

SITING, RULES & ORDINANCE SUB-COMMITTEE MEETING
December 18, 2014
5:00 P.M.

MEMBERS PRESENT

Jerry Potts
Matt Brown
Tim Dudley

MEMBERS NOT PRESENT

Bill Oliver

COUNTY PERSONNEL PRESENT

Kathy Wade, Health Department
Mike Baggett, State's Attorney's Office
Patty Cox, Board Member
Dianna Heyer, Health Department
Deb Garrett, Env Mgmt
Steve Bean, County Clerk
Bruce Bird, Highway Dept
Jeannie Durham, County Board Office

The meeting was called to order by Chair Jerry Potts at the Macon County Office Building.

MINUTES

Motion to approve the minutes of prior meeting (9-4-14) made by Tim Dudley, seconded by Matt Brown and motion carried 3-0.

CITIZEN'S REMARKS

None

OLD BUSINESS

None

NEW BUSINESS

Kathy Wade explained that all of the ordinances being presented at this meeting are being amended to bring them up to current state code.

Macon County Private Sewage Disposal Ordinance

Kathy Wade explained that this was approved by Chad Mormon at the IDPH (Illinois Department of Public Health) who is in charge of the private sewage disposal program for the State of Illinois. Things required by the NPDES (National Pollutant Discharge Elimination Systems) septic permits were added along with all the new requirements with those setbacks. A section was added that gives access to property. A Holding Tank sections was also added. It allows for a holding tank for 6 months rather than requiring a full-fledged septic system for homes being built where city sewer isn't quite there, but will be within 6 months. Anything in the old ordinance that had the sizing requirements for discharging systems was removed because those systems are no longer allowed.

Mike Baggett added that the ordinance has been signed off on by the IDPH legal which is a requirement of State Statute for County Private Sewage Disposal Ordinances. This is not language that can be easily amended; certainly not by the County without State approval.

Matt Brown made a motion to approve forwarding the ordinance on to the full board with recommendation to approve, seconded by Tim Dudley, and motion carried 3-0.

Macon County Body Art Ordinance

Kathy Wade explained that the original ordinance dealt with both the establishment and the artist. Now the State has come out with State Code licensing the establishment. This ordinance removes all requirements for the establishment since the State Code now handles that. The County licensure stays with the artist. They are now being inspected twice by two different sets of rules. The body artists were very vocal about wanting a section on suspensions so this has been added. It also gives some authority for the underground artists and scratchers locally. If there is enough evidence, we can go after them legally.

Matt Brown made a motion to approve forwarding the ordinance on to the full board with recommendation to approve, seconded by Tim Dudley, and motion carried 3-0.

Macon County Closed Loop Well Ordinance

Kathy Wade explained that the original ordinance was called the Geo-Thermal Ordinance. The State had about 2 sentences dealing with Geo-Thermal Ordinances. Now the State Code has been amended and has a full section on what is called Closed Loop Wells now. The word Geo-Thermal is no longer accepted, so it has been taken out and the wording Closed Loop Well has replaced Geo-Thermal. The State now registers those contractors. That was done by the County under the old ordinance. The same goes for the permit, setbacks, & definitions. Kathy said they were able to keep Food Grade Propylene Glycol in theirs. That was a big sticking point because they wanted Food Grade in Macon County being the only coolant allowed.

Jerry Potts asked if there was a reason why it was changed from Geo-Thermal to Closed Loop. Kathy said it was the Pipefitters union that wanted that phrase & definition.

Mike Baggett added that this was another ordinance that had to go through IDPH's very formal review process. If the County does not have this in affect ASAP, originally 12/31, but Kathy was able to get an extension so it could go to the January 8 board meeting, they are going to override our authority and the County will lose any revenue streams as a result of these applications.

Matt Brown made a motion to approve forwarding the ordinance on to the full board with recommendation to approve, seconded by Tim Dudley, and motion carried 3-0.

Macon County Board Raffle & Poker Run Ordinance

Mike Baggett explained that he had been asked to address multiple concerns of the organizations who will be applying for these licenses as well as concerns of the County Board as to how the applications will be processed and decided upon as well as the County Clerk since he will be responsible for processing the applications.

At one point, it had been discussed to separate out the Raffle and the Poker Run ordinances, but in the process of drafting and because the State Statute is a Raffle and Poker Run Statute as opposed to two separate statutes, Mike said he decided to keep the ordinance consistent with the State Statute. A lot of the regulations with respect to raffles or poker runs are the exact same.

The ordinance, in multiple places, is simply a restatement of State Statute, so we cannot go below that standard. We can become more restrictive, but it appears that the board is not interested in making this a more restrictive ordinance. So, some of the more restrictive qualities of the ordinance passed back in July as a kind of an emergency ordinance have been removed.

The fees were brought up from the prior ordinance to meet what the Bellweather study had recommended. Anything up to \$2,500 in raffles aggregate value would be a \$30 fee. Anything above \$2,500 would be \$31. By Statute, the poker run fee cannot be greater than \$25. The committee had previously indicated that it was interested in issuing combined poker run and raffle licenses since the two can be done together. The \$31 fee is the same as the maximum raffle fee; that is a \$25 fee for the poker run and a \$6 fee for the raffle. The reason for this is because the committee has indicated its preference for keeping the cost of these applications fairly low.

Under this ordinance, a license can be valid for up to one year for either raffles or poker runs. The Clerk expressed concern over how to list all the places and all the times within a year, but the language in the ordinance is exactly what is in the Statute, so we can't ask for less information than Statute requires, but we have not asked for any more.

A lot of details about the membership, the values of the prizes, etc... have been taken out. We are now only interested in whether the estimated aggregated value is less than or more than \$2,500. Beyond that, the County would not be concerned with what the value is.

There is a provision that we maintain a potential Fidelity Bond waiver as long as the organization submits unanimous consent of its membership to that waiver.

The Board indicated its desire to have the authority to issue these licenses delegated to the County Clerk so that applicants would not have to wait a month or longer to have the licenses issued. In this ordinance, the Clerk would have the authority of the County Board to make decisions as to whether to issue a license or deny a license. It is not really a discretionary decision. The Clerk will examine for compliance with the ordinance making sure the applicant is an eligible organization and meet all the requirements. If the Clerk deems them to be ineligible, he can deny the license. In the event of a denial, the applicant would have the ability to appeal to the County Board and it would be up to the Board to decide whether or not to hear it at the next meeting or to hear it earlier at a special meeting.

Matt Brown asked how the application process would go and asked if it would be turned around the day of the application. Steve Bean said it would be as soon as possible within reason. Mike added that the application requests all of the information required by the ordinance and by State Statute. They will have to come in and get the application from the Clerk's Office. If they do that the day they need it signed and they do not have the signatures of the presiding officer and the secretary as required (the signatures have to be notarized) or if they cannot produce the Fidelity Bond or waiver (Unanimous waiver of the entire membership of the organization), then that is not the Clerk's fault. That is not something he will be able to waiver on. So, if they come in without having all the paperwork in order, it could be a substantial turnaround time. But, if they come in and have everything in order, he should be able to look at it and make a decision pretty easily and

quickly. Steve said he thought Mike had done a good job of putting this together and thought it should go well.

Jerry Potts asked about the length of the permit and costs. Mike explained that as long as they have a schedule they can put on the application, it is one license. They do not have to apply for each raffle or poker run as long as they apply for it at the same time. So, if they come in in January and apply for all of 2015 Poker Runs, they know exactly what dates they will hold them and they can put down the key locations and they know whether or not raffles will be done, etc... and all that information is put in the application, then that license would be good for one year for all of those events for the one fee. If they leave one out, that license is not good for that event and they would have to come back and pay a separate fee. The \$25, \$30, or \$31 fee is the fee per application, not per license. If the license is denied, the fee is not refundable.

Tim Dudley made a motion to approve forwarding the ordinance on to the full board with recommendation to approve, seconded by Matt Brown, and motion carried 3-0.

Macon County Board Ordinance to Provide for Permits for Excess Size and Weight Vehicles in Macon County, Illinois

Bruce Bird explained that the transportation committee had voted to recommend approval of this ordinance in September. He explained that this is for Highs, Wides, & Heavies or anything over the legal load of 80,000 pounds. The VAST majority of trucks that are traveling our highways will not be affected by this permit. This is for large pieces of equipment or extra heavy loads that are coming in on our roadways. The permit fee schedule is modeled after other county schedules. A 15 day or usually a one move permit for a single vehicle would be a standard fee of \$50 and a non-standard fee of \$100. The difference between standard and non-standard is 8 axles or less and 25,000 pounds per axle. That gives you an idea of the 80,000 pounds where you're looking at 6 axles with between 18,000 to 20,000 pounds per axle. There is also a permit for a single vehicle and a fleet. There are only one or two people who come in with fleets and this would probably only apply to one that is overweight. The main reason for the interest is because we want to know which structures they're driving the extra heavy loads across. We want to know what route they will take so we can protect the infrastructure to make sure it lasts and doesn't get damaged in the process.

Bruce pointed out that the effective date in the resolution would need to be changed to January 9, 2015 since the County Board meets on the 8th.

Matt Brown made a motion to approve forwarding the ordinance on to the full board with recommendation to approve with the change in effective date, seconded by Tim Dudley, and motion carried 3-0.

CLOSED SESSION

None

ADJOURNMENT

Motion to adjourn made by Tim Dudley, seconded by Matt Brown and motion carried 3-0 and the meeting adjourned at 5:25 p.m.

Minutes submitted by Jeannie Durham
Macon County Board Office