by Bloomington. He got almost to the blades, dropped down, went under the blade and then went back up and flew on. She said to her, wildlife are not as dumb as we think they are.

Bruce Bushert: Mr. Bushert lives at 11340 Country Garden Lane in Maroa, Illinois. He grew up in Argenta-Oreana and graduated there. He has a company called USA Clean. His business is located on the north side of town by McLeod Trucking. He has lived in his home for ten years. He has worked with Hinshaw & Culbertson for about 10 years with his firm. They have been absolutely honest, outstanding and supported him well. He employees 45 people in this town. So, this is his home. When they say E.ON is a good neighbor, do they really know who E.ON is? They are talking about notice. He has lived in his home for ten years. He lives there because he loves it with 4.3 acres out in the country. It is serene. He looks to the west and sees the sunset. He lives there because he loves where he lives. Mr. Bushert learned about this wind farm from his neighbor. He never got a notice. He heard E.ON make fun of the United States Postal Service. He thinks they do a fantastic job personally. Mr. Bushert heard a lot of making fun, and a lot of things being said. He said they are just brand new to this. They did not have an opportunity to understand what was going on. His cousin in Wisconsin got 6 wind turbines three years ago just north of Madison. She went to refinance her home right when the wind turbines were going in and the bank automatically reduced her assessment by 10%. She still lives there but very much dislikes where she lives. Do you guys know E.ON? They are going to be good neighbors. Do you know what their profit loss looked like in 2014? They are traded on the Frankfurt stock exchange. It is a 59 billion euro company. They lost 3.1 billion euro in 2014. Their stock market over the last five years has done nothing but decline. They have this company called the Twin Forks Wind Farm LLC. Do you know what LLC stands for? Why would they need an LLC if they are proud of E.ON whose stock market is steadily declining? Do you really know who you are getting in bed with? The promises that have been made to you, how long are those promises going to hold up? Do you know how many LLC's E.ON has created and bankrupted? Do you guys have answers to those questions? You are going to sign on for the long haul? Putting these towers up not knowing if they can come down with a company that lost 3.1 billion euro? A euro is about 1.112 U S. So that is about 3.5 billion dollars. What's 2015 looking like? How about 2016? This guy is from Chicago that is talking to us and telling us a lot of things. Mr. Bushert said he grew up

here. You board members are from here. He is telling them to take a very serious look at this. This is about money. A lot of people are getting money. How long are you going to get that money? How long is this tax money that has been promised to the schools traded out with state funds, how long is it going to last? Don't be impulsive. Don't say yes to this thing; say no.

Mike Baggett: Mr. Baggett said first, as a disclaimer, he asked them to please understand that his role as Assistant State's Attorney and of course Mr. Scott the State's Attorney, our role is not to advise you to vote yes or no on this. Honestly, we don't have a dog in that fight. We don't care how you vote. That is not our job. Your job is to decide how you are going to vote, yes or no. His job as their legal counsel is to advise them whether or not basically, they vote yes or no or vote at all, whether or not they are acting within the bounds of the law. That is what he was there for tonight. In order to facilitate that he is going to address point by point some of claims that have been put forward by the objectors counsel in the motion that was filed with the county clerk, and that was copied to all of the members of the county board. The first question important to the board tonight is the distinction between whether or not the board has to pass this with a simple majority vote or a super majority vote. He has been in contact with the Zoning Director, Ms. Hoffman over the last several weeks, but particularly in the last couple of days since they received this motion in particular with the exhibits. Jennifer has worked through the list of objectors who signed this petition. She has worked through the properties which are affected properties under the statute and under the ordinance. There are 492 unique properties that are involved. That is the total number of properties that are applicable under the law. These are properties where the turbines are proposed to be sited or properties that are immediately adjacent thereto. We will talk more about the footprint of the wind project, but that is not the law. Out of the 492 properties, 129 of those unique properties are proposed to have turbines sited on them. Obviously some of those sites have multiple turbines being proposed to be sited on them. Mr. Baggett said 363 of the 492 are adjacent to the turbine sites. In order for a $\frac{3}{4}$ majority vote to be required under the county's ordinance either 20% of the 129 turbine sites, or 26 total site owners have to file a written objection. Zero have done so. Alternatively, 20% of 363 adjacent property owners or 73 would have to file a written objection; and 21 have done so. Obviously you have a lot more names than 21 in front of you. They have eliminated property owners who are not adjacent to the turbine sites. There are also property owners where the husband and wife have been listed as two separate signatories and they obviously own one property. That is the way our ordinance is written. It has to be 20% of the property's (possessive) owners, not 20% of the owners. Mr. Baggett said it is his position and his advice to the board that in order for this to pass under the county's ordinance, it requires a simple majority of the elected membership. That does require a minimum of 11 votes regardless of the fact that we have one person who is not here tonight. It will still require 11 votes in order to pass with the board's approval. Addressing each point in turn: The objectors have indicated that the county board has no jurisdiction to vote on this application. Mr. Baggett's position and advice to the board is that they do have jurisdiction to issue the special use permits. The fact that the objectors have complained about the way in which notice was made is not fatal to the county board's ability to vote on the special use permit. The issue over whether notice was sufficient is frankly more

appropriately addressed to the court. He is sure if you pass it tonight it will be. With respect to the claim that the notice was not served upon all the adjacent landowners as required by state statute, with the exception of Mr. Falk who Mr. Blazier addressed, this is not a true statement. As stated by Director Hoffman, to Mr. Baggett, she has caused or did cause notices to be published and mailed. Those notice were directed toward all of the proposed “special use property owners”, he put that in quotes because that is what the statute requires, as well as to all of the property owners of adjacent parcels. The objectors have made repeated assertions that notice is required to be given to the owners of all properties that lie within the footprint of the wind farm project. There is no basis in the law for this claim. Nothing in the Counties Code or the Macon County Code requires the owners of land which lies within the boundaries of a far-reaching project to obtain notice, rather the statute and ordinance specifically require notice to be given to the owners of the property proposed as a special use and the owners of properties adjacent to those properties. The properties which are considered proposed as a special use are those listed in Exhibit B of the application. They are individually broken down. The application is made not as a single unit, but on behalf of all of the properties listed in Exhibit B. There is claim that every landowner in and around the footprint was entitled to written notice but the county did not do so, and as stated before, in and around the footprint is not a correct statement of the law. Notice was published and mailed. That notice was directed at the proposed special use property owners and the owners of property adjacent thereto. There was a claim that some owners of the land adjacent to the proposed turbines did not receive any written notice and others did not receive it at least 15 days before the hearing. With the exception of Mr. Falk, this is not a true statement. The applicant conceded that Mr. Falk was not included in the published notice nor in the mailed notice. The applicant has withdrawn its application with respect to Turbine 51, and so this issue is no longer before the board. With respect to the adjacent landowners who did not receive the notice within 15 days before the hearing, the county’s code only requires that the county publish the notice at least 15 days in advance; that was done. It also requires the notice be given at least 15 days before the hearing to adjacent landowners. The law does not require the county to prove that notice was actually received, only that it was given. There is no requirement in state law that says the notice must be sent with return receipt requested. The courts have held that unless the legislature explicitly requires otherwise, the county is only required to show that it has mailed the notice. Director Hoffman has indicated that she mailed the notices to the required property owners. That is sufficient under the law. With respect to the claim that the misstated date in the original notice of hearing causes the notice to be deficient, the objectors have identified no statute or case law which says any such thing. The statute requires that the date be given. It does not require that the day of week be specified. The date was given as August 11th which was the day the hearing was held. To the extent that the wrong day of the week was stated, a corrected notice of hearing was immediately mailed out to the same required property owners correcting the typo on the original. With respect to the claim that the publication in the Herald & Review did not comply with the county’s code requirements, this is the same complaint in regards to the wrong day of the week being stated. So, he would rest on what he just said. It also the same complaint that the notice did not go out to all property owners within the footprint of the wind farm project. As stated before, the application specified the properties which were

the subjects of the special use application and nothing in the law requires a broader reading of what properties are covered. There is a claim that the posting did not comply with the Illinois Counties Code, and by posting they are referring to the signs which were posted on the properties. State law does not require any such posting. It requires that in addition to the publication notice, notice must be given to adjacent property owners. To argue that signs posted by the Planning & Zoning Department violates the Counties Code, a state law, is to present a false statement of the law to the county board. There is a claim that the purported notice did not comply with the Macon County Zoning Code. The Macon County ordinance does require that a sign be posted on the road or street frontage of the property in question, giving notice that an application for zoning action has been filed. As indicated by Director Hoffman the signs posted were posted on the properties as required. The ordinance does not contain magic words that have to be used. Mr. Baggett said it is his opinion that the language on the signs "Action under the Macon County Zoning Ordinance has been requested on this property," is more than sufficient to satisfy the ordinance. They claimed that the objectors were not allowed to see the application until after the public hearing concluded. Director Hoffman has stated that prior to the hearing the application was available for public inspection in the Planning & Zoning Department. She stated that no one asked to view the application prior to the hearing before the ZBA. With respect to the FOIA request, these requests were received and responded to within the time constraints required by the FOIA. The objectors' complaint that they did not receive copies of the application until after the ZBA hearing does not require the county board to deny this application, nor does it require the county board to send the petition back to the ZBA. Neither the statute nor the ordinance require the applications be given to anyone who wants one prior to a ZBA hearing. It is the Freedom of Information Act that gives persons who wish to view the application the right to do so, and the FOIA was complied with. They complained that the application was not signed as required by both the Macon County Planning & Zoning Department and the Macon County Zoning Ordinance. To the extent that any such signatures were required, the objectors do not have legal standing to assert the rights of property owners of properties with proposed turbines. Only those owners can argue that they had a right to sign the application. There have been no such claims made by those property owners. Mr. Baggett said he has viewed the lease agreements that Mr. Blazier referred to in his statement. The lease agreements between those owners and the applicant do give the applicant, Twin Forks, all rights regarding the property for the turbine purposes. There is no requirement in the county's ordinance for the applicant to provide proof of its rights. If there is someone out there with superior rights, it is that persons' decision whether to assert them. In this case no one has done so. There was a claim that there was a failure to follow the state and county procedures which resulted in objectors not being able to adequately participate in the ZBA hearing. Mr. Baggett's position and advice to the board is that due process claims made by objectors are not appropriately directed to this county board. Rather, if the objectors believe that their due process rights have been violated they can seek relief from the courts. Regardless, it is his opinion based on his analysis of the party's arguments and the statutory and case law, that the objectors' due process rights were not violated. There was a claim that the ZBA's recommendation of the large wind energy conversion systems violated the Macon County special use standards and the objectors' substantive due process rights, and was arbitrary and

capricious. Mr. Baggett statement was as follows: The statements made in the ZBA's finding of fact are inserted as boilerplate by Director Hoffman and her staff. The purpose of the language is to guide the Zoning Board of Appeals in making its decisions to the extent that the findings of fact indicate that the Zoning Board of Appeals found the special use, "could be detrimental to or endanger the public health, safety, welfare and morals. Could be injurious to the use and enjoyment of other property and impair property values in the neighborhood." "The establishment of the Special Use Permit could impede the normal and orderly development of surrounding property for uses permitted in the district." It is his opinion that those are scrivener's errors. He attended the ZBA hearing, all eight hours of it. He has reviewed the transcript of that hearing. He assisted in drafting the findings of fact. It is statement to them that the ZBA did not intend to adopt findings of fact as indicated by the boilerplate language found in the final draft. A review of the transcript shows that the ZBA found that there would be no negative effects which precluded approval of the application, which is why the approved it. The final point made in the motion by the objectors was that the county board member referred to as Blake Noland, and obviously there is a distinction there, has a conflict of interest in his failure to completely recuse himself. They are basing this on the premise that there is a footprint that requires all of these things. Mr. Baggett's advice to the board is that the footprint is not a legal standard. It is the individual properties where the turbines are proposed to be sited as well as the adjacent parcels to those properties. With respect to both the ZBA and EEHW, and he presumed tonight, Mr's. Noland have recused themselves from voting on the four parcels, the four turbines occupying parcels where they might have colorable conflict of interest. That is out of an abundance of caution. Mr. Baggett does not believe there is anything there that would prevent the board from considering the application before them tonight.

QUESTIONS:

Mr. Ashby: Mr. Ashby asked about the letter from Mr. Hinshaw on the second page, where it says, "Because the notice and procedures of the State of Illinois and Macon County were not followed, the county board does not have jurisdiction to vote on the application on September 10, 2015, and therefore the application should be denied or remanded to the Zoning Board of Appeals to hold a proper hearing only after the required notice is served." He asked how Mr. Baggett responds to that.

Mr. Baggett: Mr. Baggett said his position and advice to the board is that the notice requirements required by the Counties Code, the state law, as well as our Macon County ordinance on special use permits, has been satisfied. The claim that the county violated the notice provision, he does not believe is accurate. As far as whether the county has jurisdiction, he believes the county board has jurisdiction to pass on these applications.

Mr. Drobisch: Mr. Drobisch asked E.ON to respond to the accusation that they put a gag order on the people whose property was going to be involved in this decision.

Jim Klempir: Mr. Klempir's address is 353 N. Clark, 30th floor, Chicago, IL. There is no gag order. There is a cooperation clause in the leases that the landowners do need to

work together with E.ON in this process, but there is no gag order. Mr. Blazier could speak to the actual law. He said you could not put a gag order on how people want to express themselves. There is no such thing. Some of the landowners may have been our lease participants and have also signed the petition of the opposition. Somehow if there was such a gag order we would have already had a complaint against them and be up here complaining about it. There is no such gag order.

Mr. Mattingley: Mr. Mattingley asked if there is anything in the lease similar to a non-disclosure term regarding the financial terms of the lease, which is often referred to.

Mr. Klempir: Mr. Klempir said there is a non-disclosure of financial terms. It is essentially to protect our proprietary data so competitors don't know what we are paying landowners. There is information the landowners can share for their useful purposes like obtaining mortgages because the lease does add value to their property. They are able to use that when they refinance to show they have another source of income. They are permitted to make those kinds of disclosures. They are just not allowed to publicize the financial data.

Mr. Mattingley: Mr. Mattingley asked if the non-disclosure is limited solely to the financial aspects of the lease.

Mr. Klempir: Mr. Klempir said yes.

Mr. Drobisch: Mr. Drobisch asked in doing this wind farm and other projects they have been involved in, how many outstanding lawsuits have been filed against their company.

Mr. Klempir: Mr. Klempir said there are 19 wind projects across the country. He said there are a few different types of lawsuits. They were involved in a lawsuit with a bankruptcy of their purchasers. There is a lawsuit regarding two personal injury cases, one at Settlers Trail and one at Wildcat. They have a personal injury at Pyron Wind Farm in Texas. He said he would not be able to address all of them. He would say it is not unusual for every wind farm to have at least one kind of lawsuit. But, obviously lawsuits could be a whole range of whether it's a contract dispute or personal injury matter.

Mr. Drobisch: Mr. Drobisch said he is talking about personal injury from the operation of a wind farm.

Mr. Klempir: Mr. Klempir said he thinks Pyron is the only operational personal injury he knows of. It is in Texas.

Mr. Drobisch: Mr. Drobisch said just one.

Mr. Klempir: Mr. Klempir said we have had a construction lawsuit at Settlers Trail and Wildcat against our construction contractor, but we are also named as a defendant.

Mr. Brown: Mr. Brown said at previous meetings E.ON has addressed this question, but he just wanted to clarify. He said E.ON has been unwilling to provide any value protection to homeowners living inside of the footprint of the wind farm. Mr. Brown asked if that is correct.

Mr. Blazier: Mr. Blazier said they have been and he would explain why. That, if anything is an invitation to litigation. Their real estate expert is at the meeting if they want to hear from him, but Mr. Blazier said he would speak for him unless they wanted to directly hear from him. Mr. Blazier said they heard from some people and it was clear at the ZBA hearing that these projects do not negatively impact surrounding property values, and in fact they routinely increase them. There are three reasons for that. Any property expert will tell you that there are 3 principal factors that go into property value, especially with new purchases. They are the quality of schools, public services like police and fire and garbage pickup, and quality of roads. Those are community infrastructure. These projects inject tens of millions of dollars into a local economy over their lifespan. They heard some of the articles he mentioned from the one school superintendents in Vermilion County. The quality of the schools goes up. The quality of public services and the quantity of the public services goes up. They heard about road improvements which is a typical aspect of these things.

Mr. Greenfield: Mr. Greenfield said he didn't think that was the question Mr. Brown had. He asked Mr. Brown if Mr. Blazier had answered his question.

Mr. Brown: Mr. Brown said it was a "no" right.

Mr. Blazier: Mr. Blazier said that is why they don't do a property value guarantee because number one, there is no need for it, and number two because it is an invitation to litigation; and they are not going to do that.

Mr. Brown: Mr. Brown said so there wouldn't be any consideration for any compensation to homeowners inside the footprint based on the current value of their home. That would be a little different program.

Mr. Blazier: Mr. Blazier said it would be a different program, a significantly different program. But, that is not to say if somebody.... He said if he built a hog farm next to someone's house and negatively impacts their property value, they can sue him for that. Frankly, the same result would happen if there was a property value guarantee. He said what ends up happening with those and he has seen drafts of some, Mr. Porter included one, and they have dueling appraisers and end up either in mediation or in court.

Mr. Brown: Mr. Brown said that was why he was asking about some sort of compensation based on current value. They could get an assessment of what current value is. Future value is tougher.

Mr. Blazier: Mr. Blazier said the point is and there is a point in the ZBA record. There is a report in the record where every single county assessor in all 18 counties in Illinois that

host one or more wind farms was surveyed, every single one of them confirmed that there has never been a negative impact on property values in their county from the wind farms. Mr. Brown: Mr. Brown said he has read all of that and understands that, but it doesn't have him convinced.

Mr. Greenfield: Mr. Greenfield said he was going to have Mr. Dudley step forward and introduce the resolution. The yeses are on one side and the no's on the other. At the end of the day this vote is not going to make half of them happy unfortunately. He asked that they please not let this ruin their family, friends and neighbors.

ZONING / SUBDIVISIONS

COMMENT:

Mr. Dudley: Mr. Dudley just wanted to say thank you to the Herald & Review for the 26 articles they put in the paper since 2008, also the 14 headliners, they appreciated the publicity. He also thanked the television stations and radio stations and others. He thanked the Regional Planning Commission, the SRO, EEHW, Electrical Planning Commission, Macon County Board, ZBA, and all the people involved in 58 open meetings over the last 7 years on the wind farms. He thanked Jennifer Hoffman and the Planning & Zoning Commission for all of the hard work they have done on this. He knows Jennifer has lost a lot of sleep and he appreciates what she does.

1. Mr. Dudley presented Resolution Z-1160-9-15 which is regarding Case S-10-08-15, a petition submitted by Twin Forks Wind Farm, LLC for a Special Use Permit to operate a utility scale wind farm that consists of up to 140 large wind energy conversion systems (LWECS) in regard to Turbine numbers T001-002, T004-011, T013-123, and T126-140 on properties listed in Appendix A attached to the resolution. After hearing the evidence, the Zoning Board of Appeals voted unanimously to recommend approval of the petition to the County Board with 12 stipulations. The EEHW Committee met and reviewed the petition and voted to recommend approval of the petition to the County Board, subject to the 12 stipulations recommended by the Zoning Board of Appeals.

MOTION

Mr. Dudley moved, seconded by Mrs. Cox to approve Resolution Z-1160-9-15.

MOTION TO AMEND

Mr. Dudley moved, seconded by Mr. Dunn to amend Resolution Z-1160-9-15 to exclude Turbine #051.

QUESTION:

Mr. Ashby: Mr. Ashby asked what the timeframe is for the completion of this project.

Mr. Brad King: Mr. King is with E.ON and the address is 353 N. Clark in Chicago, Illinois. Right now they are obviously working through this process. Subsequent to a special use process there is a lot work that needs to be done between now and when we can pull building permits. They would look to complete that work between now and the end of the year and or the beginning of next. They will seek building permits in 2016 and start construction in 2016.

Mr. Brown: Mr. Brown said he wanted to clarify how he was going to vote tonight. It is a really tough decision for him because this is his district where the wind farm will be potentially. As all of them have done they've taken into consideration the comments they've gotten from everyone and take those very seriously. Mr. Brown thinks the project can be great. He thinks the benefits will be great potentially, however he is not able to support the plan the way it is right now when it could potentially cause harm to landowners or more specifically homeowners inside the footprint of the project. He just wanted to clarify that.

ROLL CALL.

Ayes: Ashby, Baxter, Brown Cox, Dawson, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jackson, Little, Mattingley, Meachum, Minich, Noland, Oliver, Potts, Smith, Taylor

Nays: (None)

AYES = 20

NAYS = 0

MOTION CARRIED. (AMENDMENT TO Z-1160-9-15)

COMMENT:

Mr. Potts: Mr. Potts said before they vote he wanted them to take a moment and really think about these turbines being visible for the next 30 years at least. Many of us will not see this to the end, but our children and grandkids will. Is this really what we need?

ROLL CALL.

Ayes: Ashby, Baxter, Cox, Dawson, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jackson, Little, Mattingley, Meachum, Minich, Noland, Oliver, Potts, Smith, Taylor

Nays: Brown

AYES = 19

NAYS = 1

MOTION CARRIED. (MAIN MOTION AS AMENDED Z-1160-9-15)

2. Mr. Dudley presented Resolution Z-1161-9-15 which is regarding Case S-10-08-15, a petition submitted by Twin Forks Wind Farm, LLC for a Special Use Permit to operate a utility scale wind farm that consists of up to 140 large wind energy conversion systems (LWECS) in regard to Turbine numbers T003, T012, T124, and T125 on properties listed on Appendix A. After hearing the evidence, the Zoning board of Appeals voted unanimously to recommend approval of the petition to the County Board with 12 stipulations. The EEHW Committee met and reviewed the petition and voted to recommend approval of the petition to the County Board, subject to the 12 stipulations recommended by the Zoning Board of Appeals.

MOTION

Mr. Dudley moved, seconded by Mr. Dunn to approve Resolution Z-1161-0-15

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Ashby, Baxter, Cox, Dawson, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jackson, Little, Mattingley, Meachum, Minich, Oliver, Potts, Smith, Taylor

Nays: Brown

Abstention: Noland

AYES = 18

NAYS = 1

ABSTENTION = 1

MOTION CARRIED.

Mrs. Taylor was not present at the meeting.

B. CORRESPONDENCE

A letter from IDOT stating Contract 95686, Il Project BROS-0115/068/000 has been satisfactorily completed and accepted by the Department of Transportation.

Two letters from IDOT regarding Engineering Agreements with Hanson Professional Services Inc. and Chastain & Associates LLC.

A Public Notice from the Illinois EPA regarding a proposed renewal of the Clean Air Act Permit Program for regulating air emissions at Caterpillar Inc.

A Notice of Application for Permit to manage waste for Advanced Disposal Services Valley View Landfill for documenting performance of corrective action.

A letter from Comcast regarding the addition of Cozi TV HD.

A letter from Corn Belt Energy regarding proposed vegetation management.

A letter from Ameren Illinois regarding tree trimming that will be done in and around the Argenta and Oreana areas in the near future.

REPORTS

Sheriff's Report – August 2015

Tax Collector's Report – August 2015

Treasurer's Fund & Investment Report – August 2015

Auditor's Report – August 2015

Public Defender Report – August 2015

MOTION

Mr. Dunn moved, seconded by Mr. Potts to approve the Correspondence and Reports and that they be placed on file.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Ashby, Baxter, Brown, Cox, Dawson, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jackson, Little, Mattingley, Meachum, Minich, Noland, Oliver, Potts, Smith

Nays: (None)

AYES = 19

NAYS = 0

MOTION CARRIED.

3. CLAIMS

MOTION

Mr. Meachum moved, seconded by Mrs. Cox to approve the claims by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

C. APPOINTMENTS

4. Resolution G-4363-9-15 – Re-Appointment of Pleasant View Drainage District #2 Commissioner

Kevin Bafford, 10600 Damery Rd., Blue Mound, IL 62513
Term Expires: 1st Tuesday September 2018

- Resolution G-4364-9-15 – Appointment to Public Aid Committee

John Trusner Jr., 1345 Country Ln., Mt. Zion, IL 62549
Term Expires: November 30, 2017

- Resolution G-4365-9-15 – Appointment to the Macon County Electrical Commission

Josh Sapp, 3315 Ferris Dr., Decatur, IL 62521
Term Expires: November 30, 2017

- Resolution G-4366-9-15 – Appointment to Macon County Regional Planning Commission

Julie Moore-Wolfe, Decatur, IL
Term Expires: April 30, 2017

- Resolution G-4367-9-15 – Appointment to the Macon County Rural Transit Advisory Group

Jay Dunn, 3330 Forest Parkway, Decatur, IL 62521
Term Expires: November 30, 2016

MOTION

Mr. Meachum moved, seconded by Mr. Mattingley to approve Resolutions G-4363-9-15 through G-4367-9-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

E. CONSENT CALENDAR

5. Resolution G-4368-9-15 – Executing deeds to convey property on which taxes were delinquent

MOTION

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

There were no questions or comments from the board floor.

MOTION CARRIED.

JUSTICE COMMITTEE

6. Mr. Mattingley presented Resolution G-4369-9-15 which is approving an increase in appropriation in the Circuit Court's FY 15 budget for expenses and fees in certain appeals.

MOTION

Mr. Mattingley moved, seconded by Mrs. Cox to approve Resolution G-4369-9-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

7. Mr. Mattingley presented Resolution G-4370-9-15 which is approving revenue in the Macon County Mental Health Court.

MOTION

Mr. Mattingley moved, seconded by Mrs. Cox to approve Resolution G-4370-9-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

EEHW COMMITTEE

8. Mr. Dudley presented Resolution G-4371-9-15 which is consenting to the boundary modifications to the area known as the Decatur Macon County Enterprise Zone.

MOTION

Mr. Dudley moved, seconded by Mr. Dunn to approve Resolution G-4371-9-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

COMMENT:

Mr. Greenfield said Resolution G-4372-9-15 was pulled from the agenda.

OPERATIONS AND PERSONNEL COMMITTEE

9. Mrs. Little presented Resolution G-4373-9-15 which is approving flexible spending account proposal with Benefit Planning Consultants, Inc.

MOTION

Mrs. Little moved, seconded by Mrs. Cox to approve Resolution G-4373-9-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

LEGISLATIVE COMMITTEE

Mrs. Little: Mrs. Little said not much has changed in Springfield. Not much to report.

The Finance Committee had nothing to submit at the meeting.

The Negotiations Committee had nothing to submit at the meeting.

The Transportation Committee had nothing to submit at the meeting.

The Executive Committee had nothing to submit at the meeting.

The Siting, Rules & Ordinance Sub-Committee had nothing to submit at the meeting.

BUILDING SUB-COMMITTEE

10. Mr. Drobisch presented Resolution G-4374-9-15 which is approving terms of a lease agreement between the Macon County Board of Health and the Decatur Public Building Commission.

MOTION

Mr. Drobisch moved, seconded by Mr. Minich to approve Resolution G-4374-9-15 by prior roll call vote.

COMMENT:

Mr. Baggett: Mr. Baggett said he wanted to make sure the record is clear. This is an agreement between the Macon County Board of Health, the Macon County Board and the Decatur Public Building Commission. That will be the resolution they are voting on.

MOTION CARRIED.

CITIZENS' REMARKS:

Steve Bridges: Mr. Bridges lives at 8629 Carl Springs Road in Wapella Township in Dewitt County. He wanted to make a couple comments about the landfill decree that is being possibly voted on tonight. He is with the Mahomet Aquifer Protection Alliance. They are a group that was primarily formed to support the coalition's efforts. They helped host the Decatur Summit about a year ago. He saw some familiar faces from that. There have been a lot of questions that have come up about the decree. It is a very complicated document. They are trying to settle multiple suits that are going on between the landfill and the Illinois EPA, and the coalition and the landfill. Some of the other meetings that we have attended there have been a lot of questions about how this is being setup and really what it is doing. Champaign County just tabled their decision until October because they would like some more time to think about it and really think about what they are getting out of this. There are a lot of questions about what the landfill is really offering since with the help of Macon County they were able to get sole source designation which pretty much eliminates any chance of getting a PCB landfill from the U.S. EPA at that site again. The Ammons'/ Bennett bill that just recently passed is going to require the MGP Waste to be tested for hazardous levels. If it is hazardous it would only be able to go into a hazardous waste landfill which Clinton Landfill is not. A lot of people have voiced concerns about one particular aspect of the decree that is making a demand of our public bodies. In the decree it states you will never require CLI to exhume MGP source material. Wherever you stand on its removal today, you need to retain your rights to revisit that issue if it ever arises. He hates to see any elected body give up something that by statute is your right. You have the right to protect your peoples' water, and you should never bargain that away even a little piece of that. That is a real concern for him and a lot of people. Mr. Bridges was not saying the county would ever ask them to remove it, but you should always retain all of your rights. We have fought for these rights and for anybody to ask you to give up a statutory right like that is going too far. There is also a question that a lot of people asked in Champaign County about the new suit that will be filed in order to introduce this decree. There is not much known about it. He doesn't think there has been any information given about this new lawsuit you would be opening, except to say that it would be declaring that the landfill is public nuisance because of the MGP waste that is currently there. But, yet then you already know that you are going to say it is ok leave it. He is sure it is legal. It's gray. He has an ethical problem saying on one hand we think it is a nuisance we are suing for, but yet on the other hand we are going to say we are ok with leaving it. Another thing that came up at the Champaign meeting was whether or not the county wants to get

entangled in a long term consent decree. This consent decree is going to be out there at least for the life of the landfill and possibly beyond, so you are looking at 30 plus years that the county could be entangled in this. No one has talked about what the plans are to finance that and whether or not taxpayers would even want to finance a long term decree that will ensure that 30,000 tons of toxic waste will stay above the drinking water. Some people have presented this as a clean ending to the current complaint, but it is really opening a whole new long term commitment for all the members of the coalition. There were even questions about whether or not you could even bind your further boards for 30 plus years on something that's a governmental duty, whether or not you could even bind a further board for that long. This isn't a settlement. This is a consent decree. It is a quasi- contract you are going to have between all of these parties. It is not something you can walk away from. There will be legal fees and challenges. He thanked them for all the support they have given the aquifer. He asked that they table this. There will be a meeting on September 19th where you would be able to hear both sides. Champaign tabled this for a month.

Mr. Greenfield: Mr. Greenfield said the board had pulled it from the agenda.

Mrs. Taylor returned to the meeting.

There were no officeholders' remarks presented at the meeting.

There was no old business presented at the meeting.

There was no new business presented at the meeting.

MOTION TO ADJOURN

Mr. Meachum moved, seconded by Mr. Mattingley to adjourn until Thursday, October 8, 2015 at 6:00 p.m.

MOTION CARRIED.

Meeting adjourned at 8:12 p.m.