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MINUTES

SANGAMON COUNTY BOARD

OCTOBER 12, 2010

The Sangamon County Board met in Reconvened Adjourned September Session on October 12, 2010 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:00 p.m. Mr. Smith gave the Invocation and Mr. Tjelmeland led the Board in the Pledge of Allegiance.

ROLL CALL

Chairman VanMeter asked the Clerk to call the roll. There were 23 Present – 5 Absent. Mr. Davsko, Ms. Dillman, Mr. Krell, Mr. Mendenhall and Mr. Schweska were excused.

PRESENTATION – NICK ANDERSON

Mr. Goleman introduced Nick Anderson, who is a taxpayer in Sangamon County and is actively involved with the Illinois Livestock Development Group.

Nick Anderson addressed the Board. He stated he is involved in the pork industry and the livestock and agriculture industry in Illinois. He belongs with a group that educates consumers and people about the pork industry. They try to do this around the countryside, and Illinois has several speakers who do this. One of their objectives is to work with County Boards to help them understand, not only the pork industry, but the changes they are going through and how the County Board representing their constituents reflects on the pork industry. They want to reach out and visit with the County Board and their constituents to address issues that come up in their communities. They want to help the County understand the changes in the industry and what the rules and regulations are. One of the challenges in agriculture in Sangamon County is that along with a very vibrant agricultural area, it is also a very successful metropolitan area. When you put those two mixes together, sometimes controversies come up. There can be changes in farming practices that people are not aware of, and there are those who are so far removed from farming operations they don't understand the process and what happens on the farms. Sangamon County has done a great job with zoning to say what is agricultural and what is urban. They are fortunate in this County to address these things.

On the agricultural side, there are concerns with people not understanding what they do in agriculture. When a development comes out that they strengthen their communities with, agriculture keeps getting pushed out, and the pork industry is a part of that. Sangamon County feeds over 1.5 million head of hogs per year that are not in this county. Over 35 million bushels of corn go primarily to livestock. All 35 million bushels of corn and soybeans produced here will feed livestock somewhere. Sangamon County actually has about 150,000 head of hogs. Their group's goal is to bring livestock back to where crop production is because that is the most efficient place to do it. When they have society that doesn't like it, it becomes a challenge. He explained he is part of the system to try and correct this and give good information. They want to try and get the information to the County Board so they have a good resource for their constituents.

There is tremendous opportunity in Sangamon County for the expansion of the livestock industry. There are places for it, such as Talkington Township, which has good crop production. Sangamon County has the Pork Association and the Beef Association here in town. If issues come up, they hope to be involved to address those issues. They also give programs through clubs, such as the Kiwanis Club and Knights of Columbus, to provide a much bigger presentation about what the pork industry is. Their number one goal is to provide good wholesome food products that are safe to eat, abundant and fairly priced. He stated he is available to anyone and can put on programs if needed. He explained that the Livestock Management Facilities Act dictates State law on how they expand and build new facilities. The County has a roll in that process, and they will work with them to provide education when the time comes. He thanked the Board and offered his contact information to anyone who wanted it.

MINUTES

A motion was made by Mr. Montalbano, seconded by Mrs. Turner, for approval of the minutes of September 14, 2010 and September 28, 2010. A voice vote was unanimous.

MOTION CARRIED
MINUTES ADOPTED

CORRESPONDENCE

A motion was made by Mrs. Turner, seconded by Mr. Montalbano, to place the correspondence on file with the County Clerk. A voice vote was unanimous. There was no correspondence to file.

RESOLUTION 1

1. Resolution approving the execution of a contract between the Regional Planning Commission and the Greater Springfield Chamber of Commerce for the Eastside Commercial Plan Project.

A motion was made by Mr. Moore, seconded by Mr. Good, to place Resolution 1 on the floor. Chairman VanMeter asked for a roll call vote on the adoption of Resolution 1. Upon the roll call vote, there were 22 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 2

2. 2010-39 – Elden Clouse, 1850 S. Camp Butler Road, Springfield – Granting a Use Variance. County Board Member – Sarah Musgrave, District #9.

A motion was made by Mrs. Musgrave, seconded by Mr. Moore, to place Resolution 2 on the floor. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Molly Berns, professional staff, stated the petitioner is requesting a use variance to allow for a mobile home and concrete pumping truck business. The staff does not recommend a use variance at this location. The trend of development along Old Route 36 has seen a commercial trend, and the trend of development along Camp Butler Road is residential and the subject property is located directly across the street from a cemetery. The standards for use variations have not been met regarding the trend of development in the area and potential negative impacts to the area. Cyndi Knowles, professional staff, stated the Zoning Board of Appeals does not concur with the staff report and recommends approval with restrictions. The restrictions are that no equipment, trucks or other business equipment remain on the first 436 feet of the property; within one (1) year, a building is available to house all the equipment; and the building is a maximum size to house only what they have now with no additional trucks.

Chairman VanMeter asked if the Zoning Board of Appeals explained why they did not concur with the staff report. Mrs. Knowles explained that they did offer some findings of fact. The variance was justified by the fact he has been there for seventeen years. To uproot him and move him out could cause people to be unemployed and would be a hardship. In regards to the trend of development in the area, by moving him to the east, he would be away from the residential area which is on Camp Butler Road and is blending in with the trend on the east side of the property. By putting him 436 feet back, and requiring him to be in a building, would put him in harmony with the community. Chairman VanMeter stated that this kind of detail from the Zoning Board of Appeals is wonderful, and the committee should be commended for giving this kind of detail. Mr. Moore stated the staff has been working very hard to get the Zoning Board of Appeals to do this.

Randy Segatto, at 831 E. Monroe, Springfield, addressed the Board. He stated he is the attorney for the petitioner. Mr. Clouse started J & J Concrete Pumping, Inc. about 17 years ago. He bought the property at a public auction, and at that time he was informed he could move any business out to the County. This was probably true 17 years ago. He had four pumping trucks, and this year he bought his fifth truck. He can live with having these five trucks. His business entails having the pumping trucks go to the building site and take concrete from Crazy Horse or Nelch and pump it to a location they can't get. All the clean-up and wash-outs are done at the site. There is little activity done at the residence on Camp Butler Road, except for parking of vehicles and the filling of the wash-out tanks at night. His hours, usually during the high point of business, are from 6:00 a.m. until early afternoon. They may have one or two trucks go out per day during the low season. He employs three people, and he has a business partner who is in the process of buying the business. Mr. Clouse is the majority stock holder and will continue to be for at least another seven years.

Mr. Montalbano asked if anything goes on during the day at this location. Mr. Segatto explained that the only thing going on during the day is the trucks leaving and coming back. There may be some routine maintenance on the truck, but work that is done is done at the job sites. The trucks would be taken in for service for any major maintenance.

Mrs. Musgrave asked if he has agreed to build on-site storage for the trucks. Mr. Segatto stated he has. The Zoning Board of Appeals asked him if he could build 436 feet back from the road and put a building sufficient enough to house all five trucks. Right now they have a building that can house one truck. They have done some preliminary measurements and realized they would need the building moved from 436 feet to 400 feet, which will give them a little bit of room based on the architects plan. This would still meet the 400 foot setback, so it will not be seen from the road.

Mr. Good asked if the five trucks are diesel. Mr. Segatto stated they are. Mr. Good asked if they start up in the morning and run a lot. Mr. Segatto stated that obviously in the cold weather they start earlier than in warm weather. When it gets really cold, they don't go out very often because concrete is shut down. One of the reasons for building this new building is so they can park them inside and turn them on and not have them running outside.

Pam Blankenship, residing at 1798 S. Camp Butler Road, addressed the Board. She stated she is immediately adjacent to the south of the subject property. The petitioner's driveway does run along her property and is near her bedroom window. They start up early in the morning and are very loud, and she is woken up every morning by these trucks. They do work everyday and sometimes on the weekends and holidays. She stated their intent of requesting a denial of this use variance is not to put Mr. Clouse out of business. He would not have to go out of business. They are merely asking him to relocate his business and move these trucks off this property to a more properly zoned location. For the record, he has been in violation for 16 years. They have not raised opposition before now because none of the neighbors knew he was in violation. She stated she would not have suffered from the noise and inconvenience if she had known. He is only now coming before the Board to ask for forgiveness because he has been caught, and he is in the process of selling the business.

He no longer lives on the property, and will only own the business for a certain number of years. The new owners do not have the 16 year history or investment in the property.

Mr. Moss asked if the business was there prior to her moving there eight years ago. Mrs. Blankenship stated it was, but it was not to the extent it is now, and there were not that many trucks. She did not know she had recourse and assumed he was in compliance.

Mr. Segatto gave his rebuttal. Mr. Clouse testified at both of the Zoning Board of Appeal's hearings that he did not know he was in violation. Once he was aware of the violation, he immediately filed the proper petition for an amendment, and then asked for the use variance. He tried to address and agree to everything the Zoning Board of Appeals has required. Their main concern was the parking of the vehicles at night in a sheltered area. They have already started the preliminary markings of the property, and this will be accomplished. They have agreed there will be no more than five trucks. The only reason there are five trucks is so they will have a spare in case one breaks down.

Mrs. Blankenship gave her rebuttal. She stated Mr. Clouse has already taken himself out of the business and has moved off the property. The new owners do not have the investment or the 16 year history on that location. She stated they are only asking to give this some consideration. He is claiming ignorance of the law and of not knowing he was in violation, and they are also claiming ignorance of not knowing he was in violation. She stated that she certainly would have complained by now.

Mr. Good asked if she is representing others in the neighborhood. Mrs. Blankenship stated she is representing other adjacent neighbors.

A motion was made by Mr. Moore, seconded by Mr. Montalbano, to amend Resolution 2. Mr. Moore stated they would like to amend the petition to read 400 feet rather than 436 feet. Mr. Goleman asked why they are proposing this amendment. Mr. Moore explained that after the initial Zoning Board of Appeals meeting and the architectural drawings that were rendered, they felt they could meet the intent of the variance by going to the 400 foot measurement rather than 436 to give them the latitude to build the size of building they needed.

A voice vote carried on the amendment. Chairman VanMeter asked for a roll call vote on the adoption of Resolution 2, as amended. Upon the roll call vote, there were 19 Yeas – 3 Nays. Mr. Goleman, Mr. Good and Mrs. Turner voted no.

MOTIONS CARRIED
RESOLUTION ADOPTED

WAIVER OF TEN-DAY FILING PERIOD

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

MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED

RESOLUTIONS 3 – 5

3. Resolution authorizing the Land of Lincoln Workforce Alliance to purchase services and software from Novanis Enterprise Solutions.

A motion was made by Mr. Moss, seconded by Mr. Stephens, to place Resolution 3 on the floor. A motion was made by Mr. Bunch, seconded by Mr. Smith, to consolidate Resolutions 3- 5. Chairman VanMeter asked the Clerk to read Resolutions 4 and 5.

4. Resolution approving the purchase and installation of a space saver filing system for the Department of Public Health.
5. Resolution identifying acquisition contracts for electrical work needed for a security system at the Public Health and Community Services building.

A voice vote was unanimous on the consolidation. A motion was made by Mr. Goleman, seconded by Mr. Moss, that the roll call vote for Resolution 1 stand as the roll call vote for Resolutions 3 – 5, as consolidated. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTIONS ADOPTED

OLD BUSINESS

There was no old business.

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

Appointment of Jerry Jacobson to the Historic Preservation Commission for a term expiring September, 2014.

Appointment of Anthony Mares to the Historic Preservation Commission for a term expiring June, 2011.

Appointment of Ryan Cadagin as Sangamon County Violation Hearing Officer for a term expiring November, 2012.

Appointment of Ralph Hanauer to the Citizens Advisory Committee on Animal Control for a term expiring June, 2011.

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

MOTION CARRIED
APPOINTMENTS ADOPTED

The nominations for appointment at the November, 2010 meeting were submitted.

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

Jim Stone, Director of Public Health, announced that flu shots would be given to County Board members after the meeting. He also announced there would be a free electronics collection at the State Fairgrounds on Saturday from 8:00 a.m. to 2:00 p.m., and they are asking for volunteers. He asked members to contact him if they can make it.

Auditor Paul Palazzolo submitted for filing the notice of availability of the quarterly financial report.

A motion was made by Mr. Montalbano, seconded by Mrs. Turner, to place the reports on file. A voice vote was unanimous.

MOTION CARRIED
REPORTS FILED

RECESS

A motion was made by Mr. Montalbano, seconded by Mrs. Turner, to recess the meeting to Tuesday, October 19, 2010 where they shall reconvene at the Prairie Capital Convention Center at 6:30 p.m. for the purpose of holding a public hearing on the board proposition to be decided by the voters on November 2nd. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED