

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

OCTOBER 08, 2015

**Kevin Greenfield
Chairman**

**Stephen M. Bean
Clerk**

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

The Roll Call showed all members present with the exception of Mr. Hogan, Mr. Mattingley, and Mr. Noland.

Mrs. Taylor led the members in prayer.

All led in the Pledge of Allegiance.

A. APPROVAL OF THE MINUTES OF THE SEPTEMBER 10, 2015 MEETING

MOTION

Mr. Smith moved, seconded by Mr. Oliver to approve the minutes of the September 10, 2015 meeting.

There were no questions or comments from the board floor.

ROLL CALL.

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

Nays: (None)

AYES = 18

NAYS = 0

MOTION CARRIED.

B. PROCLAMATION

Mrs. Taylor: Mrs. Taylor presented a proclamation recognizing the Great Central U.S. ShakeOut on October 15, 2015. The county encourages participation in emergency preparedness.

ZONING / SUBDIVISIONS

1. Mrs. Little presented Resolution Z-1162-10-15 which is regarding Case R-01-09-15, a petition submitted by Blue Mound Township for rezoning of approximately 3.3 acres from (R-2) Single Family Residential Zoning to (M-1) Light Industrial Zoning on property located on Boody Rd., Boody, IL in Blue Mound Township. After hearing the evidence, the Zoning Board of Appeals voted to recommend approval of the subject petition to the County Board. The EEHW Committee met and reviewed the petition and voted to recommend approval to the County Board.

MOTION

Mrs. Little moved, seconded by Mr. Ashby to approve Resolution Z-1162-10-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

2. Mrs. Little presented Resolution Z-1163-10-15 which is regarding Case R-02-09-15, a petition submitted by Stephen Dennis for rezoning approximately .52 acres from (RE-5) Single Family Estate Zoning to (R-1) Single Family Residential Zoning on property located at 206 N. Center St., Argenta, IL in Oakley Township. After hearing the evidence, the Zoning Board of Appeals voted to recommend approval of the subject petition to the County Board. The EEHW Committee met and reviewed the petition and voted to recommend approval to the County Board.

MOTION

Mrs. Little moved, seconded by Mr. Dunn to approve Resolution Z-1163-10-15 by prior roll call vote.

QUESTION:

Mr. Smith: Mr. Smith said this rezoning is in Oakley Township. Oakley Township is one of the unique ones that has a planning commission. Mr. Smith asked if anyone knew whether this went through their planning commission before it went to EEHW and the Zoning Board.

Mrs. Little: Mrs. Little said she believed it did.

Mr. Dunn: Mr. Dunn said he called Jennifer and she just sent him a text and said that it did go through their planning commission.

MOTION CARRIED.

C. CORRESPONDENCE

Two letters from Comcast regarding changes to channel lineup in the community.

A letter from Comcast regarding changes to Digital Premier service and simplification of installation fees.

A letter from Ameren regarding tree trimming that will be done in and around the Decatur area in the near future.

REPORTS

Sheriff's Report – September 2015

Tax Collector's Report – September 2015

Treasurer's Fund & Investment Report – September 2015

Coroner's Report – June & July 2015

Auditor's Report – September 2015

MOTION

Mr. Minich moved, seconded by Mr. Smith to approve the Correspondence and Reports and that they be placed on file by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

3. CLAIMS

MOTION

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

There were no questions or comments from the board floor.

MOTION CARRIED.

4. Resolution G-4375-10-15 – Appointment of Austin Drainage District #1 Commissioner

John Zelhart, 1422 W. Washington St. Rd. Maroa, IL 61756

Term Expires: 1st Tuesday September 2017

MOTION

Mr. Greenfield moved, seconded by Mr. Brown to approve Resolution G-4375-10-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

5. Resolution G-4376-10-15 – Appointment to the Emergency Telephone Systems
Board of Commissioners

Mark Cheviron, 40105 Lake Ct., Decatur, IL 62521
Term Expires: October 31, 2017

MOTION

Mr. Greenfield moved, seconded by Mr. Dunn to approve Resolution G-4376-10-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

E. CONSENT CALENDAR

6. Resolution G-4377-10-15 – Executing deeds to convey property on which taxes were delinquent

MOTION

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

There were no questions or comments from the board floor.

MOTION CARRIED.

COMMENT:

Mr. Greenfield: Mr. Greenfield said they were going to switch things around on the agenda. They would go to Operations and Personnel Committee next for an award presentation.

OPERATIONS AND PERSONNEL COMMITTEE

Mrs. Little: Mrs. Little said she was introducing the Employee of the Quarter for Quarter 3 of 2015 from the Sheriff's Department. She introduced Sheriff Schneider and Lt. Butts who were going to introduce the board to Frank Miller.

Sheriff Schneider: Sheriff Schneider said Jon was going to say a few words and go through what he submitted to the board for the Employee of the Quarter.

Lt. Jon Butts: Lt. Butts said it was a pleasure to be there to give this award to Frank. This award was earned. It is not something Frank feels like he deserves, but they know

and many other officeholders know what Frank does around the office. Frank was first hired by the Sheriff's office in 1998 as a correctional officer. After a short time, many of them quickly discovered that Frank had a hidden talent for computers. He was a person that many of us went to for our computer issues, so in 2004 he was transferred to the position of full time MIS with the Sheriff's office. Lt. Butts said quite honestly he believes it has been one of the best assignments ever made in their office. The move was made by then Sheriff Jerry Dawson who knew that law enforcement and corrections was going as far as technology. He hated to think where their office would be today if Frank Miller had not been moved to this position. Frank always has time to fix their major and minor computer problems. He always does it with a smile and a helpful way of saying it is not a big deal, and to let him know if there is anything else he could do for them. Many times it is something that they, at least he, is embarrassed to say he could not fix. Sometimes it is a major issue. Recently, Sheriff Schneider, State's Attorney Jay Scott and himself presented a Fraud Program to a group of local retirees. Prior to the program, the Sheriff, Lt. Butts himself, and many in their office, received a corrupt zip file e-mail that he opened. By opening that attachment, a virus was sent to many people on their contact list. Within a few minutes of doing that Frank knew what was going on and was working on resolving the issue, which he did within a short amount of time. Since then, Frank has worked on a fire wall to locate new computer viruses like this so this type of issue would not happen to our office again. Frank has been known to come in on his days off or in the middle of the night to resolve computer issues that are extremely important to our office. Frank does this without asking if it could be done in the morning or having someone else on the other end of the phone do it while Frank directs them from home. Our office currently has 4 police contractual programs where deputies are assigned to the Villages of Forsyth, Macon, Argenta and Blue Mound. Frank works closely with all of these villages to make sure that their in-car as well as desktop computers are working properly. Frank also works closely with the City of Decatur and the Village of Mt. Zion, as well as several other county offices and departments in resolving computer issues that affect many. Frank's MIS Division currently has 3 part-time employees that work under Frank's direction. These three individuals were hired because we saw that many times Frank would be overwhelmed and would be doing the work of 3 or 4 full time employees with tasks that he never failed to complete and never complained about. He was being pulled in so many directions and they felt like he needed help. Lt. Butts truly believes that as a law enforcement agency in the 21st century that our office has, not one of the best, but the best, MIS Divisions in the State of Illinois because of Frank Miller and his staff. In 2011 Macon County didn't have computers in our cars and Lt. Butts was made aware that the City of Urbana had old CF29 computers that they were wanting to get rid of. They drove over. These computers are \$4,500 apiece and the county needed 11 of them. He called Frank from Champaign and he told Lt. Butts to buy them. He bought them for \$900.00. If they would have bought them, which they didn't have the money to buy them at the time, it would have cost \$54,000. Frank has updated those computers, put memory in them and put Windows 7 on them and got us into the 21st Century in law enforcement. Frank currently manages 41 programs which include creating, maintaining and backing up data bases. He also manages 28 different pieces of equipment for their office.

Sheriff Schneider: Sheriff Schneider said Frank is one of the most important people in his department. He is a part of the sheriff's executive team. This is the first and only award they have requested in reference to their department. Sheriff Schneider said Frank had an opportunity to go to the state about 10 years ago, and would have been making six digits without a doubt. He chose to remain with the Sheriff's Office team because he liked his job. He likes serving the public, and is very much a family man. The sheriff asked them to join him in giving Frank this award.

Lt. Butts: Lt. Butts said the award says: Macon County Employee of the Quarter presented to Mr. Frank Miller in recognition of his outstanding dedication and customer service Quarter 3 of 2015.

COMMENT:

Mr. Greenfield: Mr. Greenfield said they normally have public comments at the end of the meeting, but they were going to open that up to this part of the meeting. It is limited to 20 minutes with 5 minutes per individual. Mr. Greenfield said there were people at the meeting who wanted to speak on the aquifer decree. Those who are against it should chose who they would like to speak and be given 10 minutes to do so. The attorney from Champaign is at the meeting and they would give him 5 or 10 minutes. He asked someone who wanted to speak against the decree to come forward and state their name.

Bill Spencer: Mr. Spencer said he is the President of W.A.T.C.H. Clinton Landfill. He is from DeWitt County in Kenney Illinois. Mr. Spencer said he is not in favor of the Consent Decree they are considering tonight. W.A.T.C.H. has been opposed to this for eight years. The water Macon County draws from the aquifer during the drought season will actually expose them to water that could come from underneath the Clinton Landfill. The Clinton Landfill is sitting right in the middle of a sole source aquifer that is protected. W.A.T.C.H. is planning on going ahead and filing a nuisance suit. Macon County is considering tonight settling a nuisance suit with the Consent Decree. The county has not actually reviewed the nuisance suit at this time. Clinton Landfill has been, still is, and will be, a continued nuisance to the people of Decatur anytime they draw water. Tonight they were being asked to settle an agreement that will continue that nuisance. Mr. Spencer asked them tonight to not agree to this Consent Decree. They could actually join the nuisance suit that W.A.T.C.H. is going forward with if they wished to. They are asking any of the government bodies that have been part of this coalition for the sole source aquifer to join them in that nuisance suit. So, they do have another option on the table tonight other than accepting the Consent Decree. He thanked them.

Steve Bridges: Mr. Bridges said he is a volunteer with the Mahomet Aquifer Protection Alliance, but most importantly he is a dad whose family drinks from the Mahomet Aquifer every day. In the past month he has heard a lot of comments about how the Consent Decree is locking in the coalition's progress. But, what exactly is that progress and which coalition are they talking about? Is it the sole source coalition or the litigation coalition? The sole source coalition which Macon County was involved in was

incredibly successful in obtaining sole source designation for the Mahomet Aquifer system. The sole source designation will provide additional federal and state protections to the aquifer making it virtually impossible for a toxic PCB landfill to be sited above the sole source aquifer. That progress is already locked in with the designation. The Ammons / Bennett Bill that closed a loophole in the manufactured gas plant waste testing will keep hazardous MGP source material out of the Clinton Landfill. The new MGP waste restriction is now locked into state law. So, while progress is being touted in this decree, if they are talking about the two diminished promises in the decree of not accepting TSCA PCB Waste and the hazardous MGP source material those items have already been lost by the landfill. The Illinois EPA pulled the state permits for these waste streams in 2014 because of the local siting conflicts. The landfill pulled their federal TSCA PCB application after the sole source designation. These so called concessions in the decree are simply restating old promises already made in the 2002 local siting application. The coalition attorneys in their complaint were trying to force a new siting to allow public participation for the permitting of the new toxic PCB and MGP waste streams. Ironically the Consent Decree will allow the landfill to bypass local siting and public participation for new waste streams other than the TSCA PCB and MGP source material waste streams. These waste streams are going into the so called chemical waste unit. Many waste streams could trigger a new siting for either the municipal or the chemical waste units at the landfill. But, once again the public would be locked out and all the waste permitting power will be locked in with the Illinois EPA, so that certainly isn't progress. The Consent Decree says that the coalition partners will open a new complaint against the landfill saying that the existence of the MGP source material in the chemical waste unit is a public nuisance. Did you know that? But then it says the nuisance complaint will be immediately resolved by a Consent Decree that will then lock out the coalition members from ever addressing that nuisance. How does that make any sense? Their concern, as promoters of clean water is that instead of locking in an additional protection to the aquifer, the decree will instead lock in 30,000 tons of toxic MGP source material buried less than 50 feet directly above the sole source aquifer. No amount of liners or clay caps will keep these poisons out of our water supply forever. Another concern is that with the Consent Decree your discretion is being taken away on a vital public policy. By removing your right to oversee a public nuisance to the water supply and skirting local siting the Consent Decree is taking the public clear out of the picture when it comes to protecting their own water. This environmental injustice will be forcing them to solely rely on an unelected state agency that has a poor record on this matter. He asked someone to tell him how locking in 30,000 tons of toxic waste above the drinking water and locking out the people is progress. Please don't let the first official action after getting sole source to be the endorsement of a persistent threat to the aquifer. Please vote this down so they can get back to the real issue of protecting the people's water. Future generations of aquifer users will thank you.

Mrs. Cox: Mrs. Cox asked what Mr. Bridges' address is.

Mr. Bridges: Mr. Bridges said he lives in rural Wapella in DeWitt County.

Keith Alexander: Mr. Alexander is the Director of Water Management for the City of Decatur. His address is in Decatur, Illinois. As many of them may know, the City of Decatur purchased farm land in DeWitt County and constructed a Mahomet Aquifer Well Field in the early 1990's to provide water to Decatur and Mt. Zion during times of severe drought. As a member of the Mahomet Aquifer Coalition, the City of Decatur urges all coalition members, including the Macon County Board to approve the Consent Decree before the board this evening. It provides more than adequate protection of the aquifer for current and future Clinton Landfill operations. In addition to the standard ground water monitoring that the state requires the landfill owner to conduct, the decree provides an important extra layer of protection by requiring at least 30 years of additional ground water monitoring for hazardous compounds at at least 18 wells semi-annually. This represents at least 21,600 separate water quality, laboratory analysis over the next 30 years. The City of Decatur's legal staff, water staff, city manager's office and city council thoroughly reviewed and recently approved the Consent Decree. They believe that it is the most practical and realistic approach to resolving issues at the Clinton Landfill. Don't just take the City of Decatur's word for it. Also take into serious consideration the fact that Champaign, Urbana, Bloomington, Normal, Monticello, Tuscola, and the counties of Piatt and McLean have all recently approved the decree. In conclusion we respectfully request that the Macon County Board join your fellow coalition members by approving the consent decree tonight.

Joe Hooker: Joe Hooker is the Assistant City Attorney with Champaign. They have received some correspondence from him. They are the lead agency for the coalition and wholeheartedly support approval of this Consent Decree. He wanted to make a couple of points of clarification to correct some misleading statements that have been made. The Consent Decree does allow Clinton Landfill to leave in place approximately 1% of the capacity of the portion of Landfill #3 that was designated as a chemical waste unit. 1% of that capacity has been occupied by manufactured gas plant waste. That will remain, and it was our considered view that there would be no possibility of a court ordering them to exhume that because the IL EPA approved acceptance of that waste. The EPA changed their mind and they were thankful of that. The other thing he wanted to reiterate as he has at a number of public meetings is that, this point going forward if the Consent Decree is approved Clinton Landfill will not be able to accept any waste anywhere in Landfill #3. This includes any in the facility that was designed to these much higher chemical waste unit standards that they could not accept anywhere in Landfill #3 pursuant to the earlier approval of that landfill back in 2002 at a local siting hearing in DeWitt County and 2007 by the Illinois EPA. So, essentially they are being required to convert that portion of the landfill designed to these higher standards to simply a municipal solid waste landfill; and the only waste that can go into the larger landfill can go in there. They have also agreed to never ever accept TSCA regulated PCB waste or manufactured gas plant waste, not only in this facility and not only on this property which is the agreement they made with DeWitt County, but anywhere in DeWitt County over the Mahomet Aquifer, a major concession by the landfill. As he indicated in some earlier written materials, he takes exception to the notion that the sole source aquifer designation makes it virtually impossible, that we know that as we stand here, to have a landfill over the Mahomet Aquifer. We think that is simply not the case because there would be an ad

hoc determination made about the nature of the soils under a proposed facility depending on where it was located. So, they think that claim is totally erroneous and discounts the value of the Consent Decree. In addition, all of the coalition members retain all civil and whatever criminal rights they would have to file a complaint for future violations. They only give up the right to force and seek the remedy of exhuming the waste; that would be reserved to the IL EPA and the Attorney General's Office. It was their considered view that for that severe remedy, the primary permitting agency and law enforcement agency would need to be seeking that in any event. It doesn't prevent any of the local governments from putting pressure on the agency to do that if it was otherwise called for. So, the notion that we are completely relinquishing any rights with respect to future pollution, is completely wrong. The nuisance complaint is merely a method of getting jurisdiction in the DeWitt County court in order to enter the Consent Decree, nothing more and nothing less. They had to come up with a very general vague theory that would give us jurisdiction, and that is what the nuisance complaint does. There is nothing in the nuisance complaint that is going to have any bearing on the respective obligations and rights and restrictions placed on the parties. It is merely a method of getting jurisdiction in the court. They needed to do that because the Pollution Control Board has exclusive jurisdiction over these other issues. It was the view of the Attorney General's office and their attorneys that there was real value in getting this judgement entered in a circuit court which would have much better enforcement mechanisms if there is a violation in the future. He was happy to answer any questions they might have.

EEHW COMMITTEE

7. Mr. Dudley presented Resolution G-4383-10-15 which is approving a Consent Decree to settle all Claims in a Citizens' Complaint filed with the Illinois Pollution Control Board by the City of Champaign and other units of local government against Clinton Landfill, Inc.

MOTION

Mr. Dudley moved, seconded by Mr. Minich to approve Resolution G-4383-10-15.

There were no questions or comments from the board floor.

ROLL CALL.

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

Nays: (None)

AYES = 18

NAYS = 0

MOTION CARRIED.

COMMENT:

Mr. Greenfield: Mr. Greenfield said on behalf of the Macon County Board they would like to thank all of them on both sides for the work they have done. It is very important. He is happy the governor came in and signed the resolution stopping it, but he probably would not have done it without all the work everyone on both sides of this has done. He thanked them.

JUSTICE COMMITTEE

8. Mr. Baxter presented Resolution G-4378-10-15 which is approving revenue in the Probation Grant fund Drug Court Enhancement Grant.

MOTION

Mr. Baxter moved, seconded by Mr. Brown to approve Resolution G-4378-10-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

9. Mr. Baxter presented Resolution G-4379-10-15 which is approving revenue in the Probation Grant fund for IDOT DUI Grant.

MOTION

Mr. Baxter moved, seconded by Mrs. Little to approve Resolution G-4379-10-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

10. Mr. Baxter presented Resolution G-4380-10-15 which is approving revenue in the Probation Grant fund for Juvenile Redeploy Illinois Grant.

MOTION

Mr. Baxter moved, seconded by Mrs. Cox to approve Resolution G-4380-10-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

11. Mr. Baxter presented Resolution G-4381-10-15 which is amending the State's Attorney's FY 2015 budget for creation of New Fund 092-072 Community Foundation Truancy Project Grant.

MOTION

Mr. Baxter moved, seconded by Mr. Dunn to approve Resolution G-4381-10-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

12. Mr. Baxter presented Resolution G-4382-10-15 which is increasing appropriation in State's Attorney's FY 2015 budget for Trial expenses.

MOTION

Mr. Baxter moved, seconded by Mr. Oliver to approve Resolution G-4382-10-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

The Legislative Committee had nothing to submit at the meeting.

The Finance Committee had nothing to submit at the meeting.

Mr. Greenfield said they would be having a Closed Session on Negotiation Committee issues.

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.

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

There were no citizens' remarks presented at the meeting.

OFFICEHOLDERS' REMARKS:

Mr. Dudley: Mr. Dudley said he wanted to reiterate something Mr. Greenfield said earlier. They have had a couple of really big issues lately with the wind farms and the

Mahomet Aquifer. He wanted to thank everyone on the board for the hard work they have done to really stay up on things and ask all the right questions. These are really important issues that our county has faced the last few years. He just wanted to thank everyone involved.

There was no old business presented at the meeting.

There was no new business presented at the meeting.

Mr. Baggett: Mr. Baggett said they would go into closed session pursuant to Sections 2.c.2 of the Open Meetings Act for discussion of negotiations of collective bargaining and 2.c.11 of the Open Meetings Act regarding pending litigation, and 2.c.12 of the Open Meetings Act regarding discussion of settlement of claims.

MOTION TO CLOSE SESSION

Mr. Meachum moved, seconded by Mr. Brown to go into closed session by prior roll call vote.

MOTION CARRIED.

MOTION TO OPEN SESSION

Mr. Potts moved seconded by Mr. Drobisch to return to open session by prior roll call vote.

MOTION CARRIED.

NEGOTIATIONS COMMITTEE

13. Mr. Dunn presented Resolution G-4384-10-15 which is approving a labor agreement between Macon County and the Illinois Fraternal Order of Police Labor Council on behalf of the Correction Division.

MOTION

Mr. Dunn moved, seconded by Mr. Minich to approve Resolution G-4384-10-15 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

COMMENT:

Mr. Baggett: Mr. Baggett said with respect to the issue regarding the settlement of the worker's comp claim, this being a legal settlement is an action of the State's Attorney, however as they did in Closed Session they wanted to brief the board on what the negotiations were before the State's Attorney signs off formally on going through with the settlement. He was not asking the board to take a vote tonight of any kind, but if there were any concerns that the board would like to have addressed before the State's Attorney signs off on this he would be willing to relay that message to the State's Attorney.

No board members indicated any concerns.

MOTION TO ADJOURN

Mr. Oliver moved, seconded by Mrs. Little to adjourn until Thursday, November 12, 2015 at 6:00 p.m.

MOTION CARRIED.

Meeting adjourned at 7:02 p.m.