

PROCEEDINGS OF THE COUNTY BOARD

AT A MEETING OF THE COUNTY BOARD MEMBERS OF CHRISTIAN COUNTY ILLINOIS, BEGUN AND HELD AT THE COURTHOUSE IN TAYLORVILLE, ILLINOIS, ON **September 17, 2019**

ATTEST: MICHAEL C. GIANASI, COUNTY CLERK

The following proceeding had and entered at large upon the records of said Board, which is done accordingly in the following words and figures to wit;

Chairwoman Becky Edwards called the board to order and led the Pledge of Allegiance to the flag. Leann Jones of the Taylorville Christian Church gave the invocation.

ROLL CALL

The roll call by County Clerk Michael Gianasi showing all members present except Matt Wells (6:45) did signify a quorum and was declared.

APPOINTMENT – BRIAN WILBUR

Chairwoman Edwards recognized Brian Wilbur for appointment to the open District 2 seat due to the resignation of Chad Michel. The term is through November 30, 2020. *A motion was made by Mike McClure and was seconded by Linda Curtin to appoint Brian Wilbur to the position of County Board member for District 2.* The motion carried. Circuit Judge Brad Paisley administered the oath of office to Brian Wilbur and he took his seat on the Board.

PETITIONS, RESOLUTIONS, ORDINANCES OR PROCLAMATIONS

O2019ZN008 - Special Use Permit For a Chiropractic office in Commercial-2 District. Petitioner Dr. A. Douglas Cyrus requested the special use through the Zoning Board of Appeals for parcel # 11-25-24-300-022-00 at their August 27, 2019 meeting. The purpose is for a special use of a Chiropractic office in the home in Commercial-2 District to revert to an Agricultural-1 District when it stops operating. It was recommended for approval by the Zoning Board of Appeals. *A motion was made by Molly Alaria and was seconded by Charles DeClerck to adopt O2019ZN008 - Special Use Permit For a Chiropractic office in Commercial-2 District.* A roll call vote being called upon polled the following: Clark Pearce, Phil Schneider, Brian Wilbur, Molly Alaria, Tim Carlson, Craig Corzine, Linda Curtin, Charles DeClerck, Becky Edwards, Donna Hibbetts, Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahan, Venise McWard, (15) aye; (0) nay; (1) absent; Matt Wells absent. The motion carried.

ACCEPT COUNTY BOARD MINUTES

Chairwoman Becky Edwards asked for any corrections and to accept the August 20, 2019, County Board minutes. *It was moved by Tim Carlson and seconded by Venise McWard to approve said minutes of the County Board Meeting.* The motion carried.

PUBLIC COMMENTS

Chairwoman Edwards recognized many people were present in the board room and asked that for those who had already spoken to allow others an opportunity to speak. Chairwoman Edwards noted that each speaker would have three minutes for their comments. Nancy Handegan addressed the board regarding the implementation of the Enterprise Zone, TIF districts, and eminent domain, relating to the proposed wind farm area. She expressed concern regarding an area of six hundred acres north of Pana being included in the proposed Enterprise Zone. She said the Municipal Act does allow for eminent domain in TIF's. She also asked for State's Attorney Havera's confirmation as to whether her opinion of the statutes was correct.

Chairwoman Edwards stated that the proposed Enterprise Zone does not include any proposed wind farm areas. Wind projects are categorized by the State of Illinois as a "high-impact" business by DCEO (Department of Commerce and Economic Opportunity). These projects receive many benefits similar to an Enterprise Zone without being part of an Enterprise Zone. She invited everyone to look at the map of the proposed Enterprise Zone and note that there is no wind farm area included.

State's Attorney Mike Havera stated that he would be able to research questions if they were provided prior to the meeting. He went on by stating that he had talked with several knowledgeable people with many years of experience working with Enterprise Zones and none had heard of this 'roundabout' method that was described. State's Attorney Havera did confirm that eminent domain is present in the TIF statute, but it is also not a power that is taken lightly.

Land taken for TIF districts is typically blighted properties. His opinion is the area marked out for the Enterprise Zone does not fit any of the statutory factors that allow anyone to take it by eminent domain. He also stated his opinion that "It just doesn't make sense... There is no logic there." He also stated that businesses site in Enterprise Zones for the benefits and wind farms don't need those because they are "high-impact" businesses. They can site anywhere and receive the same or more benefits. State's Attorney Havera said there is "no trick here" to get an Enterprise Zone, then a TIF, and then use eminent domain.

Nancy Handegan asked about the area in the Enterprise Zone for the wind farm and Chairwoman Edwards responded that it is not included.

Next, Christine Kruley spoke about living the footprint of the Maroa wind farm. She lives in an area that has a 2,500 ft. setback. It sometimes sounds "like an airport." Said it wakes her children and they were told there would be problems like these when the turbines were placed in the area. She stated she was told that she would not have problems with her cell phone or TV. She now watches internet TV because she can't get the antenna to work. These problems are cost to her and not to the turbine company. She also stated her son has developed asthma since the turbines were installed but she cannot prove the turbines were the cause. She said another issue that concerns her is that the National Weather Service recently could not determine if tornadoes were in the area. She said they were told that roads would be better than before, but the contracts state they would be put back the same. She said she didn't think turbines were wrong, just make the setback far enough so that people can live with them too. She suggested one mile. The turbines in her area are 450 ft. tall and the proposed here are 650 ft. tall. She ended by stating she was a homemaker with two children and a husband, and she was not benefiting or profiting from being here.

Matthew Heberling, president of Christian County Farm Bureau spoke next about 20 ILCS 655 where wind farms are included in Enterprise Zones now. He said it just went through the legislature in the last year. Farm Bureau has remained neutral on the topic and are in favor of landowner rights. They want fair setbacks so as not to impact neighboring farms. He said they are concerned about the large amount of acres (40-50 acres) included in the Enterprise Zone for a proposed solar farm and the total acres included in the Enterprise Zone of over 800 acres. They would like to know what the true plan is for all of the acreage and what the ramifications are if a TIF is created and if eminent domain is used, which Farm Bureau would oppose. He asked the county board members to "do their due diligence" and know what they are giving away by going through an Enterprise Zone. He warned them that they would be waiving their zoning rights to the local municipality that has the Enterprise Zone. He said the setbacks in the Enterprise Zone can be waived by the local municipality.

Allan Hans spoke next as a resident in the Macon County wind farm. He said there are 139 turbines in the project and of those, less than ten involve landowners that live on the property. He lives on ten acres and cannot put a turbine on his property. There are seven turbines within a mile of his house, with the closest being 3,500 ft. from the house and 3,200 ft. from the property line. He said, "It is critical that your setbacks go to the property line." He also said that on a 3,500 ft. setback, "It sounds like I'm living next to an airport." He said the noise is annoying and there is shadow flicker from the 480 ft. turbines. With the 650 ft. towers there would be shadow flicker over a mile away. He experienced shadow flicker from a tower that is almost 4,000 ft. away. He ended by stating the 2,640 ft. setback is better than 1,500 ft. and the landowners that choose to participate can waive the setback. Non-participating landowners should be at least 2,650 ft.

Janet DeClerck spoke to everyone by stating "We are all from and for Christian County." She talked about compromise and how the farming community should not be penalized or chastised for not living in town. She questioned why the farm setbacks should be any different than the towns and schools. Farmers provide the food on your tables and they do receive payments and subsidies. She went on to state "Your salaries are increased at different intervals. The farmers' crop prices have not increased for years. The yields have increased, but not in proportion with the increase in the cost of the farmland, the equipment, and the seeds." The farmers are a great part of this community. Many have invested in GPS and with the wind turbines there you cannot use your GPS and you have to farm around them using more fuel. We believe that anyone on the board tonight would not intentionally seek out to hurt anyone. But if you change the ordinances to less than what it should be, the ones to follow will have the option to hurt the future of everyone in this county. Please think cautiously; if they can change what they're doing to the farmers, they can also change what they are doing to the people in town.

Adrian Adcock spoke next stating she lives 2 ½ miles south of a wind farm. She said she does not have any issues, but her friends and neighbors do. She stated the subdivision to the north of her has not continued to develop because "no one is interested to have a turbine in their

backyard." She described her intention to move her family back to Christian County on a family farm, but if the setbacks are not reasonable, they will not move back.
End of Public Comments.

READING OF COMMUNICATIONS

The following communications were presented and read and placed on file in the Clerk's Office.

1. The September Prevailing Wage Report has been placed on file in the Clerk's Office and is available for inspection.
2. The August 2019, Public Defender's Report has been placed on file in the Clerk's Office and is available for inspection.
3. The Treasurer's Reports for the period ending on August 31st, 2019, have been placed on file in the Clerk's Office and are available for inspection.
4. The Local Solid Waste Fees Fund report for August 2019 has been placed on file in the Clerk's Office and is available for inspection. (Read highlights)
5. The August 2019, Motor Fuel Tax Allotment Transaction Reports, dated September 5, 2019, were received for both the County and the Road Districts. (Read highlights)
6. The Illinois Environmental Protection Agency sent two notice of permit applications for the Five Oaks Recycling and Disposal Facility. The descriptions were "Request to operate in the Unit 7-IVC disposal cell" and "Report documenting construction and installation of landfill gas piping, wells and related components." Copies of the notices are on file in the Clerk's office.
7. The City of Taylorville sent Notices to Remediate for properties located at 829 E. Franklin St. and 836 E. Franklin St. The notices are on file in the Clerk's office.
8. Taylorville Mining LLC provided copies of the Illinois Department of Resources renewal applications for permits 358 and 402 related to a proposed coal mine northeast of Taylorville. The renewal applications are on file in the Clerk's office.

APPROVE COMMUNICATIONS AS READ

Chairwoman Becky Edwards called for a *motion by Dale Livingston and was seconded by Donna Hibbetts to accept the communications as read.* The motion carried.

COMMITTEE REPORTS

ACCEPT & FILE COMMITTEE REPORTS AS PRINTED

A motion was made by Tim Carlson and was seconded by Dale Livingston to accept & file the committee reports as printed. The motion carried.

HIGHWAY/BUILDING/GROUNDS/ENVIRONMENTAL/ZONING AND WELFARE COMMITTEE-September 9, 2019-Minutes read by Phil Schneider

CHILLIFEST REQUEST

Patty Hornbuckle, Chamber of Commerce CEO made her annual request for the Chillifest event on the square October 5 & 6. Set up beginning on Friday and clean-up will conclude Sunday evening. *A motion was made by Phil Schneider and seconded by Venise McWard to approve use of the courthouse grounds for the annual event.* The motion carried.

ELEVATOR

Chief Deputy Bruce Engeling and Zach Hicks Maintenance Supervisor discussed briefly the failing courthouse elevator which will not continue to pass inspections if action is not taken quickly. The elevator was installed in 1962 and still runs (sometimes) with old and outdated equipment. Over the years due to the historic nature of the building several updates to codes were grandfathered. The issue is now that the mother board needs to be replaced, which will change most of the elements that were grandfathered. The need is immediate, the cost is most likely over \$200,000 just for the elevator company and the list is long for our staff and/or other professionals to complete prior to OTIS beginning their project. A motion was made by Phil Schneider and seconded by Craig Corzine to act on the elevator rebuild and refer the project to the finance committee. The motion carried.

PUBLIC COMMENTS

Committee chair Phil Schneider called for any public comments. Several members of the audience asked to speak both pro and con to the wind turbine ordinance upcoming topic of discussion. The discussion and comments continued until 8:10 pm. Committee Chair Schneider

made a statement as to the issues and his time spent reviewing and researching and the impacts that a wind turbine may have on home and farms. He stated, “The County Board will have to determine what an acceptable setback is. The county will not live with the consequences, the families will—my personal opinion.”

Discussion began and Phil Schneider read the following from the current wind ordinance.
Set-backs—page 5

1. All WECS towers shall be set back at least 1000 feet from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closes to the WECS tower to the center of WECS tower foundation. The owner of the primary structure may waive this set back require; but in no case shall a WECS tower be located closer to a Primary Structure than 1.10 times the WECS tower height. All WECS towers shall have a setback of 2000 feet from all residential districts.
2. All WECS towers shall be set back a distance of at least 1.10 times the WECSs tower height from public roads, third party transmission lines, and communication towers. Any waiver of any of the above set back requirements shall run with the land and be recorded a part of the chain of title in the deed of the subject property. The County Board may waive this setback requirement.
3. All WCS towers shall be set back a distance of at least 1.10 times the WECS tower height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.

Phil Schneider read the revised setback proposal:

1. All WECS towers shall be set back at least 2600 feet from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closes to the WECS tower to the center of WECS tower foundation. The owner of the primary structure may waive this set back require; but in no case shall a WECS tower be located closer to a Primary Structure than 1.10 times the WECS tower height. ~~All WECS towers shall have a setback of 2000 feet from all residential districts.~~

There was a question as to what is a primary structure. Vince Harris gave the definition as a house not a barn where one or more person occupies the building to live or as a business. Not for storage, or an attached garage, shed or hunting shed.

Phil commented: The waivers are still in place to allow participants to move the setbacks closer if they choose. If the landowners want it closer to the property line or their home, there is a waiver. The waivers place ultimate control locally.

Phil Schneider put into a motion as stated and summarized 2600 feet primary structure and this eliminates the 2000 feet residential with waivers in place. Craig Corzine seconded the motion. A roll call vote polled: Phil-yes, Craig-yes, Linda-no and Charlie-no with Dale absent.

With a tie vote Phil asked the States Attorney if this tied motion would go to the board. Mike Havera responded, “I don't believe it does. I don't know. I mean, if the Board can take it up if it wishes but as far as I know ... never got out of committee.”

Phil asked another question: Can the motion be made at the full board since it was considered here? Mike: The board can put it on the agenda and consider it if they wish. ... I just know with a tie vote it doesn't come out of committee.

The second item as printed in the current ordinance:

2. Page 4 E. Compliance with the Federal Aviation Administration.
The applicant for the WECS shall comply with all applicable FAA requirements and shall provide documentation of compliance to the Christian County Zoning Administrator.

Phil read his proposed changed language.

The applicant for the WECS shall comply with all applicable FAA requirements and shall provide documentation of compliance to the Christian county Zoning Administrator. All WECS towers shall be fitted with Aircraft Detection Lighting Systems (ALDS), or a

comparable technology, suitable for meeting the FAA obstruction marking and lighting requirements.

A motion was made by Phil Schneider and seconded by Venise McWard to amend the Christian County Ordinance Regulating The Siting Of Wind Energy Conversion Systems, Section VI, E. Compliance with the Federal Aviation Administration, with the proposed language as read. Mike McClure asked if the vote was just for the change related to the FAA and Phil confirmed stating it would limit the flashing red lights. The motion carried.

The third item as printed in the current ordinance:

3. Coordination with local fire departments—page 8 section 2
Upon request by the local fire department, the owner of operator shall cooperate with the local fire department to develop the fire department's emergency response plan.

Phil read two options to make a change to the above that would cover any city's expense for training.

Option 1- Upon request by the local fire department, the owner of operator shall cooperate with local fire department or fire departments, to develop the fire department's emergency response plan. The owner or operator shall cover all costs with regard to any training or equipment necessary to execute the emergency response plan.

OR

Option 2

The owner or operator shall submit an emergency response plan approved by the fire department(s) having jurisdiction over the project territory, and shall provide a list of all hazardous materials associated with the project on site with the County EMA and all emergency response agencies having jurisdiction over the project territory. The owner or operator shall cover all costs with regard to any training or equipment necessary to execute the emergency response plan.

Craig Corzine commented that the second option would cover any expense for training and allows the owner/operator to develop the plan. *A motion was made by Phil Schneider and seconded by Vicki McMahon to amend the Christian County Ordinance Regulating The Siting Of Wind Energy Conversion Systems, Section VII, D.2. Materials Handling, Storage and Disposal, with the Option 2 proposed language as read.* The motion carried.

4. Craig Corzine asked to make a motion on setbacks with Charlie DeClerck giving the second as follows:
All WECS towers shall be set back at least ~~2600~~ 2640 feet from ~~any Primary Structure the property line~~. The distance for the above setback shall be measured from the ~~point of the Primary Structure foundation~~ point of the WECS tower property line to the center of WECS tower foundation. The owner of the primary structure may waive this set back requirement; but in no case shall a WECS tower be located closer to a Primary Structure than 1.10 times the WECS tower height ~~All WECS towers shall have a setback of 2000 feet from all residential districts. with waivers.~~

A question was called if this motion had already been voted. The contents are not the same.

A motion was made by Phil Schneider and seconded by Vicki McMahon to amend the minutes of the Highway/Building/Grounds/Environmental/Zoning And Welfare Committee dated September 9, 2019, to reflect the results of the roll call vote as Phil Schneider, Charles DeClerck, Craig Corzine (3) aye; (1) nay Linda Curtin. The motion carried.

Phil Schneider read the revision: This motion passed, and the ordinance shall now read:

All WECS towers shall be set back at least 2640 feet from the property line. The distance for the above setback shall be measured from the property line to the center of WECS tower foundation. The owner of the primary structure may waive this set back

requirement; but in no case shall a WECS tower be located closer to a Primary Structure than 1.10 times the WECS tower height (with waivers).

Discussion:

Chairwoman Edwards stated "I've said it before, and I'll say it again. I cannot convince myself that is okay for me to dictate how a landowner here in Christian County or United States of America can use their land. I also do not believe that my constituents have been properly represented. Yes. I know I have constituents (in this) in this room tonight. I also know that there are others out there that have not been properly represented. Many of the people mentioned at the last committee meeting about the money; it is about the money. It's about the farmer who signed a lease to bring additional revenue to his family. It's about the farmer that is concerned about his property values. It's about the cities of Pana, Assumption, and Taylorville, that want to grow their communities. It's about the thousands of taxpayers that will receive a reduction in their annual property tax over a thirty-year period. It's about the Christian County school system that sees the value of receiving additional funds. And it's about Christian County government who constantly struggles to keep their budgets balanced, keep their employees employed, who continues to experience more and more money taken away from the county in the form of funding from the State of Illinois. Although the county is still required to continue offering the services they're required by law. I know this is a very sensitive situation. I'm piggybacking on Janet who said we need to have all of the information. This is some of the same information we have to take into consideration when we have a conversation about this."

"Now I'll put my hat back on, my Chairman hat. I've had conversations with State's Attorney Havera and asked his opinion on retaining an attorney for the county to assist in preparing the final ordinance, once we reach an agreement. To advise the Board about the many areas of the ordinance that need to be revised to benefit and protect the county. State's Attorney Havera has contacted the Appellate Prosecutor's Office and they have agreed to assign us a minimum of one attorney, but I believe two, at no cost to the Board. So, I am asking the Board to vote 'no' on the motion on the floor tonight so that we can regroup and ultimately bring this issue back to the full Board as a Committee of the Whole to finalize this ordinance."

Board Member Ray Koonce stated he agreed with everything Chairwoman Edwards said and thanked all Board members, no matter which side of the fence they are on. He also commented that he respects all no matter which way they vote. He also thanked those in attendance at the meeting and the previous meetings. He expressed to them that he appreciates their comments and they have been listened to. Ray ended by requesting to the Chair that a roll call vote take place. Board Member Venise McWard stated the 2,640 ft. setback was up to each owner. You can agree with the neighbor to make it a smaller distance. Phil included that it is not just farmland owners but also homeowners in the area.

Chairwoman Edwards added that she was somewhat confused about the waivers and how its applicable and would like an attorney that could be consulted by the Board.

Board Member Matt Wells asked if the 2,640 ft. was passed that night that it could not be changed to 1,800 ft. next month, or six months, or two months? He stated the motion is on the floor and it's the Board's job to decide the rules and what we think people have to do, to do something like this. "If someone wanted to build a gun range in an area, we had authority, we would want to make sure bullets weren't coming out of it."

Board Member Linda Curtin stated she agreed with Becky and Ray and that it's a tough decision. "If we stick with the 2,640 the project is not going to happen. If doesn't have a chance. Just for the record, these people are not coming into May Township, but as I'm a forty-year farmer, and if they did come here into May Township, my husband and I would sign a lease. I would never put any of you in a situation that I wouldn't put myself in as well."

Board Member Dale Livingston expressed that they should do it right and do it right once. "Let's just vote on it and see what happens."

A motion was made by Phil Schneider and seconded by Venise McWard to amend the Christian County Ordinance Regulating The Siting Of Wind Energy Conversion Systems, Section VI, H. 1. Setbacks, with the proposed language as read. A roll call vote being called upon polled the following: Phil Schneider, Molly Alaria, Craig Corzine, Charles DeClerck, Venise McWard, (5) aye; Matt Wells, Brian Wilbur, Tim Carlson, Linda Curtin, Becky Edwards, Donna Hibbetts, Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahan, Clark Pearce (11) nay; (0) absent; The motion failed.

OTHER COMMENTS

Member Linda Curtin asked for clarification on rumor that has been called upon to dispel. The question is there eminent domain and is this a backdoor provision in the Enterprise Zone? She

stated that this disturbs her and her character as a county board member as well as the other county board members. Chairwoman Edwards spoke up quickly to put the rumor to rest. Coincidentally, next week is a hearing on a new application for the Enterprise Zone. An Enterprise Zone cannot enact eminent domain.

Board Member Mike McClure requested a recess and Chairwoman Edwards agreed.

Upon resuming, Chairwoman Edwards addressed the room to summarize that her next actions would be to work with State's Attorney Havera to retain the attorney from the State Appellate Prosecutor's Office to assist the Board.

A question from the room asked if the issue would go back to committee and Chairwoman Edwards' response was "No ma'am. We're going to keep this as a Committee of the Whole. She wants to know if it's going back to committee and my suggestion is, we keep it as a Committee of the Whole." In response to another question, she stated "It will be the Board when we meet again, absolutely." Dale Livingston asked if that decision could be made tonight.

A motion was made by Matt Wells and seconded by Dale Livingston to send the issue back to committee. The motion carried.

A question from the George Hiler asked if the wind farm situation could push ahead and Chairwoman Edwards' responded that "they're not ready for that – not even close." Another question asked if they can continue the project as it stands now. Becky said "Let me put it this way. Let me clarify for you. Yes, they can proceed, but they would have to agree that their turbines would be no higher than 450 [feet]. Do not forget that that's within our ordinance as well. So, there is two different stipulations as to going forward." From the public – "They still can?" Becky – "Yes, if they're going to use 450 feet. Yes ma'am."

EXECUTIVE/PERSONNEL/LIQUOR COMMITTEE-September 16, 2019-Minutes read by Donna Hibbetts

ENTERPRISE ZONE REAPPLICATION

- Prior to the committee meeting, a public hearing was held to address questions concerning the application of a new enterprise zone. For the past 30 years Taylorville and Christian County have participated in offering enterprise zone benefits to both new and expanding businesses. As it expires, any county or entity must apply as if it were their first application. Only 97 enterprise zones will be awarded. A basic question during the hearing was clarified that the enterprise zone and TIF districts do not have the same benefits or taxing benefits. An enterprise zone has several benefits available to businesses in the zone, including sales tax abatement and property tax abatement. The new application includes all of the previous area of the Taylorville-Christian County enterprise zone and additional areas including small areas in Assumption, Pana, and the new Taylorville Industrial Park.

Discussion:

Board Member Venise McWard asked if the wind companies were in the Enterprise Zone would they get the sales tax waived. Becky responded that the wind farm is not in the Enterprise Zone and they would receive benefits under the "high-impact" business program out of DECO. It would not receive any Enterprise Zone benefits. A follow-up question asked who the consultant was, and it is WCR LLC out of Springfield. Warren Ribley heads up that organization. When asked who's paying for the consultant, Mary Renner responded with the Christian County Economic Development Corporation. Mary also responded that CCEDC receives money from private donations – contributions from the business community and private contributions.

A motion was made by Donna Hibbetts and seconded by Vicki McMahan to approve the Enterprise Zone Intergovernmental Agreement which includes Taylorville, Pana, and Assumption. A roll call vote being called upon polled the following: Matt Wells, Brian Wilbur, Molly Alaria, Tim Carlson, Craig Corzine, Linda Curtin, Charles DeClerck, Becky Edwards, Donna Hibbetts, Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahan, Clark Pearce, (14) aye; Venise McWard, Phil Schneider, (2) nay; (0) absent; The motion carried.

A motion was made by Donna Hibbetts and seconded by Ray Koonce to adopt O2019CB009 An Ordinance Establishing An Enterprise Zone Within The City Of Taylorville, The City Of Assumption, The City Of Pana And Christian County, Illinois Subject To The Enterprise Zone Act Of The State Of Illinois –"Taylorville-Christian County Enterprise Zone" And Authorizing

Entering Into An Intergovernmental Cooperation Agreement. A roll call vote being called upon polled the following: Brian Wilbur, Molly Alaria, Tim Carlson, Craig Corzine, Linda Curtin, Charles DeClerck, Becky Edwards, Donna Hibbetts, Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahon, Clark Pearce, (13) aye; Venise McWard, Phil Schneider, Matt Wells, (3) nay; (0) absent; The motion carried.

A motion was made by Donna Hibbetts and seconded by Molly Alaria to adopt O2019CB010 An Ordinance Enacting A Policy Statement Expressing A Commitment To Encourage The Development Of Business Entities And The Hiring Of Individuals Defined As Minorities, Women And Persons With Disabilities Within The West Regional Enterprise Zone. A roll call vote being called upon polled the following: Molly Alaria, Tim Carlson, Craig Corzine, Linda Curtin, Charles DeClerck, Becky Edwards, Donna Hibbetts, Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahon, Clark Pearce, Phil Schneider, Matt Wells, Brian Wilbur, (15) aye; Venise McWard, (1) nay; (0) absent; The motion carried.

CANNABIS SALES TAX ORDINANCE

In order for local governments to tax the sale of cannabis, an ordinance must be adopted three months prior (September 30, 2019) to the law becoming effective which is January 1, 2020. The ordinance to be adopted will meet the provisions of the Illinois County Cannabis Retailers' Occupation Tax Law. This ordinance is only to authorize the tax of 3.75% in .25% increment of the gross receipts from these sales made in the course of that business in the unincorporated areas of Christian County. This ordinance is only about the tax on cannabis, not the approval to sell it or any provisions to sell it in the unincorporated areas of the county. The tax would be remitted to the Illinois Department of Revenue by the retailer. A motion was made by Ray Koonce and seconded by Donna Hibbetts. The motion carried.

Discussion:

Board Member Ray Koonce commented that this was not an endorsement of cannabis use, just that under the state law we either put a tax in place or we don't. Mike McClure asked about the 3.75% rate and that is the maximum that can be set under the state law.

Board Member Matt Wells commented that he is not voting for any new taxes. He said he asked at the committee meeting if the county received money if the sale occurred in the Assumption, Taylorville, or Pana and the answer was "no, we're getting it if it's sold in unincorporated areas." He went on to ask, "So now are we going to have them out there buying dope and drinking beer too?" Matt continued "And we're doing this because the state legalized marijuana. What if the state legalizes sex? Are we going to tax that too? I mean if they legalize prostitution are, we going to come up with a sex tax? Are we seriously going to do this?" He said the Sheriff has told us ten times that this is a gateway drug. "Just because the state says it's legal now were going to jump on it and take the money? And how much money are we going to get out of it?" Becky responded that we do not know how much would be collected and Mike McClure clarified that this is just for the tax and is not to legalize the use. Clark Pearce added that if we vote this down, we could end up with cannabis in the county for sale, but we don't get the tax. Mike McClure asked if the county would eventually vote on the use of cannabis in the unincorporated areas and it was unclear when that would happen. Matt continued "Now I have to say gee, imagine this, we're the only county in the state that doesn't take tax from marijuana. You guys want to improve the economy, keep talking about the Enterprise Zone, bring businesses in. I'd think this would be the place I'd want to be if there's no tax on marijuana."

A motion was made by Donna Hibbetts and seconded by Ray Koonce to adopt O2019CB007 An Ordinance Establishing A County Cannabis Retailers' Occupation Tax In The County Of Christian, Illinois. A roll call vote being called upon polled the following: Tim Carlson, Linda Curtin, Becky Edwards, Donna Hibbetts, Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahon, Clark Pearce, Brian Wilbur, Molly Alaria, (11) aye; Craig Corzine, Charles DeClerck, Venise McWard, Phil Schneider, Matt Wells, (5) nay; (0) absent; The motion carried.

2020 HOLIDAY SCHEDULE

The 2020 holiday schedule was presented for approval. There are no changes, however, the general election in November is included (on even years). *A motion was made by Donna Hibbetts and seconded by Linda Curtin to approve 2020 holiday schedule.* The motion carried.

AFSCME UPDATE

At this day the County and the AFSCME negotiating teams are to resume a mediation meeting Wednesday, September 19.

A motion was made by Donna Hibbetts and seconded by Vicki McMahon to go into executive session pursuant to 5 ILCS 120/2(c)(2) – collective negotiating matters between the public body and its employees or their representatives. A roll call vote being called upon polled the following: Craig Corzine, Linda Curtin, Charles DeClerck, Becky Edwards, Donna Hibbetts, Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahon, Venise McWard, Clark Pearce, Phil Schneider, Matt Wells, Brian Wilbur, Molly Alaria, Tim Carlson, (16) aye; (0) nay; (0) absent; The motion carried.

EXECUTIVE SESSION

A motion was made by Donna Hibbetts and seconded by Tim Carlson to go back into open session pursuant to 5 ILCS 120/2(c)(2) – collective negotiating matters between the public body and its employees or their representatives. A roll call vote being called upon polled the following: Linda Curtin, Charles DeClerck, Becky Edwards, Donna Hibbetts, Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahon, Venise McWard, Clark Pearce, Phil Schneider, Matt Wells, Brian Wilbur, Molly Alaria, Tim Carlson, Craig Corzine, (16) aye; (0) nay; (0) absent; The motion carried.

Chairwoman Edwards thanked the union negotiating team for working together and pulling the contract together. We appreciate your time and effort. Thank you. Ray Koonce also thanked the negotiating team for their hard work.

A motion was made by Donna Hibbetts and seconded by Linda Curtin for the county to accept the tentative agreement as the final agreement with the AFSCME union – Courthouse, Highway, Circuit Clerk, to which terms were made between the two parties. Upon ratification of the union, the details of the agreement will be released. A roll call vote being called upon polled the following: Charles DeClerck, Becky Edwards, Donna Hibbetts, Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahon, Venise McWard, Clark Pearce, Phil Schneider, Matt Wells, Molly Alaria, Tim Carlson, Craig Corzine, Linda Curtin, (15) aye; (0) nay; (0) absent; Brian Wilbur, (1) present; The motion carried.

AUDIT/FINANCE/PURCHASING COMMITTEE-September 12, 2019-Minutes read by Clark Pearce.

INTENT TO ISSUE REVENUE BONDS FOR CHRISTIAN COUNTY INTEGRATED COMMUNITY SERVICES

Sean Flynn of Gilmore Bell spoke to the committee with a request for the County to issue revenue bonds for Christian County Integrated Community Services (CCICS). He noted that two years ago the County assisted Pana Community Hospital with the same type of bonds for their building expansion. For the County to issue the bonds allows the not-for-profit organization at a lower interest rate. Counties are allowed up to \$10 million in bonds to be issues per year. There is absolutely no financial liability to the County. The County has nothing scheduled for bonds in 2019 so there is no conflict. The CCICS is asking for \$8-8.5 million in bonds in 2019 and in 2020 a new allocation would be available to the County. Representatives from CCICS will attend the full board meeting. In October, a resolution will be submitted for the issuance of revenue bonds for CCICS.

A motion was made by Clark Pearce and seconded by Dale Livingston to adopt R2019CB011 Resolution Determining The Intent Of The County Of Christian, Illinois To Issue Its Revenue Bonds To Finance The Costs Of Refinancing A Project For Christian County Integrated Community Services. A roll call vote being called upon polled the following: Becky Edwards, Donna Hibbetts, Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahon, Venise McWard, Clark Pearce, Phil Schneider, Matt Wells, Brian Wilbur, Molly Alaria, Tim Carlson, Craig Corzine, Linda Curtin, Charles DeClerck, (16) aye; (0) nay; (0) absent; The motion carried.

MONTGOMERY COUNTY ETSB DISCUSSION

Micki Ehrhardt, 911 Coordinator for Christian/Shelby Counties, reported that Montgomery County ESTB was interested in consolidating with the Christian/Shelby 911 system. Two years ago, Shelby County came on board with Christian County. Montgomery County would have vote on the transfer which would include the revenues from the 911 surcharge money through the State. More employees and equipment would be required. Ehrhardt noted that 911 consolidations are coming anyway so by accepting Montgomery County would be a first step to

defining a regional group. Resolutions and ordinances will be presented upon the agreement to merge.

Discussion:

Dale Livingston asked about who decides where 911 stays and Craig Corzine responded they stay with us and will have representation on the 911 Board. Matt Wells asked if Montgomery and Shelby together would have five votes and we would have four on the 911 Board. The final makeup of the 911 Board was not set at this time. Craig said the 911 Board would expand to add the new members and not replace existing Christian County members. Craig explained that they are coming to us because of revenue problems and expected future state consolidation requirements. Becky Edwards also discussed that the state could place Montgomery with another county and if they would join Christian we could also benefit with additional revenue. Phil Schneider added that we may have their trained 911 dispatchers join ours which is also a benefit. *A motion was made by Clark Pearce and seconded by Brian Wilbur to proceed in the development to add Montgomery County to our 911 center. The motion carried.*

SEPTEMBER CLAIMS

A motion was made by Clark Pearce and seconded by Tim Carlson to approve September claims as presented. A roll call vote being called upon polled the following: Donna Hibbetts, Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahan, Venise McWard, Clark Pearce, Phil Schneider, Matt Wells, Brian Wilbur, Molly Alaria, Tim Carlson, Craig Corzine, Linda Curtin, Becky Edwards, (15) aye; (0) nay; (0) absent; Charles DeClerck, (1) present; The motion carried.

LANGLEY CEMETERY

A motion was made by Clark Pearce and seconded by Linda Curtin to award the annual allocation of \$300 to the Langley Cemetery custodian. The motion carried.

Mike McClure asked about a second cemetery that the county used to also contribute toward, and Matt Wells suggested there was one by Palmer. Jan Bland stated it was Twin Pines in Pana, but they no longer receive money from the county.

ELEVATOR REBUILD NECESSARY

Maintenance Manager Zach Hicks reported the issues of the request to spend at least \$250,000 on the courthouse rebuild. The base contract amount from OTIS is \$200,114. Zach detailed the main items that was required prior to OTIS actually rebuilding the elevator. The time frame is to approve immediately, OTIS will process the contract and order the equipment. The equipment may take up to 12 weeks to build offsite. During that time frame, the County must complete all of the projects required for the upgrade. Some projects like the electric power, will have to be outsourced and Zach has inquired locally for interest in the projects. During this period there will still be certain days that the elevator will be down for us to do shaft work. Early in January is the projected beginning of at least ten weeks of OTIS installation. Zach, preliminarily has estimated another \$50,000 for the pre-work.

Unfortunately, there will be noise which will be problematic for the courts and then no elevator service during the install. The Circuit Clerk and Judges have already begun to plan and will meet with the other county officials soon. Changes to the courts may incur costs as well.

Treasurer Asmussen explained that last year the County got general obligation bonds with a balance of approximately \$1.2 million. This money was secured for use on only long-term expenditures which this rebuild of the elevator would meet that standard.

Discussion:

Treasurer Betty Asmussen explained the expenditure would go under Capital Improvements and the money would be transferred from the debt bond obligation fund. State's Attorney Havera also commented on the continual maintenance requirements of the courthouse and the jail. He noted that with a ten-week time period without the elevator, he, Judge Paisley and Circuit Clerk Julie Mayer are working on plans to accommodate those that cannot walk up the stairs to attend court. One option is to have some sessions in the law library on the first floor. People who may choose to walk up the stairs that may not be physically capable could open the county to some liability. With the State's Attorney and the Public Defender offices located on the third floor, there will be more people walking the stairs. With this situation and the jail, the issue of liability is always on his mind.

A motion was made by Clark Pearce and seconded by Molly Alaria for the county to spend and for the Treasurer to move bond money to the budget for the elevator project. A roll call vote being called upon polled the following: Ray Koonce, Dale Livingston, Mike McClure, Vicki

McMahon, Venise McWard, Clark Pearce, Phil Schneider, Matt Wells, Brian Wilbur, Molly Alaria, Tim Carlson, Craig Corzine, Linda Curtin, Charles DeClerck, Becky Edwards, Donna Hibbetts, (16) aye; (0) nay; (0) absent; The motion carried.

BUDGET INFO

- South Fork Senior Citizens Director Nancy Roggero recapped their many programs for their group and was thankful for the funds the County of which levies for the senior citizen groups.
- Nancy Martin presented an updated budget for the Health/TB Department. She also noted that her Board had approved a 3% increase to their non-bargaining staff.
- Amanda Cole, County Extension Director submitted the budget and programs for the 7/1/2020 –6/30/2021 and noted that this was a 3.03% reduction from the FY 2019 levy.
- County Clerk Michael Gianasi updated his initial request for new voting machines. He offered options for an election service contract to lease equipment for a six-year period and a two year optional extension to own. He obtained local bank interest rates as well the suggested general obligation bonds for payment of all or partial. The Treasurer will move forward.
- Discussion on salary increases for non-bargaining employees was determined to revert back to a percentage increase rather than an equal increase for all Department Heads and mid-management exempt employees. A motion was made by Venise McWard and seconded by Mike McClure to offer a 2% increase to all non-bargaining management and mid-management employees and no longevity. The motion carried 4-1. Elected officials' salaries are determined prior to their running for office and cannot be changed during their term. The county clerk, supervisor of assessments, treasurer and sheriff were declared at 2% each year in their four-year term.

Clark addressed the Board and stated that he felt that although the vote at committee level took place, there should be more discussion and asked if Venise and Mike would rescind their motion, and both agreed to rescind the motion from the committee. *A motion was made by Clark Pearce and seconded by Mike McClure to rescind the motion brought forth from committee.* The motion carried.

A motion was made by Venise McWard for \$1,000 for all non-bargaining personnel. The motion died for lack of a second.

- Circuit Clerk Julie Mayer described a status of her current chief deputy and asked to promote from with a new chief deputy to overlap for several months. She will include it in the 2020 budget and has money in the current budget.
- Chairwoman Edwards reviewed changes in Office "0" line items.

AFSCME CONTRACT

It was reported that a meeting was set for Wednesday, September 18th with the mediator and the AFSCME union.

NEW BUSINESS:

DELINQUENT TAX BIDS:

Resolutions R2019TR013 through R2019TR020 for delinquent tax bids:

R2019TR013 – 03-07-14-402-001-00 - \$840.00
R2019TR014 – 06-21-34-102-003-00 - \$850.00
R2019TR015 – 15-12-15-210-004-00 - \$1,600.00
R2019TR016 – 17-13-28-223-011-00 - \$1,001.25
R2019TR017 – 11-25-21-122-009-00 - \$3,100.99
R2019TR018 – 11-25-21-212-008-00 - \$1,100.99
R2019TR019 – 17-13-26-301-004-00 - \$1,001.00
R2019TR020 – 17-13-27-241-014-00 - \$850.00

A motion was made by Vicki McMahon and seconded by Mike McClure to approve the resolutions for delinquent tax bids and dispense with the reading. A roll call vote being called upon polled the following: Dale Livingston, Mike McClure, Vicki McMahon, Venise McWard, Clark Pearce, Phil Schneider, Matt Wells, Brian Wilbur, Molly Alaria, Tim Carlson, Craig Corzine, Linda Curtin, Charles DeClerck, Becky Edwards, Donna Hibbetts, Ray Koonce, (16) aye; (0) nay; (0) absent; The motion carried.

RESOLUTION TO PLACE PUBLIC SAFETY TAX QUESTION ON MARCH 2020 BALLOT:

Chief Deputy Bruce Engeling described the purpose of the sales tax and what the money could be spent on. A PowerPoint presentation showed examples of the added sales tax to a sample purchase and the estimated revenue to be collected annually. Decreased revenues and increasing need for space are factors in choosing a local sales tax to fund building a new jail.

Sheriff Bruce Kettelkamp also described that more people with mental health issues and risk of suicide are being held in the jail, which is not equipped to handle the larger numbers. More meth problems and more shootings involving drugs, including one not far from his home, result in more housed at the jail. This is just asking to put the question on the ballot. We're going to ask for the public to help. All that is being asked is for a penny on a dollar for public safety. State's Attorney Havera reiterated the liability of the county for the overcrowding of the jail. He also discussed the expanded criminal code since the mid-1970's when the jail was built and how more requirements are placed on the aging facility. He also discussed the process of moving prisoners to the courthouse daily and the wear-and-tear on the courthouse along with the security issues of mixing the prisoners and the public in the same areas when going to the courtrooms. Mike McClure commented that he didn't think anyone would disagree that a new facility is needed but wished them luck on getting a new tax passed. Ray Koonce asked what could be done in the short term and Bruce Engeling responded that they should understand that they will be over budget with the number of guards and other necessary expenditures for the maintenance and the inmates. State's Attorney Havera also added that they've been setting records for the last four years for felonies filed and dispositions. He said they are already running two months ahead this year compared to last year. The Sheriff also stated that with the legalization of marijuana the population would go up.

A motion was made by Vicki McMahon and seconded by Ray Koonce to approve resolution R2019CB012 Proposition To Be Placed On Ballot For The General Primary Election On March 17, 2020 (1.0% Public Safety Tax). A roll call vote being called upon polled the following: Mike McClure, Vicki McMahon, Venise McWard, Clark Pearce, Phil Schneider, Matt Wells, Brian Wilbur, Molly Alaria, Tim Carlson, Craig Corzine, Linda Curtin, Charles DeClerck, Becky Edwards, Donna Hibbetts, Ray Koonce, Dale Livingston, (16) aye; (0) nay; (0) absent; The motion carried.

CHAIRWOMAN'S OFFICE UPDATES:

Discuss special attorney for wind system ordinance – already discussed during Highway/Building/Grounds/Environmental/Zoning and Welfare committee.

MILEAGE AND PER DIEM REPORT:

A motion was made by Vicki McMahon and seconded by Tim Carlson to approve the mileage and per diem report for the month of September 2019. The motion carried.

| <u>Board Member</u> | <u>Salary</u> | <u>Rate</u> | <u># of Meetings This Month</u> |
|----------------------------|----------------------|--------------------|--|
| Molly Alaria | \$200.00 | \$50.00 | 2 |
| Timothy Carlson | \$100.00 | \$25.00 | 2 |
| Craig Corzine | \$200.00 | \$50.00 | 2 |
| Linda Curtin | \$100.00 | \$25.00 | 3 |
| Charles DeClerck | \$200.00 | \$50.00 | 2 |
| Becky Edwards | \$846.16 | | |
| Donna Hibbetts | \$100.00 | \$25.00 | 2 |
| Ray Koonce | \$100.00 | \$25.00 | 2 |
| Dale Livingston | \$100.00 | \$25.00 | 1 |
| Mike McClure | \$200.00 | \$50.00 | 3 |
| Vicki McMahon | \$200.00 | \$50.00 | 3 |
| Venise McWard | \$100.00 | \$25.00 | 2 |
| Clark Pearce | \$100.00 | \$25.00 | 2 |
| Philip Schneider | \$200.00 | \$50.00 | 2 |
| Matt Wells | \$100.00 | \$25.00 | 2 |
| Brian Wilbur | \$100.00 | \$25.00 | 1 |

APPOINTMENTS/REAPPOINTMENTS:

Public Health Board – 3-year reappointments: July 2019 – July 2022

Dr. Walter (Terry) Cunningham, M.D.

Sheridan Pulley, CPA

A motion was made by Mike McClure and seconded by Linda Curtin to reappoint the members of the Health Board. The motion carried.

Anderson Cemetery Trustee – no ending term

Don Hays-Thomas

A motion was made by Brian Wilbur and seconded by Donna Hibbetts to reappoint the cemetery trustee. The motion carried.

ADJOURNMENT

With no other unfinished business to come before the Board, a *motion was made by Mike McClure and seconded by Molly Alaria to adjourn until **Tuesday, October 15, 2019** for the regular County Board meeting at 6:30 p.m.* The motion carried.