

SHELBY COUNTY BOARD MEETING
September 14, 2023 – 7:00 P.M.

Video archive of this meeting can be found at shelbycounty-il.gov under You Tube

The Shelby County Board met on Thursday, September 14, 2023, at 7:00 P.M. in Courtroom A of the Shelby County Courthouse in Shelbyville, Illinois.

Chairman Robert Orman called the meeting to order. Board member Cody Brands gave the prayer, and all present recited the Pledge of Allegiance.

County Clerk Jessica Fox called the roll. Davis, Firnhaber, and McCormick were absent.

Minutes for the July 13, 2023, board meeting, tabled by Firnhaber at the August 10th meeting were presented for approval. Nelson made motion to un table the approval of the minutes. Tate seconded said motion, which passed by voice vote (17 yes, 0 no).

Williams made motion to approve the minutes from July 13, 2023. Bennett seconded said motion, which passed by voice vote (17 yes, 0 no).

Minutes from the July 18, 2023, special board meeting, tabled by Firnhaber at the August 10th meeting were presented for approval. Nelson made motion to un table the approval of the minutes. Hardy seconded said motion, which passed by voice vote (17 yes, 0 no).

Nelson made motion to approve the July 18 special meeting minutes. Wallace seconded said motion, which passed by voice vote (17 yes, 0 no).

Minutes from the August 10, 2023, board meeting were presented for approval. Cole made motion to approve the minutes. Hardy seconded said motion, which passed by voice vote (17 yes, 0 no).

Minutes from the August 30, 2023, special meeting was presented for approval. Tate made motion to approve the minutes. Brown seconded said motion, which passed by voice vote (17 yes, 0 no).

Chairman Orman announced a vacancy in County Board District #4 due to the resignation of James Matthew Kessler.

Chairman Orman announced a vacancy in County Board District #9 due to the resignation of David Ogden.

At this time, Chairman Orman introduced Christine Strohl from Lake Land Junior College in Mattoon. Strohl gave an informational presentation on the Effingham Regional Career Academy. (See power point attached to these minutes for detailed information on the program). The purpose of the program is to attract, retain, and train workers for high demand careers for area businesses. The program is directed towards high school students, adult learners, and incumbent workers. The 5 career pathways are agriculture, transportation, advanced manufacturing, technology, and healthcare. Dual credit coursework and youth apprenticeships are also offered through ERCA. An endowment has been created to keep this program free or at a low cost to students. Currently this program spans 6 counties and 14 school districts within those counties. The fall semester of 2022 14 students participated in the program. Strohl stated the full curriculum is to be implemented in the fall of 2024. The ERCA will be located in the Patterson building in Effingham. The 2 Shelby County districts currently participating are Cowden Herrick and Stewardson Strasburg. Strohl was thanked for her presentation regarding this very valuable program.

At this time, Chairman Orman called for the County Highway report.

County Engineer Michael Tappendorf reported the County Highway bridge located East of Moweaqua is progressing. It is hoped this bridge might be completed at the end of the month following installation of the guardrails. Tappendorf is working with IDOT to keep 2 bridge projects in Oconee moving. There are a significant number of railroad crossings in Shelby County needing improvements and Tappendorf has been contacted by the ICC to begin reviewing those. Some projects Tappendorf has been able to review, are the Findlay Road, an equipment wish list for the department, and interviewing applicants for the engineering technician opening in the department. Tappendorf told the board he is still learning the layout of the county highways as he has only been on the job since Sept. 1. A bid letting for a bridge in Prairie Township will be held in early October. Tappendorf thanked everyone for their support.

Zoning Administrator Scott McKee addressed the board with some recommendations made by the Zoning Board of Appeals regarding manufactured or modular homes being placed on residential property. McKee reviewed the changes to be made to the Zoning Ordinance, pending board approval. (See list of changes attached to these minutes).

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Williams made motion to approve changes to the Zoning Ordinance as presented by McKee. Brands seconded said motion, which passed by voice vote (17 yes, 0 no).

McKee next presented a 1-year lease agreement for the Zoning/EMA office located in the Shelby County Community Services building at 315 E. Main. This building has housed those departments for many years and SCCS wanted to get a lease agreement in place. The annual cost of the lease will be \$2,400.

Bennett made motion to approve the lease agreement. Cole seconded said motion, which passed by roll call vote (17 yes, 0 n). Ayes: Bennett, Boehm, Brands, Brown, Cole, Edwards, Hardy, Martin, Mayhall, Morse, Nelson, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: none.

Williams made motion to un table the board authorizing the State's Attorney in conjunction with the Sheriff to negotiate terms and conditions of MOU for the FOP Union, which has previously been tabled at the June 27 special board meeting. Bennett seconded said motion to un table, which passed by voice vote (17 yes, 0 no).

Brands made motion to approve the SA and Sheriff to negotiate an MOU with FOP. Williams seconded said motion. Discussion was held. The question was asked why the premium pay was stopped if members of the board were still negotiating? Chairman Orman stated the Sept. 12 budget meeting was not for negotiation purposes, but an off the record meeting with legal counsel, although both the county and the FOP were present at this meeting. Chairman Orman stated due to an impasse being reached, the premium pay was stopped for FOP. The previous FOP MOU was written to say the premium pay would end when the emergency order ended. A grievance has since been filed. Mayhall asked for clarification on what has been said previously, as it appears there has been a breakdown in communication making it hard for board members to understand what has taken place regarding this issue. Orman stated this issue is in the grievance process currently.

Motion by Brands, with a second by Williams to allow the Sheriff and State's Attorney to negotiate an MOU passed by voice vote (17 yes, 0 no).

Williams made motion to approve Kenny Compton to mow the weeks and disc the county farm ground for \$30.00 per acre for 197 acres. Shuff seconded said motion. Discussion was held. Burn down would costs a lot of money and wasn't always effective. There is money budgeted for this purpose and there are a big field of weeds currently on the county farm property. Cole had received a call from Jeff Houska at the Health Department regarding a complaint about the weeds on the county farm ground. An affidavit drafted by the States Attorney Robert Hanlon titled In Re the matter of the County Farm and Clarification of the Public Record was read to the board. This affidavit was signed by Cole and Hanlon and filed with the County Clerk on August 31, 2023.

Whereas Carol Cole and the State's Attorney, Robert T. Hanlon, having conferred with respect to the prior statements made in a prior county board meeting where Mrs. Cole made a statement concerning human bodies may have been buried outside the delineated cemetery site on the property known as the county farm property.

Whereas the State's Attorney placed the County Board on Notice concerning provisions of various statutes concerning human remains.

Whereas, the State's Attorney has assured Mrs. Carol Cole that he will not undertake any action against Mrs. Cole for correcting the record or for her original statements.

Whereas the certain representations were made and spread into the public record.

Now thereof in consideration of the mutual benefit to the public and the clarification of the public record, Mrs. Cole states on oath the following:

1) That the prior representations to the County board in open session were based upon a third-party statement Mrs. Cole has no personal knowledge of any human remains present other than in that area bordered by four wooden posts and purportedly known as the County Cemetery on that portion of the property previously known as the Shelby County Poor Farm or the Current County Farm.

In considerations of the mutual benefit to the public and clarification of the public record, Robert T. Hanlon, States's Attorney for Shelby County, states on oath the following:

- 1) That he will not prosecute any person who relies upon this letter and that should any person cultivate in an area not on the are defined by the wooden posts and purportedly known as the County Cemetery on that portion of the property previously known as the Shelby County Poor Farm or the Current County Farm.*
- 2) Based on this representation, the clarification eliminates any concern that would impede farming on the property.*

Signed,
Carol Cole
Robert T. Hanlon, Shelby County State's Attorney
Missy Parks, Witness

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Board member Bennett stated he wanted on record that the agreement cancels out what Carol said about bodies being buried on the county farm and he feels she purposely lied about that based on what she had said at a prior county board meeting, and statements that had been written in the Herald and Review.

Mayhall stated board members have a certain level of respect and conduct that should be expected in board meetings and requested Chairman Orman intervene when such personal attacks are taken as we owe people more respect than that.

The motion by Williams and second by Shuff to approve Compton to mow/disc passed by roll call vote (17 yes, 0 no). Ayes: Bennett, Boehm, Brands, Brown, Cole, Edwards, Hardy, Martin, Mayhall, Morse, Nelson, Orman, Ross, Tate, Shuff, Wallace and Williams. Nay: none.

Tate made motion to move the county hire Utz and Associates to work with a contractor to do research and provide the following, Window removal and replacement pricing on a per floor basis and address issues related to stucco and price solutions (all to be known as Phase 1). The estimated cost is \$17,500. Ross seconded said motion. Discussion was held. Tate said Phase 2 would be the Window replacement and Phase 3 would be the Stucco replacement/repair.

Tates motion, as seconded by Ross passed by roll call vote (17 yes, 0 no). Ayes: Bennett, Boehm, Brands, Brown, Cole, Edwards, Hardy, Martin, Mayhall, Morse, Nelson, Orman, Ross, Tate, Shuff, Wallace and Williams. Nay: none.

Williams made motion to approve the County Credit Card policy as recommended by the Legislative committee. Edwards seconded said motion, which passed by voice vote (17 yes, 0 no). (Policy attached to these minutes and posted on the county website).

Williams made motion to approve the public body comment policy. Bennett seconded said motion. Brown stated he would like PBC comment to held at the beginning of the meeting. Tate stated he felt PBC at the beginning of the meeting should only apply to agenda items. It was stated the Chairman has the authority to move items on the agenda if they so choose.

A sign-up sheet will be made available prior to the meeting for anyone wishing to speak. Those signing up will be called in order as they appear on the sign-up sheet, anyone not signed up will be allowed to speak after the names on the list have been called.

Each commenter shall have 5 minutes to make their statement.

Any unused time will be forfeited. Time may not be yielded to any other person wishing to speak during public body comment.

The Chairman may extend the 5-minute time limit.

William's motion, seconded by Bennett to approve the PBC policy passed by voice vote (11 yes, 6 no – Boehm, Brown, Cole, Hardy, Mayhall and Morse).

Chairman Orman called for committee reports. (Committee reports are attached to these minutes). Reports were given and items presented for follow-up or for public awareness are as follows:

Road/Bridge Chair Tim Brown reported the Highway Department will need to replace some old equipment in the future as their road grader and Trak hoe are both very old. Brown reported the grader went down during road oiling and Rose Township allowed the Highway Department to use their grader. Brown wanted to prepare the board for these necessary future expenses.

Tad Mayhall discussed the U of I Cooperative Extension and their work in helping with food insecurity issues in the community. They are working very hard on public food supply issues and handed out just under 40,000 pounds of produce last year and 27,000 pounds of lean protein to food banks.

Julie Edwards addressed the lack of childcare and the crisis it is in Shelby County. Economic Development Director Brenda Elder is in the early planning stages of how to alleviate this crisis and would like someone from the county to be involved. Moultrie County has had luck in creating 100 daycare spots with a program they have implemented.

Jeremy Williams, Farm committee member, said there were a lot of questions asked at the Farm Committee meeting held on Sept. 11. Williams stated the public purposed was the use of the land itself.

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Under correspondence a letter from the City of Shelbyville was presented requesting an Intergovernmental Agreement with the County for a City run Dive Team. Orman suggested the Legislative and Public Safety committees make recommendations to the board regarding this request.

Chairman Orman requested the following appointments:

Richard Kuhn – drainage commissioner for Oconee Drainage District for a 3-year term. Edwards made motion to approve the appointment. Ross seconded said motion, which passed by voice vote (17 yes, 0 no).

Joshua Culumber – drainage commissioner for Combined Drainage District #2 Town of Tower Hill for a 2-year term. Hardy made motion to approve the appointment. Brands seconded said motion, which passed by voice vote (17 yes, 0 no).

Nancy Handegan – drainage commissioner for Combined Drainage District #2 Town of Tower Hill for 3-year term. Bennett made motion to approve the appointment. Brands seconded said motion, which passed by voice vote (17 yes, 0 no).

Kent Kuhle – drainage commissioner for Union Drainage District #1 Townships of Flat Branch and Assumption for a 3-year term. Bennett made motion to approve the appointment. Wallace seconded said motion, which passed by voice vote (17 yes, 0 no).

Julie Elbert – drainage commissioner for Combined Clarksburg and Shelbyville Townships Drainage District #1 for a 3-year term. Williams made motion to approve the appointment. Brands seconded said motion, which passed by voice vote (17 yes, 0 no).

There was no old business to discuss.

Brands made motion to pay the claims. Tate seconded said motion.

Discussion was held regarding the \$543.82 late fee assessed to the County by South Central FS for bills the County had not received. Motion and second to approve payment of claims passed by roll call vote (17 yes, 0 no). Ayes: Bennett, Boehm, Brands, Brown, Cole, Edwards, Hardy, Martin, Mayhall, Morse, Nelson, Orman, Ross, Tate, Shuff, Wallace and Williams. Nay: none.

There was no further business to come before the Shelby County Board.

Board Chairman Orman called for public body comment at 8:40 PM.

Public Body Comments/Opinions expressed are summarized as follows:

Many in attendance once again spoke in support of farming the County Farm ground, the loss of revenue to the county due to the farm not being farmed, and the if the county board planned to pay the real estate taxes.

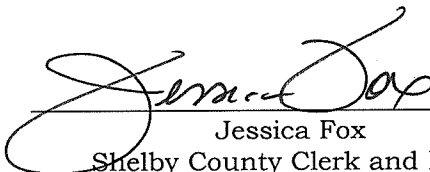
Ideas for use of the county farm was presented with an idea to create a park district, plant a community garden, use the crops to benefit local food banks.

Concerns about comments made by board members on social media, self-accountability, and the conduct and actions of board members were expressed. The board was encouraged to tone down the rhetoric and work together for the good of the county. Comments were made this board is unable to get business done and the way the board behaves is not acceptable.

It was asked if the County had a plan in place should the deputies in the Sheriff's office resign.

The financial status of the County was questioned. Comments made during a recent closed session meeting were referenced and the board was encouraged to release those closed session minutes and recordings so the public could be informed.

Cole made motion to adjourn until the next regular meeting to be held on October 12, 2023. Brands seconded said motion, which passed by voice vote (17 yes, 0 no) and the meeting was adjourned at 9:45 PM.



Jessica Fox
Shelby County Clerk and Recorder