

DON GRAY**SANGAMON COUNTY CLERK**

SANGAMON COUNTY COMPLEX

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WEBSITE: countyclerk.sangamonil.gov**MINUTES****SANGAMON COUNTY BOARD****MAY 9, 2023**

The Sangamon County Board met in Reconvened Adjourned September Session on May 9, 2023 in the County Board Chambers. Chairman Van Meter called the meeting to order at 7:02 p.m. Ms. Fulgenzi gave the Invocation and Mr. Krell led the County Board in the Pledge of Allegiance.

ROLL CALL

Chairman Van Meter asked County Clerk Gray to call the roll. There were 29 Present – 0 Absent.

PROCLAMATION

Mr. Constant presented a Proclamation to Brad Schaive and the Laborer's Disaster Response Team and recognized all of the responders and emergency personnel for their help after recent tornadoes struck in Sangamon County. Mr. Schaive thanked them for the honor on behalf of men and women of the Laborer's Disaster Response Team, which is made up of volunteers. They have grown because of all of you and Jack Campbell and the Office of Emergency Management. They are all the reason their team was successful.

MINUTES

A motion was made by Ms. Williams, seconded by Mr. Bunch, for approval of the Minutes of April 10, 2023 and April 27, 2023. A motion was made by Mr. Fraase to amend the Minutes of

April 10, 2023. On Page 12, the appointment amendment he made should be “Replace the name Larry Kane with Michael Long for the Pleasant Plains FPD”. A voice vote was unanimous for the adoption of the Minutes, as amended.

MOTIONS CARRIED

APPOINTMENTS ADOPTED

CORRESPONDENCE

A motion was made by Mr. Bunch, seconded by Ms. Williams, to place correspondence on file with the County Clerk. A voice vote was unanimous.

PRESENTATION-SANGAMON COUNTY MULTI-JURISDICTIONAL NATURAL HAZARDS MITIGATION PLAN

Senior Planner for Land Use Steve Keenan, with Regional Planning, addressed the County Board. He gave a quick update about the 2022 Sangamon County Multi-Jurisdictional Natural Hazards Mitigation Plan. They are trying to make permanent improvements to the building environment that takes care of the effects of natural hazards before they occur. FEMA wants them to have plans for these, and allows them to do this by giving them grant funds. They have received a grant of approximately \$65,000 to create this plan. This plan allows Sangamon County and its municipalities to check the boxes on certain types of grants, particularly for FEMA. They have to update the plan to continue being up to date with the Federal Disaster Mitigation Act of 2000 (DMA2K). This update looked at changes since the previous plan was adopted in 2017, including land use, demographic, and development trends. They discussed new hazards that came to light, including the 2020 Covid Pandemic and some additional information for wildfires. They reassessed the goals and objectives and allowed the municipalities and Sangamon County to then add, modify, and delete the projects that were in the previous plan to adjust the mitigation strategy for each community to reflect what is on the ground with current political realities.

They created a task force and asked 27 municipalities, Sangamon County, and others whether they wanted to participate, and 21 accepted the call. They also had various public, private, and non-profit entities that work with hazard mitigation, and several sent representatives to their meeting. They had multiple opportunities for public participation. There were seven meetings, and a survey was done with 161 responses. They took all the data that came in from these meetings, and they wrote a plan in the fall of 2022. There was a 30-day comment period after the Task Force had received the draft plan. There was also a social media presence, and the plan is still on the website for the hazard mitigation process. There were 23 participating jurisdictions. If Sangamon County adopts the resolution tonight, they would be the 10th out of these 23. They had 21 municipalities, the Sangamon Water Reclamation District, and Sangamon County. These are combined with 26 other Task Force members from various different backgrounds that have an interest in hazard mitigation.

The plan is very modular and has six sections. The first part is an introduction that talks about background information for Sangamon County. They went into more detail about the planning process. They discussed the 11 things on the risk assessment. They looked at the hazard mitigation strategy. There is a short section that talks about how the plan will be carried out for the next five years by a work group that will be assigned and will meet twice a year to carry it out. There is a lot of important information in an appendix that is important to FEMA. They have completed the first four steps in the process, and are asking that Sangamon County adopt the Hazard Mitigation Plan. FEMA has approved this plan as of April 4th. The next step is for all of the communities, including Sangamon County, to approve this. They recommend that the Sangamon County Board approve Resolution 3, and adopt the Hazard Mitigation Plan for unincorporated Sangamon County.

RESOLUTION 1

1. Resolution approving a Joint Funding Agreement with the Illinois Department of Transportation for a project on CH31 in Riverton and Spaulding.

A motion was made by Mr. Fraase, seconded by Mr. Hall, to place Resolution 1 on the floor. Upon a roll call vote, there were 28 Yeas – 0 Nays.

MOTION CARRIED

RESOLUTION ADOPTED

RESOLUTIONS 2 – 5

2. Resolution approving the FY2023 township bituminous material MFT contracts.

A motion was made by Mr. Fraase, seconded by Mr. O’Neill, to place Resolution 2 on the floor. A motion was made by Mr. Bunch, seconded by Mr. Madonia, to consolidate Resolutions 2 – 5. Chairman Van Meter asked County Clerk Gray to read Resolutions 3 – 5.

3. Resolution adopting the Sangamon County Multi-Jurisdictional Natural Hazard Mitigation Plan.
4. Resolution approving the procurement of goods and/or services from ConvergeOne for the purpose of refreshing the County’s Wi-Fi in the amount of \$210,000.
5. Resolution to transfer a loan of certain historical documents pertaining to the heritage of Sangamon County from the Office of the Sangamon County Recorder to the Abraham Lincoln Presidential Museum.

A voice vote was unanimous on the consolidation. A motion was made by Mr. Preckwinkle that the roll call vote for Resolution 1 stand as the roll call vote for Resolutions 2 – 5, as consolidated. A voice vote carried. Ms. Small voted present on Resolution 3.

MOTIONS CARRIED
RESOLUTIONS ADOPTED

WAIVER OF TEN-DAY FILING PERIOD

A motion was made by Ms. Williams, seconded by Mr. Bunch, to waive the ten-day filing period. A voice vote was unanimous.

MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED

RESOLUTION 6

6. 2023-001 – Maureen & Shaine Gorwill, 501 N. Dirksen Parkway, Unit B, Springfield – Granting Variances. County Board Member – Tom Madonia, Jr., District #9.

A motion was made by Mr. Stumpf, seconded by Mr. Madonia, to place Resolution 6 on the floor. A motion was made by Mr. Stumpf to waive the reading of the professional staff’s report. There were no objections.

Mr. Hall stated he feels gaming is becoming too much in the area he represents and too saturated, so he is going to vote no on Resolution 6. The gaming bill passed by the Capitol was drafted by the Lobbyists who were in support of the gaming and eventually ended up owning a few of the places where they have gaming. If we don’t adopt the energy resolutions then we are going to be in the cross hairs of the State, which is being ran by the Lobbyists. I am going to vote no on Resolution 6 just to send a message back to the Capitol that enough is enough.

A voice vote carried on the motion to adopt Resolution 6. Mr. Hall voted Nay and Mr. Cahnman voted Present.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 7

7. 2023-004 – Robert & Jamene McCall, 6956 Farmington Cemetery Road, Pleasant Plains – Granting Variances. County Board Member – Tom Fraase, Jr., District #1.

A motion was made by Mr. Stumpf, seconded by Mr. Fraase, to place Resolution 7 on the floor. A motion was made by Mr. Stumpf to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous for the adoption of Resolution 7.

MOTIONS CARRIED

RESOLUTION ADOPTED

RESOLUTION 8

8. 2023-005 – Stetson Solar, LLC, 2500-2600 Block of State Rt. 104, Pawnee – Granting Conditional Permitted Uses and Variances. County Board Member – Jeffrey Thomas, District #4.

A motion was made by Mr. Stumpf, seconded by Mr. Thomas, to place Resolution 8 on the floor. A motion was made by Mr. Stumpf to waive the reading of the professional staff's report. There were no objections.

Mr. Stumpf explained they would be making decisions on this resolution and on 9, 10, and 11. He reminded them back in 2009 when they started developing their ordinances for wind and solar operations in Sangamon County, that they developed them in sync with the Sangamon County Farm Bureau, Regional Planning, the State's Attorney, and had many public hearings to develop the strictest wind farm ordinances in the entire state and the 4th strictest solar farm ordinances in the state. With that being said, everything they built over the years was worked on with the community and with the agricultural area as well. It wasn't perfect, and 50% of the people have said they do not like it and don't want any of this in their area. You will also see that 50% of the residents and farmers do want this, but do not want their property rights infringed upon as to what they can and cannot do with their property. They fight that all the time to make sure they have something that is good for all of Sangamon County, and it is very hard to juggle.

Within the last six to eight months, State Legislature approved a statewide ordinance that takes most of the operations out of their hands. There were many things they had to implement within 120 days after the Governor's signature. There are many ramifications if they do not approve this. There are many counties throughout the state that never had an ordinance in place for wind and solar at all. Sangamon County was ahead of the game, and had things put in place that were good for our community. If we had not had these in place, we would have a solar farm in our county right now. We will hear a lot of talk about this tonight. No one likes that the State stepped in and diminished and demolished many of our ordinances. He understands why they do not like it. It is "Rage against the machine". They should not be telling us what to do in our community, but they have.

The State’s Attorney, attorneys, and Regional Planning will tell us why we need to go along with this. The three solar farms coming up tonight meet all of the criteria for the state law set by the Governor in January. They also meet all the criteria they had set in place for Sangamon County. The time is now to implement the text amendments.

Chairman Van Meter asked for a roll call vote on the adoption of Resolution 8. Upon the roll call vote, there were 21 yeas – 7 Nays. Those voting Nay were: Mr. Constant, Mr. Fraase, Mr. Hall, Mr. Mendenhall, Mr. O’Neill, Mr. Preckwinkle, and Mr. Tjelmeland.

MOTIONS CARRIED

RESOLUTION ADOPTED

RESOLUTION 9

9. 2023-006 – River Maple Solar II, LLC, 20-30 Block of Ann Drive, 50-60 Block of Wind Cave Drive, and 6400-6500 Block of East Walnut Road, Springfield – Granting a Conditional Permitted Use. County Board Member – David Mendenhall, District # 3.

A motion was made by Mr. Stumpf, seconded by Ms. Williams, to place Resolution 9 on the floor.

Seth Uphoff, at 5901 N. Prospect Rd., Peoria, IL, addressed the County Board. He is with the team from Trajectory Energy Partners. They are an Illinois based solar developer. On behalf of the company, they have multiple members of the team present including the founder and managing partner Jon Carson. They also have a couple of expert witnesses who testified at the ZBA hearing including Andrew Lines and David Casey. They are here to answer any questions that come up. They also have landowner Randy Martin who is here in support of this. This project, River Maple II was presented to you for a recommendation for approval from the ZBA with a 4 to 1 vote. It is a project that meets all the requirements of your ordinance. There are the new state regulations they will be dealing with later tonight, and this exceeds those by two to three times, because Trajectory chose to follow your existing ordinance. As mentioned, you put in a lot of work to create your existing ordinance and had certain requirements. This project meets every one of those requirements. You said, if you do these things, you would get a permit. Trajectory has done those things and are now asking for you to grant them a permit in accordance with your rules. This is a project they believe will inject great economic benefits into the community. In particular, the County will get some money, as well as the local taxing bodies, and especially the Rochester School District. You all should have received a packet that has some of the projected estimations of what they think some of those tax revenues would be. One of the most important issues is landowner rights. This is a project where a landowner came and asked what the requirements are and wanted to meet those requirements. In addition to that, here is a project that doesn’t have any sound pollution, no light pollution, no odor pollution, and doesn’t affect any other property owners directly. It doesn’t cause any physical harm,

and because of that and the economic benefits it brings, we are asking you to grant approval of the permit.

Mr. Mendenhall stated at the ZBA hearing Mr. Martin was asked how comfortable he would be with a solar farm close to his house, and his answer was "It depends on where it's at". Well that came across as he thinks it's okay if he doesn't see it. Mr. Uphoff stated his answer was it would depend on where it's located, and he thinks he is referencing setbacks. You could have very short setbacks or you could have hundreds of feet like this project. Mr. Mendenhall stated where this one is you could have a ¼ mile setback. It is still going to have a negative effect on these property owners. You, I, and everybody else would not want to step out of their back door and look at this.

Mr. Mendenhall asked where the solar panels are made now. Mr. Uphoff stated they get sources from different locations. He can't tell you exactly where they will be getting these from, but currently Trajectory is buying panels from Georgia.

Mr. Mendenhall asked how many other projects they have that are this close to a major subdivision. Mr. Uphoff stated one of the team members could answer that. Managing Partner of Trajectory Jon Carson stated they have over two dozen that are closer than this. Counties all across the state often have 50 or 75-foot setbacks. One of their projects is right inside the City of Rockford with housing on three sides. They have talked with all those neighbors and held open houses. You see these projects integrated in neighborhoods all across the state.

Mr. Mendenhall asked if they would provide training for the local fire departments and EMS, or buy equipment for them if needed. Mr. Carson stated they would and it is something they do routinely. If you wanted to add that as a formal condition, they would absolutely support that.

Mr. Mendenhall stated he had made a comment at the ZBA hearing and asked if they had done any local assessments for negative property value assessments, and the answer was yes. Looking at it today, he sees where you have done ten "local" property assessments in Michigan, Virginia, North Carolina, New York, Colorado, Indiana, and one up by Chicago. None of those are local. Why haven't you done anything in Macon County, Shelby County, or Logan County where you can determine if there are any negative property values? Andrew Lines, who is one of the authors of that report, answered the question. He stated we can't make up data, but can only look at data. They specifically look at transactions that are immediately touching the borders of existing solar facilities. The idea being, the ones closest to the homes would show the most impact, if there was an impact. They have looked at all the larger scale utility projects in the State of Illinois and they did not have transactions for them to study when they looked at them. They did find other solar farms, which are the ones included in the report, that have varying degrees of rural and suburban localities. There are people that are close or are adjacent. That is only one part of the report. The other two parts of the report talk about other academic studies done and show minor or no impact at all. They had conversations with assessors across the country, including several here in the State of Illinois.

Mr. Mendenhall stated what they are saying then is this information is not accurate because it is not local. Mr. Lines stated he did not say it wasn't accurate. Mr. Mendenhall stated he has property in Logan County and is feeling the negative property values. You cannot rent the house because no one wants to look at it. Mr. Lines stated that is a wind farm and not a solar farm. He disagreed with what Mr. Mendenhall said about the information being inaccurate.

Mr. Mendenhall stated everyone has a right to develop his or her property. There are many things you have to do concerning adjoin properties and neighbors, whether you are building a cattle feed lot or a seed company, which are things he has been through. No one wants to look out their back door and see this. You are going to dangle a bunch of money to the Springfield Sangamon County Growth Alliance. He asked if they are going to dangle a bunch of money to all these adjoining property owners. Mr. Uphoff stated when you are talking about what people want to look at, and in your opinion, what is going to negatively impact property values, you are talking about subjective issues because they don't want to look at it. There are a lot of times when people think their neighbor made a bad decision with the color of their house, how they designed their garage, or they don't like how they keep their yard, and they don't like it. There are a lot of things people don't like. Some people like to live out in the country near livestock and some people don't. Those are subjective issues. When it comes to this particular solar project and how it is being designed and the site plan being presented, you have an area that is self-contained, an area that has extensive setbacks, and doesn't have any direct impact on the neighboring properties in terms of the public health, safety, and welfare of those citizens. Contradictorily, neighbors talked about how farmers spraying their herbicides and pesticides would kill their gardens. This is not going to do anything negative like that to the adjoining neighbors. These are subjective issues. The ordinance you put forward has objective issues they have to comply with, and this project meets those objective requirements that your body laid down for someone to obtain one of these permits. That is what they are focusing on.

Mr. Cahnman stated you have a vegetative screening on the corner of this property. What side is the longer side? Mr. Uphoff stated it is the west side of the solar farm. Mr. Cahnman asked if the developer would be willing to extend that vegetative screening across the entire west side of the solar farm. Mr. Uphoff stated they would. Mr. Cahnman asked if it would cost around \$40,000. Mr. Uphoff stated it would. Mr. Cahnman asked if the developer would not be opposed to amending the resolution to extend the vegetative screening on the west side. Mr. Uphoff stated they would not be opposed.

Mr. Fraase asked if the energy from these solar panels stays in Sangamon County. Mr. Uphoff stated it stays in the State of Illinois. They are primarily targeting Ameren customers first. If they fill all those subscriptions with Sangamon County residents then that is it. If they don't fill it, then they would go outside of Sangamon County but would stay within the State of Illinois. Mr. Fraase asked if it would reduce their rates. Mr. Uphoff stated it would reduce rates for the subscribers.

Mr. Krell stated he is concerned with how well they would maintain the areas. He asked how they would control the evasive plants and things. Mr. Uphoff stated Trajectory would use a local landscaping company. They would maintain the fence line and ground. Monthly maintenance would be done to keep the weeds down. There is a pollinator friendly score you can get when creating these projects. There is a score you have to get from IDNR and other agencies where you have to meet certain requirements.

Ms. Scaife asked if there would be a fee for the subscription. Mr. Uphoff stated there would be no fee to subscribe. There would be a flat percentage amount off of your electric bill.

Mr. Mendenhall asked who would be responsible with all the destruction if there is a major fire or tornado. Mr. Uphoff stated the company would be and they would carry insurance for this.

Ms. Scaife asked if any Sangamon County resident could subscribe. Mr. Carson stated only if they are an Ameren customer. They do not have to live in Sangamon County. They will start with Sangamon County and then go to neighboring counties.

Ms. Small asked if any resident in Sangamon County could apply for this. Mr. Carson stated only an Ameren customer could.

Steve Jones, opponent, residing at 46 Longview Drive, Springfield, addressed the County Board. He is representing 93 residents of his neighborhood who signed a petition in opposition to this. His neighborhood consists of two subdivisions and is home to 150 families. Each home is within a half-mile distance of the proposed site. Three things could impact each home. They include the loss of character, peacefulness, and beauty of their neighborhood, lower property values, and unknown long-term exposure and health risks. The bottom line is this is all about proximity. They do not want to be completely surrounded by solar farms, and that is a possibility. They are not against alternative energy, union jobs, or tax revenue. Move it a mile and half southeast of the closed gravel pits and all opposition goes away immediately. They don't know what to believe or not to believe from the solar farm company. They told numerous people who attended the open house in Rochester that they could save a guaranteed 20% on their electric bill by signing up with these community solar farms. At the zoning hearing, you told people it was more like 10%. He is completely confused. All he keeps hearing about are all these temporary union jobs created by building this solar farm. He wants to know how many permanent union jobs will be created to maintain them. What happens to the solar farm when a new administration comes in or tax incentives disappear and are reallocated to something else? You say there are no good studies that show solar farms reduce property values. He sent a link to all the County Board members that references an academic study that begs to differ from this.

Mr. Cahnman asked if he lives west of the solar farm. Mr. Jones stated they do. Mr. Cahnman asked if it would be better for them if they have vegetative screening on the whole west side of the solar farm. Mr. Jones stated it would.

Mr. Bunch asked Mr. Jones to talk more about the property values going down. Mr. Jones stated there was an academic study that just came out and they looked at six different states. They came up with the fact that with three of the states there was not enough information to say one way or another. In North Carolina, it was a reduction of 5.8%. In New Jersey, it was 5.6%. In Minnesota, it was 4%. They did conclude when you put a large solar farm that is 4 to 7 megawatts and has 12 acres or more in a rural setting previously used for agriculture, it does make the home and property values go down the most.

Mr. Lines gave some information on the study. With six states, there were 1.8 million transactions they reviewed, and 68% of those are in the three states that found zero impact.

Mr. Uphoff stated Sangamon County put in place requirements in their ordinance and we met those requirements, and exceeded the new state requirements. Trajectory has been willing to work with the neighbors and put vegetation down the west side if it is requested. They want to be a good neighbor and will work hard to make sure the property is well maintained and complies with all of your nuisance ordinances. He believes this is really a landowner rights issue. This will not directly affect the public health, safety or welfare of the citizens. He asks that you approve this project.

Chairman Van Meter asked what would happen to the project if the tax incentives that are supporting their project were somehow revoked. Mr. Carson explained one of the advantages of solar is all of the investments are up front. If those were revoked five years from now, it would not affect the project. If he is wrong, they will have placed a bond with Sangamon County to remove the system under any circumstances. Chairman Van Meter stated Mr. Jones said there were three major issues the community is concerned about. One of them is the potential health risks associated with solar farms. He asked Mr. Carson to address those concerns. Mr. Uphoff explained there is a report from a health & safety expert that was presented to the ZBA. It talks about all the potential concerns that could be raised and how those are not legitimate concerns.

Ms. Small asked if this information is not from Sangamon County but is from other areas and states. Mr. Uphoff stated the information is from the studies of the panels. Ms. Small asked how they would know if these panels coming from overseas would have something in them that is detrimental to our health. Mr. Uphoff stated all the panels sold in the United States have to be certified. There are laboratory certifications and stamps of approval. They can't be sold in the United States without them.

Mr. Madonia asked if there would be any benefit to the Rochester School District. Mr. Uphoff stated there would be and these are just projections. The estimates are on Page 14 of the slideshow

handout presented. For Rochester School District #3A, current taxes are \$1,297. In year one, it would be over \$19,000 per year, and over the life of the project it would be over \$400,000 they would receive.

Ms. Fulgenzi asked if there would be any benefit agreements done with communities to provide some added value because they are coming in. Mr. Uphoff stated they have an agreement with their community foundation that would pay \$400 per megawatts, \$2,000 per year for 20 years once the project is energized. They do often work with community foundations or other nonprofits. He thinks Sangamon County has been forward thinking on that, and they have made that commitment for both projects.

Steve Jones gave his rebuttal. He stated this company is only six years old. About 65% of all companies formed will fail within 10 years, so that is why he is worried about what will happen. He asked if the bond they are posting covers inflation. The other concern is the unknown health risks since this is new territory and will be stuck right in our back yards. He asked if anyone in this room knows anything about Johnson & Johnson baby powder. They found out that it causes cancer. What are they going to find out 20 years from now with this? They do not know.

Mr. Stumpf asked if the bond keeps up with the cost of inflation. Molly Berns with Regional Planning stated it does. There is a review after five years, and that is already in the ordinance, and will carry forward to any new text amendments.

Assistant State's Attorney Joel Benoit asked if there is financial assurance provided under the current ordinance. Mr. Uphoff stated there is.

A motion was made by Mr. Cahnman, seconded by Mr. Maguire, to amend Resolution 9 to require the company to add a special vegetative screening along the entire west border of the project. Chairman Van Meter asked for a roll call vote on the amendment. Upon the roll call vote, there were 16 Yeas – 8 Nays – 4 Present. Those voting Nay were: Ms. Deppe, Ms. Douglas-Williams, Mr. Forsyth, Mr. Hall, Mr. Mendenhall, Mr. O'Neill, Ms. Small, and Mr. Tjelmeland. Those voting Present were: Mr. Bunch, Mr. Constant, Mr. Krell, and Mr. Miller.

A motion was made by Mr. Mendenhall, seconded by Mr. Cahnman and Ms. Williams, to amend Resolution 9 to add the following: The company will provide appropriate training and specialized equipment to all affected EMS districts. A voice vote carried on the amendment. Mr. Bunch voted Present.

Chairman Van Meter asked for a roll call vote on the adoption of Resolution 9, as amended. Upon the roll call vote, there were 13 Yeas – 14 Nays – 1 Present. Those voting Nay were Mr. Constant, Ms. Deppe, Ms. Douglas-Williams, Mr. Forsyth, Mr. Fraase, Mr. Hall, Mr. Krell, Mr. Mendenhall, Mr. Miller, Mr. O’Neill, Mr. Preckwinkle, Ms. Scaife, Ms. Small, and Mr. Tjelmeland. Those voting Present were Mr. Bunch. Resolution 9 was denied.

MOTIONS CARRIED

RESOLUTION DENIED

RESOLUTION 10

10. 2023-007 – River Maple Solar III, LLC, 1700-2000 Block of Jostes Road, Rochester – Granting a Conditional Permitted Use. County Board Member – David Mendenhall, District #3.

Chairman Van Meter placed Resolution 10 on the floor.

Seth Uphoff with Trajectory Energy Sources stated this project is in a different location and is not adjacent to a rural subdivision. Trajectory made several accommodations and adjusted its site plan to try to accommodate the neighbor’s needs and still put forward the project. This is going to bring economic development to Sangamon County. In addition to the tax benefit, there is also the economic benefit of the jobs and purchases that will occur here in Sangamon County. This is a very small amount of farmland when you look at it in comparison to the total number of acres being farmed in Sangamon County. They have put vegetative screening on all sides that was requested. He asked them to give this project special consideration, as it is different from the last request. He asked that they vote to approve this.

Mr. Mendenhall stated the negative impact on agriculture is not just this tiny spot. It is huge because there is more coming. It is not just taking tillable land out of production. It has a negative effect on the seed companies, the fertilizer dealers, and grain elevators. As you continue to take productive land out of production, it becomes a bidding war for the farmers that are left. Mr. Uphoff stated your obligation is to determine this project on its own merits and not on the merits of other projects that may come in the future or other projects from the past. It has been a common refrain that this is going to be a “tsunami” of solar, but there is a limit.

Matt McCann, objector residing at the corner of Jostes and Gall Road, addressed the County Board. This project is 75 feet from the front of his house, and is 25 feet from the front of his property line. It definitely will have a negative effect on the resale value of his home.

Chairman Van Meter asked what the setback requirement is. Trustin Harrison, professional staff, stated it is 50 feet from a perimeter, with 250 feet to a residence, and if they are over 500 feet they do not have to do a vegetative screening. A fence can be placed on the property line. From the centerline of the road back is 40 feet. They have agreed to meet the standards of the ordinance. The

distance from the panels to his residence has to be a minimum of 250 feet. Mr. McCann stated he does not see how that would not have a negative effect on the resale value of his house.

Ms. Fulgenzi asked if they vote this down tonight and they have a new ordinance to pass, if they would have to comply with the setbacks they applied under or with the new law. Assistant State's Attorney Joel Benoit stated they would have to comply with what is in the new state law. It is based on the time they filed their application. They have complied with the old ordinances. They didn't have to, but they did. They can choose not to comply with the old ordinances.

Mr. Cahnman asked on the last ordinance they rejected, if the developers would sue us and win then they could build the project without any of the County requirements. Joel Benoit stated he hasn't researched this enough, but his opinion is they would have to comply with the new state law.

David Jostes, objector, residing at 1660 Jostes Rd, Rochester, addressed the County Board. As a kid, there is a hill in the middle of that property he played on and he dreamed of building a home on that hill. Now 58 years later, he has moved into his retirement end of life home on that hill. They positioned that home for two views. He has a very nice view of the Sangamon River bottoms and a lake, and to the south, he has a wide-open view of a one-room schoolhouse that his dad attended. With this project, he would no longer be able to see that schoolhouse. It is taking away that view and potentially taking away the other view. This is something he saved for, planned and dreamed of, and it is being taken away. Even though they have met all your requirements, as Sangamon County Board members, you have an obligation to think about the people in Sangamon County and how it is affecting their lives.

Brian Campbell, objector, residing at 2200 Jostes Rd, Rochester, addressed the County Board. He stated he retired as an Electric System Operator and is certified with NERC, the North American Electric Reliability Corporation as a Reliability Coordinator. His roles were Generator Operator, Transmission Operator, Distribution Operator, Load Serving Entity, and others. His job was to balance and load & generation, and to keep the system stable and reliable by monitoring system voltage. Without a strong, stable and reliable electric system, generators & motors can become out of sync, lose their magnetic bond, the voltage drops, and you have voltage collapse that can lead to cascading blackouts. I have seen firsthand the effects of shuttering steam units, like coal units, and adding wind and solar to the electric grid. It has made it much more difficult to keep the system stable and reliable. Our Ameren bill has doubled in the last few years and a lot of the reason is the utilities still have to supply the VAR support. Transmission lines, distribution substations, and distribution lines that are not supplied by projects like this doubled. He had one bill that was over \$700 this winter.

Mr. Truax asked if he knows what his kilowatt/hour for electricity are. Mr. Campbell stated he doesn't know exactly what it is, but the kilowatts are separate. A lot of utilities are putting the cost of the upgrades and maintenance costs for these projects into their transmission costs.

Mr. Carson thanked the objectors. He knows they oppose the project but he thanked them for the time they took to speak with him and their team members. They will put the vegetative screening all along the north side for Mr. Jostes. For Mr. McCann, the panels will be under the Sangamon County ordinance and will be 250 feet from the property line. As he testified under oath at the ZBA hearing, they will also move that fence. They don't have panels there, and he thinks he made a good point, so they will notch out that corner. They will follow through on that.

Mr. Uphoff stated that Trajectory has done all they could to work with the neighbors and have met all of the requirements of the ordinance. We are asking for you to approve this under the new state law and under your old code of ordinances.

Mr. Fraase asked what they are looking for when they look for sites and what brought them to Sangamon County. Mr. Uphoff stated you have to have a point of interconnection where you can get onto the grid. Even more important than that, you need to have landowners who want to participate. This isn't being thrust upon these landowners and nobody is forcing them to do this. They are choosing, of their own free will, to use their land in this fashion. There was a landowner who indicated they were interested and they had land with a proper point of connection. You cannot have it in wetlands and there are setbacks that have to be met. It is a multi-factor analysis and you need participants.

Mr. Jostes gave his rebuttal. He hopes they will look at not just the ordinance but the fact there are lifelong residents on both sides who have given their whole life to Sangamon County. They felt very underrepresented at ZBA. The weeks and months leading up to ZBA, they were misinformed on whom their County Board representative was. David Mendenhall even called and said he thought it was his, but was told it was Tom's district. In addition, the Agenda for the ZBA meeting listed the wrong board member, so they had no representation there. Chairman Van Meter assured them if there was any error in that, it was unintentional.

Mr. Madonia stated he did come to their house and he had something at Public House 29 and only Mr. Jostes and Mr. Campbell showed up, so he did do his due diligence. Mr. Jostes stated it was an oversight that was fixed 11 days after the ZBA hearing.

Mr. Campbell gave his rebuttal. He stated he feels like they should have a voice in what happens with their tax money. He doesn't see how this would not affect potential buyers. It has to cost a lot of money for insurance on 35 acres of solar farm. He asked if the liability would be more on him because he has the possibility of damaging that solar farm. Chairman Van Meter stated he is not sure they could answer his liability question.

Mr. McCann reminded them that this is a 35-year contract signed by a 6 year old company and you should really think that over. That should raise a couple red flags.

Mr. Cahnman asked if this is denied, but they pass Resolution 11, if the petitioner could re-petition under the new ordinance. Molly Berns stated they could and they would not have to wait. Mr. Cahnman urged a yes vote on this so the developers do not sue us, and so the property owner is a lot more protected.

Mr. Stumpf wanted to make it clear that they have so many days to get this passed. He asked someone to explain what would happen if they vote this down. Assistant State's Attorney Joel Benoit stated he does not represent the developer, but he would expect an appeal and then it would go to the Circuit Court where they would present their case and would say they have met the standards. I would imagine they are going to present a dual argument that they met the criteria under the old ordinance and under the new state law. The court will then decide if a permit can be issued. Mr. Stumpf pointed out that they had 30 days to make the decision after the Zoning Board of Appeals. The 30-day window will be gone in about 10 days. Joel Benoit stated it would be the 19th.

A motion was made by Mr. Schackmann, seconded by Mr. Stumpf, to amend Resolution 10 to say the company will provide appropriate training and specialized equipment to all affected EMS districts.

Ms. Fulgenzi stated if they vote no on this resolution, under our current ordinance then our next action would be to comply with the state and pass a new ordinance. She asked if the company would even have to go to court to refile under the new ordinance or if can they instantly reapply. Tonight is our only opportunity to include the more stringent requirements and after tonight they do not have to comply with those. Molly Berns stated they could file tomorrow morning for a new case. Mr. Benoit stated they are voluntarily trying to comply with the old ordinance and by doing that they automatically comply with the new state law. Ms. Fulgenzi stated it is the same scenario with the last case.

A voice vote carried on the amendment. Mr. Bunch voted Nay on the amendment.

Chairman Van Meter asked for a roll call vote on the motion to adopt Resolution 10, as amended. Upon the roll call vote, there were 16 Yeas – 12 Nays. Those voting Nay were: Mr. Constant, Ms. Douglas-Williams, Mr. Forsyth, Mr. Fraase, Mr. Hall, Mr. Krell, Mr. Mendenhall, Mr. O'Neill, Mr. Preckwinkle, Ms. Scaife, Ms. Small, and Mr. Tjelmeland.

Mr. Cahnman pointed out that any member who voted no on the first ordinance would have the right to make a motion to reconsider the last vote. They could change that vote if someone voting no on the prevailing side, would move to reconsider. Chairman Van Meter asked for a motion and there were none.

MOTIONS CARRIED

RESOLUTION ADOPTED

RESOLUTION 11

11. 2023-008 – Petition for amendments to the text of the Sangamon County Zoning Ordinance.

A motion was made by Mr. Stumpf, seconded by Ms. Williams, to place Resolution 11 on the floor.

Molly Berns with Regional Planning gave a slideshow presentation on the proposed wind and solar text amendments. Outside Legal Counsel Mr. Hamilton is here to answer any questions, and he also wrote a lot of this language.

Ms. Berns stated that Public Act 102-1123 requires counties with existing ordinances in conflict with the provisions of the new law to amend their zoning ordinances to achieve compliance within 120 days after the effective date. It was signed into law on January 27, 2023, and the County Board has until May 27, 2023 to amend its existing ordinances. The absence of doing that means you lose the authority to regulate these at all. Effective May 27th, your existing wind and solar ordinances are no longer effective. At that point in time, companies will just use the state law as provisions. A county may not place any restriction on the installation or use of a commercial wind/solar unless it adopts an ordinance that complies with this Section. In addition, a county may not establish siting standards for supporting facilities that preclude the development of commercial wind/solar. When you are dealing with wind and solar in future ordinances, you will be dealing with the two definitions for wind and solar. For wind it is greater than 500 KW hours for the purpose of production and/or delivery of commercial wind energy generation. For a commercial solar energy facility, generating electricity for the primary purpose of wholesale or retail sale (not primarily for use on the property). It does not mean utility-scale solar eligible to participate in a procurement event conducted by the IL Power Agency, Subsection (c-5) Section 1-7 of the IL Power Agency Act.

They must hold a public hearing in accordance with the Open Meetings Act not more than 45 days after filing for the application for the wind and solar. Counties must make siting and permitting decisions not more than 30 days after the conclusion of the public hearing. A request for siting approval or a special use permit for a commercial wind and solar or modification of an approving siting or special use permit shall be approved if the request follows the standards and conditions including that it is Imposed in the PA, the zoning ordinance is consistent with the law, and the conditions imposed under state and federal statutes and regulations. A commercial wind energy facility must be sited so that industry standard computer modeling indicates that any occupied community building or non-participating residents will not experience more than 30 hours per year of shadow flicker under planned operating conditions.

Counties may not adopt zoning regulations that disallow, permanently or temporarily, commercial wind and solar from being developed or operated in any district zoned to allow agricultural or industrial uses. They may not adopt standards that are more restricted than the

requirements in the law. In addition, counties may not require permit application fees for a commercial wind and solar facility that are unreasonable. All application fees imposed by the county shall be consistent with fees for projects in the county with similar capital value and cost. Counties may not require standards for construction, decommissioning, or deconstruction of commercial wind and solar or related financial assurances that are more restrictive than those included in the IL Dept. of Agriculture (IDOA) standard wind and solar Agricultural Impact Mitigation Agreement (AIMA) as applicable and in effect on December 31, 2022. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the AIMA's minus the salvage value of the project. Also, they may not condition approval of a wind and solar energy facility on a property value guarantee and require a facility owner to pay into a neighboring property devaluation escrow account.

Counties may set wind tower blade tip height limitations in commercial wind energy facilities, as long as the height is not more restrictive than the height allowed under a determination of no hazard to air navigation by the FAA, under 14 CFR Part 77. They can require certain vegetative screening surrounding a commercial wind and solar facility but may not require earthen berms or similar structures. They can also require a commercial solar energy facility owner to plant, establish, and maintain, for the life of the facility, vegetative ground cover consistent with the goals of the Pollinator-Friendly Solar Site Act, and require the submittal of a vegetation management plan in the application to construct and operate.

Counties may require that a commercial wind and solar energy facility owner provide the following: results and recommendations from the IDNR ecological compliance assessment tool (EcoCAT) or a comparable successor tool, and require the facility to adhere to the recommendations provided in the report. Results of the United States Fish and Wildlife Service's information for planning and consulting environmental review or a comparable successor tool that is consistent with the US Fish & Wildlife Service's Land-Based Wind Energy Guidelines and any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review. Proof of avoidance of protected land as identified by IDNR and the IL Nature Preserve Commission, or consideration the recommendations of IDNR resources for setbacks from protected lands, including areas identified by the INPC. Evidence of consultation with the IL State Historic Preservation to assess potential impacts on state registered historic sites under the IL State Agency Historic Resources Preservation Act.

A Road Use Agreement shall not require the facility owner to pay costs, fees, or charges for roadwork that is not specifically and uniquely attributable to the construction of the commercial wind and solar facility. Road related fees, permit fees, or other charges imposed by IDOT, a road district, or other unit of local government under a road use agreement with the facility owner shall be reasonably related to the cost of administration of the road use agreement.

A facility owner with siting approval from a county to construct a commercial wind and solar energy facility is authorized to cross or impact a drainage system, including, but not limited to, drainage tiles, open drainage districts, culverts and water gathering vaults, owned or under the control of the drainage district under the Illinois drainage code without obtaining prior agreement or approval from the drainage district, except that the facility owner must repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy facility or the commercial solar energy facility within a reasonable time after construction is complete.

Ms. Berns also went over the wind and solar setbacks. She also briefly explained the text amendments. Exhibit A repeals Chapters 17.49 (wind) and 17.37 (solar) ordinances. It removes Wind Energy Conversion Systems from the conditional permitted uses in the AG zoning district and from the conditional permitted use standards. It also removes commercial solar energy systems and battery energy storage systems from the conditional permitted uses in the AG, I-1 and I-2 zoning districts. Exhibit B adds new Chapter 17.49-Commercial Wind Energy Conversion Systems Siting Approval Permitting. Exhibit C adds new Chapter 17.37-Commercial Solar Energy Conversion Facilities Siting Approval Permitting. It also incorporates language from PA 102-1123 including definitions, hearing process, and deadlines and setbacks. It requires all studies, reports, verifications, etc. included in the PA that counties might require. It emphasizes authority to require a decommissioning plan and provisions for financial assurance, security, or decommissioning security, and siting approval permitting versus conditional permitted uses. It also retains the ability for the county to negotiate a decommissioning plan and financial assurance, and outlines the process that will be followed. It also ensures the decommissioning plan passes through to any future owner/operators of the facility. Finally, it establishes the uses as siting approval permits versus conditional permitted uses.

Mr. Hall stated the large solar project in Talkington Township had agreements they were supposed to use certain roads and routes, but certain truck companies were saying they didn't know of such things. He has contacted Molly's office and has talked to Trustin in Zoning and County Engineer Brian Davis and it has been improved. Ms. Berns stated she would check with them to make sure these rules are being followed and she will follow up with him.

Mr. Stumpf stated he understands the animosity towards solar farms, because the state is dictating to us that we have to abide by their rules. They have all worked hard to integrate the state ordinances into our ordinances so we don't lose what we do have left. He encouraged them to vote yes. Most of the other counties have not developed ordinances for solar and wind like they have, so those other counties now have to follow what the new law says. If they don't pass this then they will lose what they have already adopted. That is why this is so important to pass.

Phil Sidles, opponent, addressed the County Board. He is a Sangamon County farmer and resident. He is also representing the Sangamon County Farm Bureau local organization. They obviously oppose House Bill 4412. This was partisan legislation passed in the middle of the night. Our local representatives voted against this bill. I know many of you feel your back is against the wall and

you have to vote for this. Their fear as an organization is, this is just the tip of the iceberg of the precedent this will set with statewide mandates for wind and solar. They fear eminent domain will be next on the list during the next session. They will then have no say as property owners, and the Farm Bureau is an advocate of property rights. That is why this is an extremely difficult situation for all of us to sit in. He has a petition of over 100 signatures encouraging you to vote no. He is not professional staff and is not an attorney, but he was raised to know right from wrong, but he thinks everyone in this room and others know having our freedoms and rights taken away by the state and our local control, our fear as an organization is this is just the tip of the iceberg. He and the organization do understand there are benefits in voting in favor of this. Sangamon County was looked at as a leader throughout the state in creating our wind and solar ordinances. He sat through those meetings since 2009, creating these ordinances with the Zoning Committee and professional staff. He does appreciate that opportunity. With compliance, it sets a precedent that the state can just ram down whatever they want and whenever they want because no one stands up to them. Sometimes to stand up to the bully, you have to make those hard decisions.

Mr. Cahnman asked if the Farm Bureau or anyone else has filed any lawsuit to challenge the legality of this state law. Mr. Sidles stated the local organization in Sangamon County has not filed any lawsuits. They have been in meetings with the County Administrator and Chairman in Sangamon County to explore those possibilities. They are in the process of working with other counties. The way the Farm Bureau organization is set up is there is a state organization and then there are districts as well as local county levels. They are trying to work as a district to come up with legal action. It seems District 10 is where the majority of these green energy projects are being pushed.

Mr. Truax asked if they vote this down, if they are encouraging them to take the risk of losing all rights and options of county level control. Mr. Sidles stated that is the hardest part of this ordinance. Have we already lost it? There are interpretations from, not necessarily Molly or Sangamon County's professional staff, but others that they have already lost it. He is not a legal or professional staff. Mr. Truax stated he wants to go on record and say he believes there is a serious risk of us losing whatever string of authority they may have, and they are backed into a corner where they must pass this if they are going to have even the string left. If they don't pass it then they have nothing.

Mr. Bunch asked if this also went to the House & Senate before the Governor signed off on it. Mr. Sidles stated it did. Mr. Sidles stated two of three of our local representatives that represent Sangamon County voted against this.

Mr. Stumpf stated he has worked with the professional staff since 2009 to develop this. He acknowledged everything that Phil is saying, but he does have to say, he thinks they need to follow through with state compliance so they can hold on to everything they have right now. They have until May 27th. If they vote no then they will be no different from any other county in this state have never

had ordinances. He does not like it and it feels like a trap, but he has tried to explain all the ramifications if they don't pass this.

Ms. Fulgenzi stated if you notice the language Molly used that said, "Counties may not". This was just as much to regulate the counties because they felt counties were being obstructionist, and Sangamon County is one of them they were talking about being too stringent.

Chairman Van Meter asked for a roll call vote on the adoption of Resolution 11. Upon the roll call vote, there were 23 Yeas – 5 Nays. Those voting Nay were: Mr. Constant, Mr. Hall, Mr. Krell, Mr. Mendenhall, and Mr. O'Neill.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 12

12. Resolution approving a grant application for the County Board Office from the Illinois Department of Commerce and Economic Opportunity for the Illinois State Fair, Gate 2, Custom Route 66 Neon Entry Sign in the amount of \$99,344.28.

A motion was made by Ms. Williams, seconded by Mr. Bunch, to place Resolution 12 on the floor. A motion was made by Mr. Preckwinkle that the roll call vote for Resolution 1 stands as the roll call vote for Resolution 12. A voice vote carried. Ms. Lathan and Ms. Fulgenzi voted Present on Resolution 12.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 13

13. Resolution approving a one-year pilot program to reduce high occupancy at Animal Control through increased public hours and reduced fees.

A motion was made by Mr. Schackmann, seconded by Mr. Ayers, to place Resolution 13 on the floor. A motion was made by Mr. Preckwinkle that the roll call vote for Resolution 1 stands as the roll call vote for Resolution 13. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

OLD BUSINESS

There was no old business.

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

Appointment of James Reinhart to the Sangamon County Water Reclamation District for a term expiring May, 2026.

Appointment of Terry Schierholz to the Sangamon County Water Reclamation District for a term expiring May, 2026.

Appointment of James Roth to the South Sangamon Water Commission for a term expiring May, 2025.

Appointment of David Mendenhall to the Sangamon County Extension Board for a term expiring May, 2024.

Appointment of Bill Bolletta to the Auburn Fire & Rescue District for a term expiring May, 2026.

Appointment of Greg Marshall to the Buffalo Fire Protection District for a term expiring May, 2026.

Appointment of Kevin Bell to the Chatham Fire Protection District for a term expiring May, 2026.

Appointment of Jennifer Bliesner to the Dawson Fire Protection District for a term expiring May, 2026.

Appointment of Brian Spelman to the Divernon Fire Protection District for a term expiring May, 2026.

Appointment of Leland Rhodes to the Eastside Fire Protection District for a term expiring May, 2026.

Appointment of Polly Sabo to the Lake Springfield Fire Protection District for a term expiring May, 2026.

Appointment of Frank Stroble to the Northside Fire Protection District for a term expiring May, 2026.

Appointment of Tim Boblitt to the Pawnee Fire Protection District for a term expiring May, 2026.

Appointment of Mike Long to the Pleasant Plains Fire Protection District for a term expiring May, 2026.

Appointment of Mike Yurgec to the Sherman Fire Protection District for a term expiring May, 2026.

Appointment of Keith Rigdon to the Sherman Fire Protection District for a term expiring May, 2026.

Appointment of Samuel Dale Collins to the Western Fire Protection District for a term expiring May, 2026.

Appointment of James "Rusty" Edwards to the Williamsville Fire Protection District for a term expiring May, 2026.

Appointment of Eric Mills to the Pawnee Fire Protection District filling the unexpired term of Bert Barlow expiring May, 2024.

A motion was made by Ms. Williams, seconded by Mr. Bunch, for approval of the appointments. A voice vote was unanimous.

MOTION CARRIED
APPOINTMENTS ADOPTED

The nominations for approval in June were also submitted.

PUBLIC COMMENT

There was no public comment.

REPORTS OF COUNTY OFFICIALS, REPORTS OF STANDING COMMITTEES, REPORTS OF SPECIAL COMMITTEES, COMMITTEE REPORT ON CLAIMS

A motion was made by Ms. Williams, seconded by Mr. Bunch, to place the reports on file with the County Clerk. A voice vote was unanimous.

RECESS

A motion was made by Ms. Williams, seconded by Mr. Bunch, to recess the meeting to May 25, 2023 at 5:30 p.m. for a special meeting to primarily approve contracts. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED

Don Gray
Sangamon County Clerk