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SANGAMON COUNTY CLERK



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## MINUTES

### SANGAMON COUNTY BOARD

SEPTEMBER 9, 2008

The Sangamon County Board met in Regular Statutory Session on September 9, 2008 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:00 p.m. Mr. Montalbano gave the Invocation and Mr. Fraase led the Board in the Pledge of Allegiance.

## ROLL CALL

Chairman VanMeter asked the Clerk to call the roll. There were 28 Present – 1 Absent. Mr. Buecker was excused.

## PROCLAMATIONS

Mrs. Musgrave read a Proclamation proclaiming the fourth Monday of every September as “Family Day – A Day to Eat Dinner with Your Children” and urging all citizens to recognize and participate in its observance.

## MINUTES

A motion was made by Mrs. Turner, seconded by Mrs. Long, for approval of the minutes of August 12, 2008. A voice vote was unanimous.

MOTION CARRIED  
MINUTES ADOPTED

**CORRESPONDENCE**

A motion was made by Mrs. Long, seconded by Mrs. Turner, to place any correspondence on file with the County Clerk. A voice vote was unanimous.

There was no correspondence to file.

**RESOLUTION 1**

1. Resolution approving a supplemental engineering agreement contract for a bridge repair on County Highway 28.

A motion was made by Mr. Montalbano, seconded by Mr. Mendenhall, for the adoption of Resolution 1. Upon a roll call vote, there were 27 Yeas – 0 Nays.

MOTION CARRIED  
RESOLUTION ADOPTED

**RESOLUTIONS 2 – 4**

2. Resolution approving repairs to a stainless steel conveyor.

A motion was made by Mr. Stephens, seconded by Mr. Tjelmeland, for the adoption of Resolution 2. A motion was made by Mr. Bunch, seconded by Mr. Preckwinkle, to consolidate Resolutions 2 – 4. Chairman VanMeter asked the Clerk to read Resolutions 3 and 4.

3. Resolution approving an altered speed zone on Meadowbrook Road in Gardner Township.
4. Resolution approving an altered speed zone for construction on East Lake Shore Drive.

A voice vote was unanimous on the consolidation. A motion was made by Mr. Goleman that the roll call vote for Resolution 1 stand as the roll call vote for Resolutions 2 – 4, as consolidated. A voice vote was unanimous.

MOTIONS CARRIED  
RESOLUTIONS ADOPTED

**RESOLUTION 5**

5. 2008-46 – Thomas Burgess, 10729 Darnell Rd., Dawson – Denying a Use Variance. County Board Member – David Mendenhall, District #3.

A motion was made by Mr. Mendenhall, seconded by Mr. Moss, for the adoption of Resolution 5. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Norm Sims stated that the petitioner requests a use variance to allow a contractor's office and yard.

Randy Armstrong stated that the property is on Darnell Road, two miles north of Buckhart and totals 10 ½ acres and is improved with a residence and contractors shop and yard.

Mr. Sims stated that the staff recommends denial of the requested use variance to allow a contractor's office and yard. There are no special circumstances related to the property to support this request. Mr. Armstrong stated that the Zoning Board of Appeals concurs with the staff report and recommends denial.

Gordon Gates, Attorney for the petitioner, addressed the Board. He stated that they would like to Table this to present further evidence before the Zoning Board of Appeals. At the first hearing they were presented with some evidence from the environmental protection agency they did not anticipate. They have since had this re-inspected and have new information on that.

Chairman VanMeter asked for a motion to Table Resolution 5. There was no motion to Table.

Mr. Gates explained that there is a situation where the business has been operated out of the petitioner's property for over 15 years. They have presented in the record petitions from at least 19 of the neighbors who have said they have no problem with business continuing they way it is. They do have the elements of a variance. This is a situation where the petitioner has greatly improved the property for this specific use and has built buildings, moved dirt, built fences, put up tree berms, and various other things unique to his business. This is compatible with the neighborhood. There are 19 separate businesses, with signs on the road, within four miles of this property. This is a farm rural area and construction companies often use these areas as their yards. They look just like a farm as far as anyone driving down the street would see. There are benefits to the community. They have contracted with the County on many occasions to do work. There would be no impact on the neighborhood. He just stores his trucks on the property and they leave with them every morning. He has no retail customers or anyone coming to his door.

Mr. Goleman asked if Mr. Burgess is here tonight. Mr. Gates stated that he is.

Marty Morris, residing at 10980 Darnell Road in Dawson, addressed the Board. He explained that he has lived on this road for almost 50 years and his family has lived there for seven generations. Darnell Road is where people come to raise two things,

crops and families. Mr. Burgess has been running his business for 15 years, but in violation of his zoning. This should not continue. They have about 80 different violations and problems the Environmental Protection Agency has seen. This is not a good thing for the road and is an eye soar for the community. He stated that he does have letters from neighbors and there are many that are objecting to this.

Mr. Mendenhall asked where the property drains to. Mr. Morris stated they only have one water source on Darnell Road and that is their wells. There is no city water or no way to clean the water up. They water drains into the Sangamon River.

Mr. Moore asked how the E.P.A. Study affects this case and what their remedies are with respect to the Counties zoning system if this zoning is denied. Norm Sims, professional staff, explained that the E.P.A. Study did not affect the staff report at all. The staff's recommendation was based upon their reading of Section 17.66.010 of the Code which relates to the standards of variation for a use variance where they found they did not meet the first standard. The first standard is that the variance is justified by showing special circumstances demonstrating practical difficulties or particular hardship. The only hardship they identified was that the petitioner was already operating the business in violation to the zoning code previous to this. In that case that is not a hardship that would have arisen if this had been brought before the Board prior to the violation. They will look at this like they are seeing it for the first time.

Mr. Moore asked if the E.P.A. Report was not germane to what the staff recommended and what the Zoning Board of Appeals found in their findings of fact. Mr. Sims explained that the Zoning Board found with the staff report that it was not pertinent with the staff report. Mr. Moore asked if he could explain to Mr. Burgess what his remedies are at this point if it is denied. Randy Armstrong, professional staff, explained that they would ask the property owner for a compliance plan to see if he can come up with a reasonable amount of time to bring the property into compliance. If they do not comply, they will get a 30 day notice of violation. If it's not resolved by then they will get a notice to appear. Mr. Moore asked if he can come back in six months to petition again. Mr. Armstrong stated that he can. The Code requires a six month waiting period for an amendment to the same zoning request.

Gordon Gates gave his rebuttal to the Board. He explained that he agrees the E.P.A. issue should not have had an impact. The only thing that was talked about at the hearing was the E.P.A. findings. The property was re-inspected on the 8<sup>th</sup>, which is the first time the E.P.A. could come back. He stated they have their preliminary report which says it has been cleaned up and there are no problems except for one burn area that needs to be excavated down another six inches or so. All the other things have been resolved. He pointed out that all those issues pre-dated Mr. Burgess' ownership of the property. The burn pit was what the farmer had used for probably 100 years. He cleaned up stuff that nobody else would have needed to clean up. There are also unique circumstances in the way this property is configured. This is low brush property that is covered in trees and it's not going to be farmed. It is uniquely suited for a yard, whether it's a farm yard or a construction yard. It's not fair to say Mr. Burgess has been thumbing his nose at the

zoning people and should not get the benefit of the fact he has been there for 15 years. He explained that he is not even sure he needs a variance because he does not think his uses are incompatible with an agricultural use. Reasonable minds could differ as to whether or not he is in violation as it stands today given that he is using it for the storage of heavy equipment.

Mr. Kamper asked how many employees there are. Mr. Gates stated that they are seasonal and it usually is never more than five. Mr. Kamper asked if he would still be able to continue operating the business if he is unable to use this property. Mr. Gates stated that he obviously would not. This is a home-based business, so he would have to go rent a spot to store his equipment. It would be a fundamentally different business than it is now.

Mr. Hall asked about items that have been hauled out of there. Jim Stone, Director of Public Health, explained that his department has not been the primary investigating agency for this because the original allegations involved possible asbestos on the property. This means the Environmental Protection Agency's air pollution division would have to enforce that. He stated that the E.P.A. has been the lead agency; however, his staff has accompanied them on their recent inspections. He concurred with Mr. Gates that the inspection conducted yesterday found the property substantially in compliance with a few other issues that need to be addressed.

Mr. Mendenhall asked Mr. Stone if all the material found and remedied was all with the property when he bought it or if there was some that had been hauled in from time to time. Mr. Stone stated that he is not sure it's possible for them to determine how much existed prior to Mr. Burgess purchasing the property. All they were aware of is what was on the property and what should not of been there as part of his business.

Mr. Morris gave his rebuttal. He explained that as a former farmer and someone from a farm family of six generations he would take offense to some of what Mr. Gates has said. To compare the property to a family farm is ludicrous and he thinks any farmer here would be completely offended by that. In the country and on Darnell Road they do not put up six-foot privacy fences to block people from seeing their land because they are proud of their land. Mr. Burgess put up a six-foot privacy fence between his property and a corn or soybean field. There is only one reason to do that, and it is to put things behind it if you don't want people to see and that is exactly what has happened here.

Chairman VanMeter asked for a roll call vote. Upon the roll call vote, there were 24 Yeas – 3 Nays. Those voting nay were: Mr. Kamper, Mr. Preckwinkle, and Mr. Smith. Resolution 5 written "to deny a use variance" was adopted.

**MOTION CARRIED**  
**RESOLUTION ADOPTED**

**RESOLUTION 6**

6. 2008-47 – Sam, Charles & John Brunk, 2113, 2137 & 2167 New City Road, Pawnee – Granting Variances. County Board Member – Don Stephens, District #5.

A motion was made by Mr. Stephens, seconded by Mr. Dillman, for the adoption of Resolution 6.

Chairman VanMeter asked if there was anyone who wished to speak in favor of or against the proposed variances. There were none. A motion was made by Mr. Moore to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous on the motion to adopt Resolution 6.

MOTIONS CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 7**

7. 2008-48 – Robert & Mary Ann Salefski, 2717 S. Spring, Springfield – Granting a Use Variance. County Board Member – Clyde Bunch, District #21.

A motion was made by Mr. Bunch, seconded by Mr. Good, for the adoption of Resolution 7. Chairman VanMeter asked if there was anyone who wished to speak in favor of or against the proposed variance. There were none. A motion was made by Mr. Moore to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous on the motion to adopt Resolution 7.

MOTIONS CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 8**

8. 2008-49 – Heather McMullen, 331 E. Houston St., Springfield – Granting a Variance. County Board Member – Sarah Musgrave, District #9.

A motion was made by Mrs. Musgrave, seconded by Mr. Snell, for the adoption of Resolution 8. Chairman VanMeter asked if there was anyone who wished to speak in favor of or against the proposed variance. There were none. A motion was made by Mr. Moore to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous on the motion to adopt Resolution 8.

MOTIONS CARRIED  
RESOLUTION ADOPTED

### **RESOLUTION 9**

9. 2008-50 – Luke Lee & Susan Lee Gaule, 688 Cravens Road, Springfield – Granting Variances. County Board Member – Sarah Musgrave, District #9.

A motion was made by Mrs. Musgrave, seconded by Mr. Forsyth, for the adoption of Resolution 9. Chairman VanMeter asked if there was anyone who wished to speak in favor of or against the proposed variances. There were none.

A motion was made by Mr. Moore to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous on the motion to adopt Resolution 9.

MOTIONS CARRIED  
RESOLUTION ADOPTED

### **RESOLUTION 10**

10. Resolution approving the location and sketch map of Gabriel's Landing.

A motion was made by Mr. Moore, seconded by Mr. Mendenhall, for the adoption of Resolution 10.

Mr. Moore explained that members may recognize this petition from before. There was an issue with the developer's use of the open space on this project. He stated that he and Mrs. Musgrave, Mr. Mendenhall, and Mr. Sims have met with the developer and worked out a better resolution. He stated they do appreciate that the developer and the Regional Planning Department worked together on this to achieve a mutually beneficial agreement. This particular type of development is the type they have wanted to encourage when they changed the land use laws seven years ago. While this developer can farm this space, it was more economically beneficial for the use it is being put to. Mr. Moore encouraged development of this type of property.

A voice vote was unanimous on the adoption of Resolution 10.

MOTION CARRIED  
RESOLUTION ADOPTED

### **RESOLUTION 11**

11. Resolution approving a professional services contract with the Sheriff's Office and Advanced Correctional Healthcare.

A motion was made by Mr. Tjelmeland, seconded by Mrs. Fulgenzi, for the adoption of Resolution 11. A voice vote was unanimous.

MOTION CARRIED

RESOLUTION ADOPTED

**RESOLUTION 12**

12. Resolution approving the Sangamon County Employee FY2009 Voluntary Severance Plan.

A motion was made by Mr. Stephens, seconded by Mr. Goleman, for the adoption of Resolution 12. A voice vote was unanimous.

MOTION CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 13**

13. Resolution amending the Sangamon County Ambulance Ordinance, Sections 8.16.010 through 8.16.080 of the Sangamon County Code.

A motion was made by Mr. Mendenhall, seconded by Mr. O'Neill, for the adoption of Resolution 13.

Mr. Hall explained that in Sangamon County there are still areas where ambulance and fire protection service is in the untaxed areas and there are still areas where their service is provided by outside sources.

Mr. Mendenhall explained that this ordinance will fall within the scope of their jurisdiction which is the boundaries of Sangamon County. Those outlying agencies that respond and provide service to Sangamon County will not have to abide by this, but they will not be exempt from providing that service. This ordinance helps mirror the County and City Ordinances so they are more uniform. They feel this will enhance coverage throughout Sangamon County.

A voice vote was unanimous on the motion to adopt Resolution 13.

MOTION CARRIED  
RESOLUTION ADOPTED

**WAIVER OF TEN-DAY FILING PERIOD**

A motion was made by Mrs. Turner, seconded by Mrs. Long, to waive the ten-day filing period. A voice vote was unanimous.

MOTION CARRIED  
TEN-DAY FILING PERIOD WAIVED

**RESOLUTION 14**

14. Resolution approving the expansion of the Sangamo Scripts Program into Cass, Christian, Logan and Morgan Counties.

A motion was made by Mrs. Long, seconded by Mr. Bunch, for the adoption of Resolution 14.

Mrs. Long explained that they are pleased to announce this program. The program has been so successful in Sangamon County they felt it would be nice to offer it to neighboring counties. The program has saved \$500,000 to the Sangamo Script members since the beginning. There have been 8,923 people who have enrolled in this and nearly 10,000 claims were filed each year. With the expansion there is absolutely no cost to Sangamon County. They will print the brochures and the other counties will pay for the brochures and for the distribution.

Chairman VanMeter asked what the advantage would be to Sangamon County. With a larger enrollment there will be a larger discount for all the members. Everyone's discount will be the same in all the counties.

Mr. Moss asked Mrs. Long what the percentage of savings was on the average. Mrs. Long stated it was 25% and it could increase if more people enroll.

Mr. Moore asked how this is different than the plan the Governor put out. Mrs. Long explained that this is totally free. There is no charge to enroll and there are no income stipulations so anyone can join.

Mr. Bunch stated that he has always heard praise about this program.

Mr. Moss stated that they also found a lot of the health insurance programs out there do not cover some of the drugs on this program, so it is a good idea for everyone to look into this.

Mrs. Long explained that this is a very simple form to fill out. You can mail it in or take it to the health department. Within a couple weeks you will receive a card and you just take it to a participating pharmacy.

Mrs. Dillman asked if the form is on the County's web site. Mrs. Long stated that it is currently on the Health Department's web site at [www.scdph.org](http://www.scdph.org). Ryan McCrady, County Administrator, stated that it is on the County's web site as well.

Mr. Stumpf asked Mrs. Long if this cost's the County any money at all. Mrs. Long stated that the only cost to the County would be for their brochures.

Mr. Moss asked if they tried to combine all the counties so they would see a savings in the printing. Mrs. Long stated that they did.

Mr. Bunch stated that if you continuously need medicine your fifth one is free.

Chairman VanMeter asked for a roll call vote on the adoption of Resolution 14. Upon the roll call vote, there were 27 Yeas – 0 Nays.

MOTION CARRIED  
RESOLUTION ADOPTED

### **RESOLUTION 15**

15. Resolution allowing the Veteran’s Commission to transfer ownership of a van to the Interveteran’s Burial Detail of Sangamon County.

A motion was made by Mr. Montalbano, seconded by Mr. O’Neill, for the adoption of Resolution 15. A voice vote was unanimous.

MOTION CARRIED  
RESOLUTION ADOPTED

### **OLD BUSINESS**

- A. Resolution 1 – Tabled 6/2/08  
Resolution approving the re-alignment of precincts.

A motion was made by Mr. Snell, seconded by Mr. Bunch, to take Resolution 1 from the Table. A voice vote was unanimous.

A motion was made by Mr. Snell, seconded by Mrs. Turner, to amend Resolution 1. Mr. Snell stated that the following should be added: “WHEREAS, the County Board finds it necessary to adjust the precinct lines of 3 precincts, as detailed in the attached summary and detail listing of precinct boundary changes, in order to reduce and evenly distribute the number of registered voters. The precincts include: Fancy Creek 2, Fancy Creek 4 and Fancy Creek 5 (details of changes attached).”

A voice vote was unanimous on the amendment. A voice vote was unanimous on the motion to adopt Resolution 1, as amended.

MOTIONS CARRIED  
RESOLUTION ADOPTED

### **NEW BUSINESS**

- A. Resolutions

There were no new resolutions.

## B. Appointments

Appointment of Dana Deen Kinion to the Board of Review, replacing Chip Smith, for a term expiring June 2010.

Appointment of R. David Burns to the Building Code Board of Appeals, replacing David Gurnsey, for a term expiring November 2008.

Appointment of Philip E. Chiles to the Historic Preservation Commission, replacing Barbara Steward, for a term expiring June 2009.

Appointment of Eric Long to the Community Services Block Grant Advisory Board, replacing Greg Crocher, for a term expiring February 2010.

A motion was made by Mrs. Turner, seconded by Mrs. Long, for approval of the appointments. A voice vote was unanimous.

**MOTION CARRIED  
APPOINTMENTS ADOPTED**

## C. Approval of a Collective Bargaining Agreement with the F.O.P. representing Deputies and Court Security Officers.

A motion was made by Mr. Sullivan, seconded by Mr. Bunch, for approval of the F.O.P. Agreement.

Mr. Bunch thanked everyone who served on this committee because it took a long time to get it resolved. A lot of people do not realize how long they worked on this. It is very important for this Board to remain the way it is because it takes a lot of effort and work from everyone to bring this before the Board.

Chairman VanMeter agreed that this was a lot of work on the part of the committee and staff.

A voice vote was unanimous on the motion to adopt the contract.

**MOTION CARRIED  
CONTRACT ADOPTED**

## **REPORTS OF COUNTY OFFICIALS, SPECIAL COMMITTEES, STANDING COMMITTEES**

Mr. Moore asked Norm Sims to report on the upcoming training to take place this Saturday. Mr. Sims explained they have been looking for ways to better inform the public about the kinds of planning that goes on in the County and how and why they do it. For the first time they are going to be holding a Planning College this Saturday from

10:00 a.m. to 4:00 p.m. at the INB Facility on Jackson. It is not the bank, but the building across from the Governor's Mansion. They will be addressing comprehensive planning, zoning, transportation planning, development planning and a number of other issues related to that. Board Member Smith has consented to speak from a developer's perspective on how these plans do or don't sometimes come together. Members of the Board and the public are invited to attend and lunch will also be provided.

Chairman VanMeter encouraged Board Members to attend. Mr. Moore, Mr. Sims and others have been working a long time on this and it is a great first experiment to see if they can help inform the community.

Mr. Hall stated that as Chairman of the Civil Liabilities Committee they never really here about how they do things. Everyone on this group is pretty tight with their money, and not only with their money but will all the money. He stated that he has really enjoyed being Chairman. It is really nice to see how they open up an issue and bring it out. Once in a while they bring something out and it is not quite right. They do what they are supposed to do and bring it back and around again.

Chairman VanMeter asked if he is offering a resolution to change at the next meeting. Mr. Hall stated that they have already voted on it and will bring it to next month's meeting. He thanked Jim Grohne, Assistant State's Attorney, for helping them with it. Chairman VanMeter asked if the staff is going to make available a listing of settlements agreed to in the past retracting any confidential information. Mr. Hall stated that they need to get information from the Auditor's Office and usually when they ask for anything from them it is usually pretty quick.

### **COMMITTEE REPORT ON CLAIMS**

A motion was made by Mrs. Turner, seconded by Mrs. Long, to place the Committee Report on Claims on file with the County Clerk. A voice vote was unanimous.

**MOTION CARRIED**  
**COMMITTEE REPORT FILED**

### **ADJOURN**

A motion was made by Mrs. Long, seconded by Mrs. Turner, to adjourn the meeting to October 14, 2008 at 7:00 p.m. A voice vote was unanimous.

**MOTION CARRIED**  
**MEETING ADJOURNED**