

SHELBY COUNTY BOARD MEETING
September 12, 2024 – 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 12, 2024, at 7:00 P.M. in Courtroom A of the Shelby County Courthouse in Shelbyville, Illinois.

Chairman Robert Orman called the meeting to order. All present recited the Pledge of Allegiance. Board member Martha Firnhaber gave the prayer.

County Clerk Jessica Fox called the roll. Martin, Martz, and McCormick were absent. Edwards (7:10), Mayhall (8:45) and Wallace (7:27) were tardy.

Minutes for the August 8, 2024, board meeting were presented for approval. Cole made motion to approve the minutes. Hardy seconded said motion, which passed by voice vote (16 yes, 0 no).

Morse made motion to remove Orman as Board Chairman pursuant to 55 ILCS 5/2-1003. Boehm seconded said motion. Discussion was held. Morse stated he felt pertinent information had been withheld from board members since the board never received the first audit draft. Boehm stated she could piggyback off what Morse said as Orman had passed out a draft of page 41 prior to this evening's meeting. Orman stated the draft would no longer be a draft once approved by the board. Ross called for point of order twice as the current discussion was not germane to the agenda item. Cole stated she didn't believe Orman was representing the entire board, as not all agenda items go through the committee or the board (farm related items, failure to discuss the separation agreement with Ambroziak, signing the crop insurance paper). Boehm also stated that Orman hasn't communicated with the department heads about the budget process for the upcoming fiscal year. Orman stated he didn't feel he needed to give instruction to the department heads with 3 months left in the fiscal year. Boehm stated it takes 2 people to communicate. Boehm also asked Orman if he had contacted Matt Jones from WCDC about economic development and whether he had contacted Mr. Jones, to which Orman responded no he had not.

Edwards entered the meeting at 7:10 PM

A roll call vote on Morse's motion, with Boehm's second failed by roll call vote (3 yes, 14 no). Ayes: Boehm, Cole and Morse. Nays: Amling, Bennett, Brown, Edwards, Firnhaber, Hardy, Keenan, Nelson, Orman, Otis, Ross, Shuff, Tate, and Williams.

Probation CMO addressed the board to request approval of the Firearm Authorization as she was recently able to get into a 40-hour class. Williams made motion to approve. Ross seconded said motion, which passed by voice vote (17 yes, 0 no).

Wade next requested the board approve an expenditure line in the upcoming budget for use of the Opioid Settlement monies which are currently held in the budget. Several groups are wanting to request the use of these funds. There is currently \$95,688.47 in the general fund. This money must be tracked by receipts, reported to the State, and has very restrictive uses. Wade stated she wanted to make the board aware of this topic so these groups can apply for these funds and put them to use.

Ross made motion to approve the draft audit for FY ending August 31, 2022. Williams seconded said motion. Discussion was held. Chairman Orman referred the board to the page he had passed out prior to the meeting. The difference between page 41 on the page Orman passed out and the page 41 in the audit is a change in #16 commitments which states the county has several such agreements in place that contain commitments beyond August 31, 2022. Orman stated the approval for the draft audit is as presented with the updated page 41. Orman stated that by approving the draft, it becomes the final copy, which is the county audit. Tate said prior boards had been presented with audits at prior meetings that were approved. Orman stated everything is a draft until the board approves it. Boehm asked if the board would approve a final audit with draft removed. Orman said he would send it to the full board when he receives it.

Wallace entered the meeting at 7:27 PM.

Approval of draft audit on Ross's motion with William's second passed by roll call vote. (15 yes, 3 no). Ayes: Amling, Bennett, Brown, Edwards, Firnhaber, Hardy, Keenan, Nelson, Orman, Otis, Ross, Shuff, Tate, Wallace, and Williams. Nays: Boehm, Cole, and Morse.

Wade asked if she could be notified when this audit has been sent to IDOT as there was a very tight window regarding public transportation. Wade asked if anyone had been hired to do the 2023 audit. Orman stated Benford & Brown would be doing the audit ending November 30, 2023. Wade asked for an email so she could be notified that IDOT had received this document. Wade also asked about the budget and who would be doing that. Orman stated the budget committee will be working on the budget and will be holding a series of special meetings for this purpose. Wade asked that Orman please communicate with her regarding the rural transportation.

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

County Engineer Michael Tappendorf reviewed his monthly department report (attached to these minutes) regarding the monthly activities of the Highway Department. Tappendorf also informed the board there would be more agreements coming before the board in the future as IDOT has changed some bridge funding programs and made more funding available for projects.

Tappendorf presented for approval a 50/50 petition from the Big Spring Township Highway Commissioner to line an existing 9" diameter steel pipe with a 40' long pipe. Estimated cost of the project is \$17,121.73 to be shared equally between the township and the county.

Firnhaber made motion to approve the petition. Tate seconded said motion, which passed by roll call vote (18 yes, 0 no). Ayes: Amling, Bennett, Boehm, Brown, Cole, Edwards, Firnhaber, Hardy, Keenan, Morse, Nelson, Orman, Otis, Ross, Shuff, Tate, Wallace, and Williams. Nays: none.

Zoning Administrator/EMA Coordinator Scott McKee addressed the board requesting approval for several items. McKee included supportive documentation for each item, which is attached to these minutes.

The first item discussed was the purchase of a UVT M30T Drone. This drone would be available to all emergency services in the County. The Sheriff already has an employee who is operator certified for drone use and has a drone policy in place. The drone would be kept at the Sheriff's office, so it is easily accessible. McKee said he would also get certified to use the drone. The policy will be forwarded to the liability insurance carrier for the county to make sure the drone and those using it would be covered. McKee also requested ARPA funds in the amount of \$15,231.10 be used to pay for the drone.

Edwards made motion to approve the purchase. Ross seconded said motion, which passed by roll call vote (18 yes, 0 no). Ayes: Amling, Bennett, Boehm, Brown, Cole, Edwards, Firnhaber, Hardy, Keenan, Morse, Nelson, Orman, Otis, Ross, Shuff, Tate, Wallace, and Williams. Nays: none.

ARPA funds in the amount of \$33,803 were requested by McKee for the purchase of a 5-year subscription to IamResponding for all emergency response units in Shelby County. While this software doesn't solve any radio dispatch issues in the County, this is a supplemental dispatching software. McKee explained this is a dispatch software currently used in Fayette and Effingham counties and is better than Active 911 that Rescue and the Dive Team currently use. This software will get all services on the same program. Christian-Shelby 9-1-1 is also in support of this software. McKee stated this program is not self-renewing. After the 5 years the cost for this service will be \$287.00 per year for 100 calls or less, should the County or other agencies wish to continue use of the service.

Firnhaber made motion to approve the subscription. Ross seconded said motion, which passed by roll call vote (18 yes, 0 no). Ayes: Amling, Bennett, Boehm, Brown, Cole, Edwards, Firnhaber, Hardy, Keenan, Morse, Nelson, Orman, Otis, Ross, Shuff, Tate, Wallace, and Williams. Nays: none.

McKee next requested the use of \$7,250 in ARPA funds for the purpose of purchasing a subscription to the service TextMyGov. Edwards made motion to approve the purchase. Ross seconded said motion. Discussion was held.

This service would replace the current Nixel service which is outdated. TextMyGov has a lot of features and can be used by every department to notify the public about various issues in the county such as emergency alerts, voting issues, road closures, lost pets, etc. This program also allows each department to interact with a widget on the program. The initial costs are \$5,750 and \$1,500 for set up. McKee noted that the \$7,250 included an enhanced media package the county probably would not need so that could reduce the costs from \$5,750 to \$5,000 with \$1,500 for set up for a total cost of \$6,500.

Cole made motion to amend the cost of the program from \$7,250 to \$6,500. Tate seconded said motion, which passed by voice vote (18 yes, 0 no).

Continuing with discussion, McKee mentioned there is a 60-day cancellation policy. The company is requiring an initial 3-year contract, after which time the renewal goes to a year-by-year renewal. Ross mentioned he saw an automatic renewal after the initial term of 3 years. In light of this, Edwards withdrew her motion so McKee would have time to get more information about the contract terms of TextMyGov.

Cole made motion to approve the resolution to rezone parcel 1614-28-00-400-004 from AG to GB for Mark Yates to open a welding shop business. Bennett seconded said motion. Both the Planning Commission and Board of Appeals approved the rezoning. This

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parcel is located northwest of Strasburg. Resolution to rezone approved by voice vote (18 yes, 0 no).

McKee presented a text amendment to the Zoning Ordinance for a road use agreement for installation of transmission lines of 34.5 KW or greater. McKee stated this item was supposed to be Kilovolts not Kilowatts. Nelson made motion to amend the agenda item to read kilovolts not kilowatts. Ross seconded said motion. Boehm told McKee it should read KV. Williams made motion to amend the item to read KV. Morse seconded said motion. Amended motion passed by voice vote (17 yes, 1 no – Hardy).

The next text amendment presented was to authorize the Zoning Board of Appeals to have final authority over processing variances pursuant to ILCS Article 5 Division 5-12 Zoning. If the board passes this item and the BOA denies a variance, the landowner will have to go to Court to seek a judicial ruling. The BOA committee is supposed to have 5 members, but currently only has 3. McKee said variances are very specific. Firnhaber commented allowing the BOA to have the final say makes this process more efficient.

Firnhaber made motion to approve this item. Nelson seconded said motion, which passed by voice vote (12 yes, 6 no – Boehm, Morse, Nelson, Ross, Shuff, and Williams).

Ross made motion to approve delegating all responsibilities of the Planning Commission to the Zoning Board of Appeals pursuant to 55 ILCS 5/5-1041 and 55 ILCS Division 5-12 Zoning and to amend the Zoning Ordinance to read as such. Firnhaber seconded said motion. McKee stated all members of the Planning Commission and Board of Appeals are agreeable to this. Motion passed by voice vote (18 yes, 0 no).

Firnhaber made motion to approve the dissolution of the Planning Commission. Tate seconded said motion, which passed by voice vote (18 yes, 0 no).

Williams made motion to approve the transfer of parcel 2013-18-07205-006 from Shelby County as Trustee to Diana Hammond with her bid of \$4,217. Tate seconded said motion. The address of this parcel is 421 W. S. 3rd in Shelbyville. Transfer passed by roll call vote (18 yes, 0 no). Ayes: Amling, Bennett, Boehm, Brown, Cole, Edwards, Firnhaber, Hardy, Keenan, Morse, Nelson, Orman, Otis, Ross, Shuff, Tate, Wallace, and Williams. Nays: none.

Williams made motion to approve the transfer of parcel 2072-00-00-000-016 from the County as Trustee to Thirty Pack Jack with their bid of \$827.01. This parcel is a working interest in an oil lease. Transfer passed by roll call vote (16 yes, 2 no). Ayes: Amling, Bennett, Boehm, Brown, Cole, Edwards, Firnhaber, Hardy, Keenan, Morse, Nelson, Orman, Otis, Shuff, Tate, and Williams. Nays: Ross and Wallace.

Bennett made motion to approve continuing the ARPA \$1.00/hour premium pay and health insurance payment (if wellness checks completed) for all non-union employees from 9/1/24 – 11/20/24. Boehm seconded said motion, which passed by roll call vote (18 yes, 0 no). Ayes: Amling, Bennett, Boehm, Brown, Cole, Edwards, Firnhaber, Hardy, Keenan, Morse, Nelson, Orman, Otis, Ross, Shuff, Tate, Wallace, and Williams. Nays: none.

Mayhall entered the meeting at 8:45 PM

Chairman Orman called for committee reports.

Carol Cole said the Airport would be having a car show and fly in on Saturday, September 14 from 9:00 AM – 2:00 PM at the Airport.

Jeremy Williams stated he had contacted local CPA firm Hottenrott & Associates about conducting an audit of the State's Attorney's office and was waiting to hear back from them.

Under Chairman updates, Orman said he had been in contact with IDOT about having the rural transportation run through a different county. These are pass through grant funds that involve a 6-county area. Orman said if another county took over, rural transportation services would not change. Orman stated he would also contact Benford & Brown and let them know they can start on the 2023 audit.

Chairman Orman requested the following appointments:

Daniel Beyers – drainage commissioner for Ocone Drainage District for a 3-year term. Firnhaber made motion to approve the appointment. Cole seconded said motion, which passed by voice vote (19 yes, 0 no).

Mark Beyers – drainage commissioner for Combined Drainage District #2 Town of Tower Hill for a 3-year term. Bennett made motion to approve the appointment. Cole seconded said motion, which passed by voice vote (19 yes, 0 no).

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James Branyan – drainage commissioner for Combined Drainage District #1 Townships of Flat Branch and Assumption for a 3-year term. Bennett made motion to approve the appointment. Firnhaber seconded said motion, which passed by voice vote (19 yes, 0 no).

Michael Dove – drainage commissioner for Combined Clarksburg and Shelbyville Townships Drainage District #1 for a 3-year term. Cole made motion to approve the appointment. Tate seconded said motion, which passed by voice vote (19 yes, 0 no).

Carol Cole recognized the recent death of Floyd Storm who had served on the Shelby County Board for 32 years.

There was no old business and no ARPA fund update to discuss.

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

Discussion was held regarding the \$8,492.75 in bills submitted by Benford & Brown for legal fees resulting from subpoenas. Those bills had not been submitted to Finance on advice from State's Attorney Woolery to Clerk Fox due to Judge Siemer ruling no sanctions would be due from the County. Orman stated the contract with Benford & Brown says the County must pay those fees.

Ross made motion to have Chris Boehm removed from the courtroom, Brown seconded said motion. Boehm exited the meeting prior to a vote being taken.

Orman made motion to amend the bills to include the following: \$1,500 to Benford & Brown for having to respond to the subpoena, \$274.50 to Connelly Law to review motions filed by Attorney Hanlon and meetings with Benford and Brown, and \$6,655.25 to Netsky Olswang Law Group for attorney services. (Copies of bills emailed to board following board meeting and also attached to these minutes). Nelson seconded said motion to amend the claims to include these bills.

The payment of claims as amended passed by roll call vote (12 yes, 7 no). Ayes: Amling, Bennett, Brown, Firnhaber, Keenan, Nelson, Orman, Otis, Ross, Shuff, Tate, and Williams. Nays: Boehm, Cole, Edwards, Hardy, Mayhall, Morse, and Wallace.

Board Chairman Orman called for public body comment at 9:20 PM.

Public Body Comments/Opinions expressed are summarized as follows:

Social media posts made by elected officials and members of the board
Verbal FOIA requests
Questioned 4 audit drafts received by board
Lack of transparency by the board
Budget meeting comments related to health dept. and budget cuts
Perceived threats by board
Elected positions as public servants
Kindness and respect
Weaponization of FOIA requests
Dive team donations

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

Edwards made motion to adjourn until the next regular meeting to be held on October 10, 2024. Ross seconded said motion, which passed by voice vote (19 yes, 0 no) and the meeting was adjourned at 9:50 P. M.

Jessica Fox
Shelby County Clerk and Recorder