

**PROCEEDINGS  
OF THE  
MACON COUNTY BOARD**

**JANUARY 09, 2020**

**Kevin Greenfield  
Chairman**

**Josh Tanner  
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. Bird.

Mrs. Taylor led the members in Prayer.

All led in the Pledge of Allegiance.

## **A. APPROVAL OF THE MINUTES OF THE DECEMBER 12, 2019 MEETING**

### **MOTION**

Mr. Smith moved, seconded by Mr. Oliver to approve the minutes of the December 12, 2019 meeting.

There were no questions or comments from the board floor.

### **ROLL CALL.**

Ayes: Brown, Buckner, Cox, Dawson, Drobisch, Greenfield, Gresham, Hogan, Holman, Jackson, Joy, Kraft, Little, Mattingley, Noland, Oliver, Smith, Taylor, Zimmerman

Nays: (None)

**AYES = 19**

**NAYS = 0**

### **MOTION CARRIED.**

## **ZONINGS/SUBDIVISIONS**

1. Mrs. Kraft presented Resolution Z-1216-01-20 which is regarding Case S-01-12-19 a petition submitted by Toby Buhs requesting a Special Use Permit for the operation of a trucking business on 5 acres in (R-4) Single Family Residential Zoning on property commonly known as 6361 Reas Bridge Road, Oakley, IL 62501 in Oakley Township. After hearing the evidence, the Zoning Board of Appeals voted to recommend approval of the subject petition to the County Board with 4 stipulations. The EEHW Committee met and reviewed the petition and recommended the County Board approve the petition subject to the 4 stipulations recommended by the Zoning Board of Appeals.

### **MOTION**

Mrs. Kraft moved, seconded by Mr. Brown to approve Resolution Z-1216-01-20 by prior roll call vote.

**QUESTION:**

Mr. Smith: Mr. Smith asked if this went through the Oakley Planning Commission.

Jennifer Gunter: Mrs. Gunter said yes.

Mr. Smith: Mr. Smith asked what their recommendation was.

Mrs. Gunter: Mrs. Gunter said it was approval.

**MOTION CARRIED.**

**B. CORRESPONDENCE**

A Notice of Application for Permit to Manage Waste from Advanced Disposal Services Valley View Landfill for Cell 3 Construction Documentation Report.

A Notice of Public Meeting from the Village of Mt. Zion regarding proposed Mt. Zion Route 121 TIF District.

A letter from the Village of Forsyth regarding a meeting of a Joint Review Board on Wednesday January 15, 2020 to review the effectiveness and status of the redevelopment project area.

A letter from the Decatur Public Building Commission regarding the Certificate of Ending Fund Balance – Fiscal Year 2019 Multiple Facilities Operational Lease Account.

A letter from NewWave Communications regarding upcoming changes in plan rates.

A letter from Comcast regarding up-to-date information for their local personnel.

A letter from Comcast regarding changes to Xfinity TV.

**REPORTS**

Sheriff's Report – December 2019

Treasurer's Fund Report – December 2019

Collector's Report – December 2019

Coroner's Report – November 2019

Public Defender's Report – December 2019

**MOTION**

Mrs. Cox moved, seconded by Mr. Jackson 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.**

**2. CLAIMS**

**MOTION**

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

There were no questions or comments from the board floor.

**MOTION CARRIED.**

**C. APPOINTMENTS**

3. Mr. Greenfield presented Resolution G-5080-01-20 which is appointing Marcy A. Rood, 39 N. Country Club Rd., Decatur, IL 62521 to fill the vacancy in District #3 by the resignation of Tim Dudley.

**MOTION**

Mr. Jackson moved, seconded by Mr. Holman to approve Resolution G-5080-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

Macon County Clerk Josh Tanner administered the Oath of Office to Marcy A. Rood as the newly appointed Macon County Board member in District 3.

4. Resolution G-5081-01-20 – Appointment to the Macon County Regional Planning Commission

Evelyn Deverell, 8010 W. Second Harristown, IL 62537  
Term Expires: December 31, 2011

**MOTION**

Mr. Greenfield moved, seconded by Mr. Mattingley to approve Resolution G-5081-01-20.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Brown, Buckner, Cox, Dawson, Drobisch, Greenfield, Gresham, Hogan, Holman, Jackson, Joy, Kraft, Little, Mattingley, Noland, Oliver, Rood, Smith, Taylor, Zimmerman

Nays: (None)

**AYES = 20**

**NAYS = 0**

**MOTION CARRIED.**

**D. CONSENT CALENDAR**

5. Resolution G-5082-01-20 – To execute deeds to convey property on which taxes were delinquent

**MOTION**

Mr. Greenfield moved, seconded by Mrs. Cox 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-5083-01-20 which is approving an in-kind donation from the Howard G. Buffett Foundation of ATMOS Weather Station, Data Logger and one (1) year cloud data subscription.

**MOTION**

Mr. Mattingley moved, seconded by Mr. Jackson to approve Resolution G-5083-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

7. Mr. Mattingley presented Resolution G-5084-01-20 which is amending the Public Defender’s FY2020 budget for the payment of expert witness testimony.

**MOTION**

Mr. Mattingley moved, seconded by Mrs. Kraft to approve Resolution G-5084-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

8. Mr. Mattingley presented Resolution G-5085-01-20 which is approving transferring funds from the At-Risk Services Fund to purchase ballistic vests.

**MOTION**

Mr. Mattingley moved, seconded by Mr. Jackson to approve Resolution G-5085-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

9. Mr. Mattingley presented Resolution G-5086-01-20 which is transferring funds from the At-Risk Services Fund to purchase Motorola radios.

**MOTION**

Mr. Mattingley moved, seconded by Mr. Gresham to approve Resolution G-5086-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

The EEHW Committee had nothing to submit at the meeting.

The Operations and Personnel Committee had nothing to submit at the meeting.

The Legislative Committee had nothing to submit at the meeting.

**FINANCE COMMITTEE**

10. Mr. Jackson presented Resolution G-5087-01-20 which is accepting a one-year proposal from Midwest Employers Casualty for Workers Compensation Excess Liability Insurance coverage.

**MOTION**

Mr. Jackson moved, seconded by Mrs. Kraft to approve Resolution G-5087-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

11. Mr. Jackson presented Resolution G-5088-01-20 which is approving a transfer from the County Clerk Elections budget to the County Clerk Budget.

**MOTION**

Mr. Jackson moved, seconded by Mrs. Kraft to approve Resolution G-5088-01-20 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 hold off on the Negotiations Committee resolution. Mr. Flynn is here or coming to discuss that.

**TRANSPORTATION COMMITTEE**

12. Mrs. Cox presented Resolution H-2194-01-20 which is approving the FY2020 Fuel Bid.

**MOTION**

Mrs. Cox moved, seconded by Mr. Jackson to approve Resolution H-2194-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

13. Mrs. Cox presented Resolution approving a Jurisdictional Transfer Agreement with the Village of Niantic.

**MOTION**

Mrs. Cox moved, seconded by Mrs. Kraft to approve Resolution H-2195-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

14. Mrs. Cox presented Resolution H-2196-01-20 which is appropriating funds for a box culvert on Schellabarger Road in Illini Township.

**MOTION**

Mrs. Cox moved, seconded by Mr. Brown to approve Resolution H-2196-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

15. Mrs. Cox presented Resolution H-2197-01-20 which is appropriating funds for the 2020 Annual MFT Estimate of Maintenance cost.

**MOTION**

Mrs. Cox moved, seconded by Mr. Jackson to approve Resolution H-2197-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

16. Mrs. Cox presented Resolution H-2198-01-20 which is appropriating funds for the Batch 2 of replacement desktop computers in the highway office.

**MOTION**

Mrs. Cox moved, seconded by Mrs. Kraft to approve Resolution H-2198-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

17. Mrs. Cox presented Resolution H-2199-01-20 which appropriating funds for payment of the County Engineer's Salary.

**MOTION**

Mrs. Cox moved, seconded by Mr. Hogan to approve Resolution H-2199-01-20 by prior roll call vote.

**MOTION CARRIED.**

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.

Mr. Greenfield: Mr. Greenfield said they would hold off on citizens' remarks for a moment.

There were no officeholder remarks presented at the meeting.

There was no old business presented at the meeting.

**NEW BUSINESS:**

**COMMENT:**

Mr. Greenfield: Mr. Greenfield said they would go through the new business and before they take a vote on that he would ask for citizens' remarks. He asked that all citizens' keep it within in five minutes please. He said they would waive the 20 minutes because he wanted to give everyone the proper time to speak whether they are for or against. Mr. Greenfield asked that when they come forward that they state their name, and whether they are for or against doesn't matter; but he asked that they be courteous and respectful.

18. Mr. Greenfield presented Ordinance O-135-01-20 which is establishing a County Cannabis Retailers' Occupation Tax in the County of Macon, Illinois.

**MOTION**

Mrs. Cox moved, seconded by Dr. Zimmerman to approve Ordinance O-135-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

19. Mr. Greenfield presented Ordinance O-136-01-20 which is prohibiting cannabis business establishments.

**MOTION**

Mr. Jackson moved, seconded by Mr. Mattingley to approve Ordinance O-136-01-20.

### **MOTION TO AMEND**

Mr. Brown wanted to amend Ordinance O-136-01-20 because of the great amount of unknown about the new law and how it is going to affect us. Mr. Brown moved to amend Ordinance O-136-01-20 by requiring us to revisit our decision tonight, and this item to be placed on the agenda for the January, 2021 full meeting of the Macon County Board. He said that may need some verbiage revision.

Mr. Greenfield: Mr. Greenfield said there may be some who are a little confused and it is easy to get confused with this. Basically, what Matt is saying is that in a year from now we will take this vote again. That way we will know more about it at that point in time. Basically, this resolution will sunset in a year. In a year's time we will revisit it and vote on it again.

Ms. Joy: Ms. Joy asked what they would vote on tonight. She asked if they were voting not to vote on this and wait, or was he saying they would vote now and vote again.

Mr. Greenfield: Mr. Greenfield said what they are going to vote on is that in a year's time from now we will revisit this ordinance.

Mr. Mattingley: Mr. Mattingley said this is amending it, but they are going to vote on the ordinance presented and the vote would be revisited in a year to see if we are going to change our mind about the vote.

Ms. Joy: Ms. Joy asked if that is two separate votes.

Mrs. Dawson: Mrs. Dawson asked what they are voting on now.

Mr. Greenfield: Mr. Greenfield said they are voting on the amendment and in a year's time they will revisit it.

Mrs. Dawson: Mrs. Dawson said they keep talking about revisiting. She wants to visit it tonight.

Mr. Baggett: Mr. Baggett said the motion before the board at this time is a motion to amend the ordinance in front of them O-136-01-20 which is making a change to our Zoning Ordinance. The motion to amend is to add a language to the proposed ordinance that would sunset the changes being proposed in one year's time. Basically, they would be adopting this ordinance as part of the Zoning Ordinance for one year. After that year the board would be required to either pass this ordinance again or in the event of no action being taken this ordinance would simply become a nullity. It would go away in one year without any action of the board. The motion now is to amend the ordinance because the ordinance as it sits in front of them doesn't contain this sunset provision. This is a new thing that he wasn't aware of when he was asked to draft the ordinance. It

is obviously a motion to amend being presented tonight. The first vote that would occur tonight would be to approve the amendment creating this sunset provision. Assuming it passes then the full ordinance as amended would go before the board. Assuming it is moved and seconded and the board adopted it, then in one year's time it would be coming back to the board by operation of law. In January of 2021 the board would again be asked whether to either continue on with this ordinance which would ban recreational sales of cannabis in the unincorporated parts of Macon County or to continue it. In the absence of any action a year from now, then this law would go away and recreational sales of cannabis would be allowed in the unincorporated parts of Macon County.

Dr. Zimmerman: Dr. Zimmerman said the key to remember is they can vote yes on the amendment and still vote no on the final resolution.

Mrs. Dawson: Mrs. Dawson asked about the last part of what he just said, it would just go away.

Dr. Zimmerman: Dr. Zimmerman said that means if we amended it and then it passes it is only in force for a year unless we take action in one year.

Mr. Baggett: Mr. Baggett said they would have to re-pass it in a year in order for it to continue on, otherwise it would automatically go away.

Ms. Joy: Ms. Joy said what passes is the prohibition. So they would still be prohibiting.

Dr. Zimmerman: Dr. Zimmerman said that was correct, but just for a year if the amendment passes.

Mr. Gresham: Mr. Gresham said no, not the amendment.

Dr. Zimmerman: Dr. Zimmerman said if the amended resolution passes we would still be banning all of the businesses for a year.

Mrs. Dawson: Mrs. Dawson asked why they couldn't just bring it up in a year.

Mr. Gresham: Mr. Gresham said he thought they needed something from this board that said they would do it.

Mr. Baggett: Mr. Baggett said Mrs. Dawson was correct they could always revisit it, but what is being proposed is to make them revisit it whether they want to or not.

Mr. Holman: Mr. Holman asked them to define cannabis business establishment. What does that entail?

Mr. Baggett: Mr. Baggett said it is defined in the proposed ordinance.

Mr. Brown: Mr. Brown said it is on the bottom of the very first page of the ordinance.

Mr. Baggett: Mr. Baggett said Adult-Use Cannabis Business Establishment is defined as a cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization. There are also various definitions regarding adult-use cannabis and what the ordinance would address. That is all in the ordinance in front of them.

Mr. Gresham: Mr. Gresham asked if Mr. Baggett was saying that if they pass this amendment and say they have to consider it next year in January and they don't. He asked if Mr. Baggett was saying they were basically amending this ordinance to make it a one year...

Mr. Baggett: Mr. Baggett said that is exactly what is being proposed with the amendment, is to make it a one year. It is commonly what is called a Sunset Provision. In one year the board will either revisit this vote or if it chooses not to then this ordinance would simply die by its own terms.

Mrs. Little: Mrs. Little asked if the amendment passes, but the motion as amended fails, what is the obligation next year.

Mr. Baggett: Mr. Baggett said there is no obligation next year. There would be no prohibition on....

Mrs. Little: Mrs. Little said if they make the right vote tonight then it won't matter next year regardless of the amendment.

Mr. Baggett: Mr. Baggett said he would not get into what the right vote is.

Ms. Joy: Ms. Joy asked if they could caucus because they needed to get this together.

Dr. Zimmerman: Dr. Zimmerman said she agreed that would be great.

Mrs. Dawson: Mrs. Dawson said she understands amendments, but something of this nature she wondered why they were just hearing this for the first time. They are supposed to process this verbiage and make a vote.

Mr. Brown: Mr. Brown said they could caucus right now if they wanted to.

Mrs. Dawson: Mrs. Dawson said that hadn't been suggested before now. She said this came to them out of the blue without any warning. She realized they could submit amendments at any time.

Mr. Brown: Mr. Brown said it just came up at their caucus tonight.

Mr. Baggett: Mr. Baggett said the motion would need to be to take a recess and would need to be seconded and passed.

**MOTION TO RECESS**

Ms. Joy moved, seconded by Ms. Buckner to take a recess for fifteen minutes so they could caucus by prior roll call vote.

Mr. Baggett: Mr. Baggett said there did need to be an amount of time set.

**MOTION CARRIED. (TO RECESS FOR FIFTEEN MINUTES)**

The board returned to regular session.

**QUESTION:**

Mr. Jackson: Mr. Jackson asked Mr. Baggett to explain the term unincorporated areas from the ordinance. He thought there might be a misconception that it says all of Macon County.

Mr. Baggett: Mr. Baggett said the county board only has the authority to legislate in this area with respect to the unincorporated areas of Macon County. It cannot enact zoning regulations with respect to any municipality. So any village, incorporated town or the City of Decatur for example, still has the authority to allow whatever they choose to allow within their jurisdiction. This ordinance if passed, in whatever fashion it is passed, would only apply to those parts of Macon County that are not incorporated. So, they don't belong to any village or city or town. Mr. Baggett asked if that answered his question.

Mr. Jackson: Mr. Jackson said that there would still be the opportunity for the sale.

Mr. Baggett: Mr. Baggett said yes. All the villages and cities within Macon County could still do what they choose to do because they have that power.

Mr. Greenfield: Mr. Greenfield said he had misspoken. Mr. Brown made the motion but there had not been a second.

**MOTION TO SECOND**

Ms. Joy, seconded the amendment to Ordinance O-136-01-20 as stated previously, by prior roll call vote.

**MOTION CARRIED. (TO AMEND ORDINANCE O-136-01-20)**

**MOTION ON O-136-01-20 AS AMENDED**

Mr. Greenfield moved, seconded by Mr. Hogan to approve Ordinance O-136-01-20 as amended which is prohibiting cannabis business establishments.

There was no public comment.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Brown, Drobisch, Greenfield, Gresham, Hogan, Jackson, Kraft, Mattingley, Noland, Smith, Taylor

Nays: Buckner, Cox, Dawson, Holman, Joy, Little, Oliver, Rood, Zimmerman

**AYES = 11**

**NAYS = 9**

**MOTION CARRIED. (O-136-01-20 AS AMENDED)**

**MOTION TO CLOSE SESSION**

Mr. Mattingley moved, seconded by Mrs. Cox to go into closed session pursuant to Section 2(c)(2) of the Open Meetings Act to discuss collective bargaining matters between the county and its employees by prior roll call vote

**MOTION CARRIED.**

**MOTION TO OPEN SESSION**

Mr. Hogan moved, seconded by Mrs. Cox to return to open session by prior roll call vote.

**MOTION CARRIED.**

**NEGOTIATIONS COMMITTEE**

20. Mr. Greenfield presented Resolution G-5089-01-20 which is approving a labor agreement between Macon County and the Illinois FOP Labor Council on behalf of Court Security Officers December 1, 2019 through November 30, 2023.

**MOTION**

Mr. Greenfield moved, seconded by Mrs. Cox to approve Resolution G-5089-01-20 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

**MOTION TO ADJOURN**

Mr. Oliver moved, seconded by Mr. Brown to adjourn until February 13, 2020 at 6:00 p.m.

**MOTION CARRIED.**

Meeting adjourned at 7:04 p.m.