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MINUTES

SANGAMON COUNTY BOARD

NOVEMBER 10, 2009

The Sangamon County Board met in Reconvened Adjourned September Session on November 10, 2009 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:04 p.m. Mr. Montalbano gave the Invocation and Mr. Moore led the Board in the Pledge of Allegiance.

ROLL CALL

The County Clerk called the roll. There were 28 Present – 1 Absent. Mr. Smith was excused.

PROCLAMATIONS

Mr. Moore presented a Proclamation in recognition of Veteran's Day to celebrate the contributions and sacrifices of those men and women who place their lives in harms way protecting American values and preserving democracy for the world. Mr. Moore called down all the Board Members who are veterans, former General and Chairman of the County Board Dick Austin, and John Farrow from the County Veteran's Assistance Commission. Mr. Moore thanked them all for their service to this country and thanked Mr. Farrow for the service his office provides. Mr. Farrow thanked the Board for the honor on behalf of the Veteran's Assistance Commission and the veterans of Sangamon County.

Mr. Montalbano presented a Proclamation in honor of Silver Star Banner Day in Sangamon County to honor wounded and ill soldiers. Dale Hunter, Purple Heart Recipient and World War II Veteran, was present to accept the Proclamation. John Farrow presented the Proclamation and Silver Star Banner to Mr. Hunter on behalf of the Sangamon County Veteran's Assistance Commission and the County Board.

MINUTES

A motion was made by Mrs. Long, seconded by Mrs. Turner, for approval of the minutes of October 13, 2009. A voice vote was unanimous.

MOTION CARRIED
MINUTES ADOPTED

CORRESPONDENCE

A motion was made by Mrs. Turner, seconded by Mrs. Long, 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 a Federal Aid Agreement for a sign replacement project.

A motion was made by Mr. Montalbano, seconded by Mr. Stephens, 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 27 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTIONS 2 - 6

2. Resolution approving a petition from Curran Township for a bridge replacement on New Salem Church Road.

A motion was made by Mr. Montalbano, seconded by Mr. Fraase, to place Resolution 2 on the floor. A motion was made by Mr. Bunch, seconded by Mr. Schweska, to consolidate Resolutions 2 – 6. Chairman VanMeter asked the Clerk to read Resolutions 3 – 6.

3. Resolution approving the bid for a new brush chipper.
4. Resolution approving the bid for a new boom mower.
5. Resolution approving the purchase of a used power broom.
6. Resolution altering the speed limit on Cravens Road in Clear Lake Township.

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 – 6, as consolidated. A voice vote carried.

Mr. Hall voted nay on Resolution 6.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 7

7. 2009-47 – Johnson Shuttle, LLC, 12500 State Highway 104, Waverly – Granting a Variance. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mr. Fraase, to place Resolution 7 on the floor. 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 for the adoption of Resolution 7.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 8

8. 2009-48 – Stanley Stewart, 1220 North Daniels, Springfield – Granting a Rezoning. County Board Member – Rosemarie Long, District #10.

A motion was made by Mr. Moore, seconded by Mr. Goleman, to place Resolution 8 on the floor. A motion was made by Mr. Moore to waive the reading of the professional staff's report. There were no objections. Chairman VanMeter asked for a roll call vote. Upon the roll call vote, there were 7 Yeas - 20 Nays. Resolution 8 written to "grant a rezoning" was denied. Those voting nay were: Mr. Davsko, Ms. Dillman, Mr. Forsyth, Mr. Fulgenzi, Mrs. Fulgenzi, Mr. Good, Mr. Hall, Mr. Krell, Mrs. Long, Mr. Montalbano, Mr. Moore, Mr. Moss, Mrs. Musgrave, Mr. O'Neill, Mr. Snell, Mr. Stephens, Mr. Stumpf, Mr. Sullivan, Mr. Tjelmeland, and Mrs. Turner.

MOTIONS CARRIED
RESOLUTION DENIED

RESOLUTION 9

9. 2009-50 – Landers Children Family, LLC, 13487 Bab Road, Auburn – Granting a Rezoning. County Board Member – Sam Snell, District #6.

A motion was made by Mr. Snell, seconded by Mrs. Fulgenzi, to place Resolution 9 on the floor. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Norm Sims, Professional Staff, stated that the petitioner requests a rezoning from "A" agricultural district to "R-1" single family residence to allow a single family residence.

Molly Berns, Professional Staff, stated that the petitioner wants to rezone the property to allow a single family residence. Mr. Sims stated that the staff recommends approval of the zoning change from agriculture to "R-1" with a LESA score of 146. Ms. Berns stated that the Zoning Board of Appeals concurs with the staff report and recommends approval.

Ray Landers, residing at 5000 Dickey John Road in Auburn, addressed the Board. He stated that there is a 5 acre parcel zoned agricultural and they just want to rezone it to residential. Mr. Goleman asked if he plans to build a house on the property. Mr. Landers stated that is his plan.

Mr. Moss asked the professional staff if he could build a house on it. Molly Berns stated that he could build one single family residence if the property is zoned agricultural. Mr. Landers clarified that he just wants residential zoning.

Mark Warnsing, at 196 Joan Drive, addressed the Board. He stated that he is the attorney representing Ellen and Mitchell Warnsing who own the property immediately adjacent to the south boundary of the property in question. He explained that their residence is located there and they have a 3-acre horse pasture. Mr. Landers is not giving any reason for this rezoning. This same petitioner was here three years ago seeking a zoning change and variance to make a flag lot subdivision with four homes. The County Board denied the request at that time. There is still an issue of a subdivision here. The Zoning Board said since this is within the 1 ½ mile zone of the City of Auburn, they would make the call on whether to subdivide the property. The City of Auburn said their current ordinance does not allow them to have jurisdiction over this 1 ½ mile zone, but they could change their ordinance to do that. They do not need to crack the door open on the subdivision issue at this time since the reason for the change is for a single family residence. He can already do that, and there was already a single family residence on the property when he acquired it. There is no reason to grant this petition, and they respectfully request it be denied.

Mr. Moore asked the professional staff to verify what the objector said regarding this code. Ms. Berns explained that the City of Auburn adopted a comprehensive plan that stated there is an intent to have impact and input on what happens within 1 ½ miles of their corporate limits. They also passed a subdivision ordinance and are still working on it. It only applies within the corporate limits of Auburn. In this particular case, the Sangamon County Land Subdivision Committee would take jurisdiction if the petitioner wanted to further divide the parcel. The City of Auburn would not have jurisdiction in this case until they amended their ordinance to include that 1 ½ mile jurisdiction for their land subdivision committee.

Mr. Fulgenzi asked if this is currently within that 1 ½ mile district. Ms. Berns stated that it is just barely within that distance for the purposes of the City of Auburn's comprehensive plan.

Mr. Fulgenzi asked if the petitioner could apply for a subdivision for agricultural or “R-1” with the way it is presently. Mr. Sims stated that he could if he subdivided under the County ordinance.

Mr. Landers gave his rebuttal. He explained that he does not want livestock, horses, or a hog confinement on this property. He just wants it to be zoned residential. There is 5 acres of ground. They feel this would be a great place to build a log home in Auburn.

Mr. Fulgenzi asked if an “R-1” zoning would restrict all of the things he mentioned. Ms. Berns stated that it would restrict a number of those things. You can have “R-1” zoning when an agricultural property is zoned agricultural, and the use is defined by the property owner obtaining \$2,500 of their annual income from that agricultural use.

Mr. Warnsing gave his rebuttal. Again, he is not stating any reason for this change, and they do not think there is any reason to grant this petition.

Chairman VanMeter asked for a roll call vote on the adoption of Resolution 9. Upon the roll call vote, there were 0 Yeas – 27 Nays. Resolution 9 written to “grant a rezoning” was denied.

MOTION CARRIED
RESOLUTION DENIED

RESOLUTION 10

10. 2009-51 – Michael & Janet Dobrinsky, 21045 Mechanicsburg Illiopolis Rd., Illiopolis – Granting a Rezoning. County Board Member – David Mendenhall, District #3.

A motion was made by Mr. Mendenhall, seconded by Mr. Krell, to place Resolution 10 on the floor. 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 for the adoption of Resolution 10.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 11

11. 2009-52 – Roxie D. McCullar, 8700 block of Farmingdale Cemetery Rd., Pleasant Plains – Granting Variances. County Board Member – Tom Fraase, District #1.

A motion was made by Mr. Fraase, seconded by Mr. Stumpf, to place Resolution 11 on the floor. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Norm Sims stated that the petitioner is requesting a rezoning from “A” agricultural zoning with a variance to allow the lot depth to exceed 2 ½ times the lot width. Molly Berns stated that the petitioner wishes to divide the 109 acres into three parcels and wishes to combine two parcels with two existing parcels of four and five acres each. Mr. Sims stated that the staff recommends approval, finding that the standards for variation are met. Ms. Berns stated that the Zoning Board of Appeals concurs with the staff report and recommends approval.

Rick Kinner, Gardner Township Assessor, residing at 8529 Farmington Cemetery Rd., addressed the Board. He stated that this was his mother- in-law’s farm, and she died two years ago. She wanted to divide the property up amongst the three kids. They are actually going to divide it up and end up with three parcels instead of four that are about 40 acres each.

A voice vote was unanimous for the adoption of Resolution 11.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 12

12. 2009-53 – John & Tracy Moyer, 2825 Alpine Drive, Springfield – Granting Variances. County Board Member – Sarah Musgrave, District #9.

A motion was made by Mrs. Musgrave, seconded by Mr. Tjelmeland, to place Resolution 12 on the floor. 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 for the adoption of Resolution 12.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 13

13. 2009-54 – Shultz Photography, 668 South Bradfordton Road, Springfield- Granting a Use Variance. County Board Member – Abe Forsyth, District #27.

A motion was made by Mr. Forsyth, seconded by Mr. Stephens, for the adoption of Resolution 13. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Norm Sims stated that the petitioner is requesting to rezone from “A” agricultural district to “B-2” retail business district to allow for a photography studio with an upstairs apartment. Molly Berns stated that the petitioner wishes to have a photography studio on the first floor with an apartment upstairs. Mr. Sims stated that the staff recommends denial of the requested “B-2” zoning. Although the LESA score of 99 indicates the property is acceptable for non-agricultural zoning, “B-2” zoning seems too intense at this location. The staff recommends approval for a photography studio and apartment at this location. The use seems appropriate because it will not negatively affect the area or alter the character of this location. Ms. Berns stated the Zoning Board of Appeals concurs with the staff report to deny rezoning, but in the alternative grant a use variance with no signage.

Kyle Shultz, 4830 Kelby Lane in Springfield, addressed the Board. He explained that he did have a chance to speak with some people from Old Bradfordton Place at the last meeting, and things did go very well. One objection is that it sets a precedent. They did realize it would not be “B-2” zoning, but only a single use variance. This made a lot of people feel a lot better about this. There is a day care, a tree cutting business, and an insurance company in this area. Another issue was the traffic and volume. There would be a low volume for this studio. He stated that he has tried to work with people regarding the issues. He would like to go through the process to get signage for the agricultural zoning. He wants to be able have a sign for this business, because he wants people to know they are in the right location. Right now the purchase of this is contingent on this going through.

Mr. Forsyth asked what kind of sign he is talking about. Mr. Shultz stated that it would be a ground sign that would be about three or four foot high, and it would say Shultz Photography.

A motion was made by Mr. Moore, seconded by Mrs. Long, to table Resolution 13. A voice vote was unanimous to deny the motion to table Resolution 13. The motion to table is defeated.

Mr. Fulgenzi asked where the sign would be located. Mr. Shultz stated that it would probably not be by the road. It would just be something up towards the house by the porch so clients will know where they are at.

Chairman VanMeter asked for clarification if the resolution is written to not allow any signage at all. Ms. Berns explained that it was the recommendation of the Zoning Board of Appeals to grant a use variance with no signage. Chairman VanMeter stated that they would need to amend the resolution to allow a sign and they could then design a sign.

Mr. Moss asked if there is any limit to where he can put his address out front to identify his location. Ms. Berns stated that there are limitations regarding sign locations. It would depend on where it is and what he is requesting.

Mr. Forsyth stated that the obstruction for traffic would be pretty bad if he puts a sign by the road.

A motion was made by Mr. Stephens, seconded by Mr. Tjelmeland, to amend Resolution 13 to grant the variance without the sign restriction and to delete the words “with no signage”.

Mrs. Turner asked if they would really want to vote on something like this when they have a County Board Member in that district saying the sign would cause a traffic hazard.

Mr. Fulgenzi stated that he feels if you are going to have a business you should be able to have a 2x3 sign within five feet or so of the porch and keep it well off the roadway. Chairman VanMeter explained that an amendment is being offered to allow him to put up whatever sign is allowed under the ordinance.

Mr. Moore asked the petitioner if this was tabled and he doesn't close on Friday, if he would still be buying this property. Mr. Shultz stated that he would if he could, but he does not know how the sellers will respond to this. Molly Berns explained that he would have to wait another six months to bring this resolution back to the Board. Chairman VanMeter stated that they need to work these problems out, and if they don't they will have to wait another six months.

Chairman VanMeter asked for a roll call vote on the amendment of Resolution 13. Upon the roll call vote, there were 14 Yeas – 13 Nays. Those voting nay were: Mr. Davsko, Mr. Forsyth, Mr. Fraase, Mr. Goleman, Mr. Hall, Mr. Krell, Mr. Moore, Mr. Moss, Mr. Preckwinkle, Mr. Snell, Mr. Stumpf, Mr. Sullivan, and Mrs. Turner. The amendment was granted.

Mr. Shultz assured the Board that he has read the ordinance regarding the rules for the dimensions of the sign and will design the sign within those parameters.

Mr. Montalbano asked if they could make an amendment to know what size he will be using. Chairman VanMeter stated that the legal staff informed him they cannot negotiate the size of the sign while he is applying for zoning. That would be contract zoning and is prohibited by law.

Mrs. Musgrave asked if this issue was brought up at the Zoning Board of Appeals, and if there was opposition to it. Mr. Moore stated that the neighbors were not opposed to the signage. They were thinking there would be some huge sign outside versus something more elegant. The Zoning Board of Appeals did agree to the sign restriction. Mrs. Musgrave asked the petitioner if he addressed the signage issue with the neighbors when he addressed the other concerns. Mr. Shultz explained that he did not know they put that language in there. It went well when he did talk to a few people about this issue.

Mr. Stephens asked if they can require a setback for the sign because of the safety issues. Jim Grohne, Assistant State's Attorney, stated that safety issues can normally allow a setback requirement. They need to determine how much of a setback safety requires. There is no evidence before the County Board or Zoning Board of Appeals.

Chairman VanMeter explained that there is a process in zoning where the professional staff and Zoning Board of Appeals need to gather this information and notice needs to be given to the opponents. Now they want to solve all the problems tonight with the County Board.

Mrs. Fulgenzi asked the professional staff if the petitioner has to have a permit to put up the sign. Chairman VanMeter stated that they would have to comply with whatever Sangamon County's regular ordinance requires.

Mr. Moore explained that he will vote no on this, and he believes the petitioner should come back at another time when he has his issues worked out.

Chairman VanMeter asked for a roll call vote on the adoption of Resolution 13. Upon the roll call vote, there were 14 Yeas – 13 Nays. Those voting nay were: Mr. Bunch, Mr. Davsko, Mr. Forsyth, Mr. Fraase, Mr. Goleman, Mr. Hall, Mr. Krell, Mr. Moore, Mr. Moss, Mr. Snell, Mr. Stumpf, Mr. Sullivan, and Mrs. Turner. Resolution 13 was adopted, as amended.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 14

14. 2009-55 – Glennon Paul, 7000 block of State Route 125, Pleasant Plains – Granting a Variance. County Board Member – Tom Fraase, District #1.

A motion was made by Mr. Fraase, seconded by Mr. Bunch, to place Resolution 14 on the floor. 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 for the adoption of Resolution 14.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 15

15. Resolution approving a maintenance agreement with New World Systems for the provision of maintaining the County's financial system software package.

A motion was made by Mrs. Long, seconded by Mrs. Musgrave, to place Resolution 15 on the floor. A motion was made by Mr. Goleman, seconded by Mrs. Long, that the roll call vote for Resolution 1 stand as the roll call vote for Resolution 15. A voice vote was unanimous.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 16

16. Resolution approving an amendment to the operational study analysis and cost based fee study done by Maximus, Inc.

A motion was made by Mr. Preckwinkle, seconded by Mr. Goleman, to place Resolution 16 on the floor. A motion was made by Mr. Goleman, seconded by Mrs. Long, that the roll call vote for Resolution 1 stand as the roll call vote for Resolution 16. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 17

17. Resolution approving an amendment to the FY2009 Sangamon County budget.

A motion was made by Mr. Goleman, seconded by Mr. Tjelmeland, to place Resolution 17 on the floor. A motion was made by Mr. Goleman, seconded by Mrs. Long, that the roll call vote for Resolution 1 stand as the roll call vote for Resolution 17. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 18

18. Resolution approving the annual budget and appropriation ordinance for the Fiscal Year from December 1, 2009 through November 30, 2010.

A motion was made by Mr. Goleman, seconded by Mr. Moore, to place Resolution 18 on the floor.

Mr. Goleman addressed the Board. He stated that he is proud to say they have a balanced budget that will give all employees a .5% raise on December 1st and possibly another .5% on June 1st if the economy turns around. This includes no layoffs under the provision that organized labor agrees to some wage concessions and to the .5% raise. If they refuse this, there will unfortunately be some layoffs. This is a lean but manageable budget, and it does slightly lower the tax rate compared to last year's levy.

This is not a budget where everyone is happy, but it does meet obligations in which the County is living within their means. Mr. Goleman stated that they have a good process in Sangamon County to be proactive and address issues they have. He gave credit to the staff members and employees who have been under a lot of stress and thanked them for sticking with them and having the courage to work with them. Many of them have given their ideas where they can all work together to save money. The biggest thing is the commitment that they work hard to try and make sure they keep people gainfully employed and avoid layoffs. This is going to be a tight budget and he hopes everyone recognizes they have done their very best to try to meet the needs of all the department heads and elected officials and at the same time not hurting services in Sangamon County. There will have to be some adjustments, but overall services will continue as they have in the past. Mr. Goleman gave special thanks to Brian McFadden, County Administrator and to Dave Connor, Deputy Auditor, who have worked really hard on this. They put a lot of time and effort into this. It is very pleasant to have people like this that they can work with.

Mr. Goleman asked Brian McFadden to come forward and provide details regarding the budget. Mr. McFadden explained that the appropriation ordinance contains a lot of information and details on revenue and expenditure items. He explained the summary document that highlights the important points within the budget. They went in mid-year and made a correction to the budget because of a dramatic decrease in revenue. They have been very pro-active in this effort. Many of the savings were achieved by not filling vacancies and eliminating positions, and there were some program reductions. The general fund budget was reduced by \$2.7 million. The overall budget of the County was reduced by \$3 million. A big component that allowed them to make these changes was the Voluntary Severance Plan. It provided close to \$340,000 in savings in FY2009 and over \$1 million in savings for the FY2010 budget. It allowed them to eliminate 10 positions and another 35 ½ vacant positions as they went through the 10% reduction process. They consolidated the probation departments, which is now called the Court Services Department. This allowed \$392,000 in savings. The Sheriff's Office budget was reduced by \$850,000, with eight positions being eliminated and the deputies being moved to the 12 hour schedules. The take home car program was also modified and scaled back. There was also a \$194,000 reduction in the Public Health Department, with seven positions and a number of programs being eliminated there. There were a number of other cuts that were made to make the \$2.7 million reduction.

Mr. McFadden went over some of the revenue highlights. The overall revenue is fairly flat in this budget. It is down about \$600,000 from the prior year. The actual starting FY2009 revenue item was \$45.1 million in revenue for the general fund. That is almost a \$3.3 million drop from what the Board adopted a year ago. The general fund kind of gives an idea of what they are dealing with in this budget. There is a very dramatic drop in the revenue items of this budget. Income tax revenues are back to what they were receiving in 2007. The number from 2009 to 2010 is flat. Sales tax revenues are even more dramatic. Property tax revenue is the County's largest revenue item with approximately \$24 million in the FY2010 budget.

State reimbursement and State grants for Sangamon County have been cut by \$850,000. The bulk of that is a reduction in court service's salary reimbursement. The County Clerk's Office has a \$47,000 reduction in election judge's reimbursement. The Sheriff's Office has lost its Sheriff's speed grant in the amount of \$80,000. The Public Health Department lost the \$150,000 for the EPA Grant it receives. This will heavily impact the recycling program, and it will be suspended for 2010. They are expected to receive a \$666,000 technology grant that will go to the Sheriff's Office. About \$220,000 of that will go to the installation of new cameras in the jail and throughout the building.

Fee increases are around \$900,000. Court Fees will go up generating about \$334,000. Other fee increases include: Animal Control-\$48,708, Child Advocacy-\$482,470, County Clerk-\$50,000, and Sheriff-\$108,000.

This is the second straight year the County will have a budget that spends less than the prior year. There is a \$600,000 reduction in the County budget.

This budget included a .5% salary increase with another .5% increase if revenues do rebound.

Mr. McFadden asked Dave Connor, Deputy Auditor, to address the Board regarding the budget issues. Mr. Connor explained that if they can manage the staff, there will be some savings. The total county's contribution for the health insurance fund will drop from \$4.8 million to \$4 million. This is being done primarily because of the efficient management of the health insurance program. This is an employee program managed by the Board of Managers consisting of some County Board members and County employees who are elected by the employees of the County. They have a vested interest in running the program well. They will finish the year with about \$5.7 million in reserves in the health insurance fund. That is slightly greater than a year's worth of claims.

Mr. Connor explained that worker's compensation dropped from \$1.4 million to \$1.1 million in contributions. That is largely attributed to the efforts they have made to reduce worker's compensation claims. The IMRF contributions rate is going up from 9.72% to 10.69%.

Mr. McFadden explained some of the highlights within the departments. The reductions include: Sheriff's Office-\$244,066, Court Services-\$645,000, Treasurer-\$50,094, Circuit Clerk-\$271,608, Supervisor of Assessments-\$74,356, and Sangamon County Central Dispatch System-\$300,000. The Public Health Department will have an increase in their budget of \$111,000. This includes no general fund subsidy, merging of the departments, an EPA grant, elimination of 2 positions, and rent for the new building. The Recorder will have an increase of \$64,000 in their budget. This includes restoration fund relief and capital funds for a scanning program and/or shelving program. Building and Grounds will also have an increase in their budget of \$120,035.

There will also be savings of \$327,000 from refinancing the New World Integrated Criminal Justice System for the Sheriff's Office. They are also in the process of negotiating with a vendor for their energy management project.

They will begin Phase 1 of the space needs issue by setting up a property tax/property records center on the first floor to make it more customer friendly and efficient. The last item is that they will institute a program that requires paid parking for those employees who receive free parking and to eliminate the free public park across the street. They have done a study and discovered that most counties do not provide free parking. It will be \$1.00 per hour, which is the same rate that everyone would pay in that lot.

Mr. McFadden highlighted some of the capital equipment changes. There will be a small savings from the suspension of the vehicle purchase program for FY2010. The FY2010 savings will be \$50,000 and FY2011 savings will be \$125,000. The consolidated fleet maintenance budget will be reduced by \$82,000. The County's contract with the provider for voting machines will expire this month. The County needs to put in place a mechanism for purchasing equipment in the future. The County Clerk's Office is working through that process right now. There will be \$250,000 for this project. There will be enough money in this budget to meet the annual debt service of \$420,000 for the Public Health building. There will also be \$100,000 for network upgrades.

Mr. McFadden explained that because the County has been pro-active, there will be no tax increase, no layoffs, and minimal program cuts.

Mr. Bunch commended the Finance Committee and the work that Mr. McFadden and Dave Connor have done with this budget. He stated that this has been the most stressful budget he has been through. They have been putting in so much time to try and keep people's jobs, and make sure they do not have the same problem the City has with laying people off.

Mr. Moore pointed out that Bill Moss' Committee was able to take some of the stimulus funds and re-allocate them towards veteran's transportation. While they are cutting back on some services, they are also trying to re-align those kinds of dollars to support those core services they provide to the community.

A motion was made by Mr. Goleman, seconded by Mr. Moore, to amend Resolution 18. Mr. Goleman stated that on November 3rd an additional salary reimbursement commitment was received from the State of Illinois in the amount of \$150,576 in support of the Court Services operations for FY2010. With this additional commitment, the total state salary reimbursement for FY2010 will be \$571,485 less than the fiscal year 2009 amended budget. The additional commitment was received after the budget ordinance was filed, thereby requiring this amendment.

The specific changes are as follows: page 18-5 Property Tax Funds, 01 County General Corp.-Appropriations amount is changed to \$41,855,504, Income Other Sources amount is changed to \$29,674,766. Page 18-5 Property Tax Funds, Total Levied Funds-Appropriations amount is changed to \$65,786,497, Income Other Source amount is changed to \$41,168,978. On page 18-5 Total Appropriations-Appropriations amount is changed to \$92,982,801, Income Other Sources amount is changed to \$68,365,282.

On page 18-6 in the FY2010 Anticipated Revenue Column-Juvenile Probation amount is changed to \$607,895, Total Revenue amount is changed to \$41,855,504. On page 18-7 in the FY2010 Recommended Column-Dept. #00 County General Fund amount is changed to \$4,601,437, Total General Corporate Fund amount is changed to \$41,855,504, Dept. #35 Juvenile Center amount is changed to \$2,015,057, Total-all funds amount is changed to \$92,982,801.

Mr. Goleman applauded the Court Services staff including Mike Torchia, Barb Mabie, Terry Moore and the rest of the staff for all the hard work they have done this year.

Chairman VanMeter recognized Dave Connor, Deputy Auditor, who will be retiring. He announced how grateful the County Board and the community are for his work and assistance with the budget.

A voice vote was unanimous on the amendment of Resolution 18. Chairman VanMeter asked for a roll call vote on the adoption of Resolution 18, as amended. Upon a roll call vote, there were 28 Yeas – 0 Nays. Chairman VanMeter voted yes.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 19

19. Resolution approving tax levies for Fiscal Year from December 1, 2009 through November 30, 2010.

A motion was made by Mr. Goleman, seconded by Mrs. Turner, to place Resolution 19 on the floor. A motion was made by Mr. Goleman to amend Resolution 19. Mr. Goleman stated that page 4, paragraph 3, line 3 should be amended to change the date December 18, 2010 to December 18, 2009. A voice vote was unanimous on the amendment. Chairman VanMeter asked for a roll call vote on the adoption of Resolution 19, as amended. Upon the roll call vote, there were 27 Yeas – 0 Nays.

MOTIONS 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

OLD BUSINESS

- A. Resolution 8 – Tabled 10/13/09
2009-46 – Dane Atwood, 2700 S. Spring, Springfield – Granting a Conditional Permitted Use and a Variance. County Board Member – Clyde Bunch, District #21.

A motion was made by Mr. Moore, seconded by Mrs. Long, to take Resolution 8 off the table. A voice vote was unanimous. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Norm Sims stated that the petitioner is requesting a conditional permitted use to allow a tavern including live entertainment and dancing with a variance to allow the tavern property line to be 84' from a residential structure rather than the required 100'. Molly Berns stated that the petitioner wishes to have a tavern with entertainment and dancing. Mr. Sims stated that the staff recommends approval of the conditional permitted use and variance. The property was rezoned to "B-3" in 2008 and deemed appropriate for commercial development at that time. Spring Street, which divides the subject property from the residences, is narrow thus reducing the amount of available space to separate the property line from the residential structure. There is some concern regarding the noise that may result from a tavern at this location; however, "B-3" zoning permits other uses which may also result in increased noise and congestion at this property. Ms. Berns stated that the Zoning Board of Appeals concurs with the staff report and recommends approval by a 3-2 vote.

Kevin McDermott, attorney for the petitioner, addressed the Board. He stated that his address is 109 S. 7th Street in Springfield. They had originally petitioned the Board to allow for live music and a beer garden. As of this morning, they submitted a proposed amendment to delete the request for live music and a beer garden. They do not want to have live music, and the beer garden will be converted into a banquet room for special events. The structure itself will be approximately 80x60 feet in size. The plan for the building calls for a post and frame building with an 18-gauge steel roof. There will also be a stone façade around the front side of the building. The plan allows for seating of 88 people. Of those 88, there will be 16 at the bar area. The cost for this project including the land, building, kitchen equipment, and restaurant supplies is estimated to be \$450,000 to \$500,000, so it is a sizeable investment by the petitioner. Mr. Atwood envisions the Highlander operations to be very similar to restaurants in the surrounding neighborhood.

Other similar restaurants are Darcy's Pint, Dublin Pub, and Gabatoni's. They will target patrons from throughout the County and City. They will offer a complete menu and dinner will be served until 10:00 p.m. After that time there will be an appetizer menu until closing. They believe this is a great location and it is a brand new structure for this neighborhood and is a great development. It is surrounded on three sides by commercial property and vacant land. Mr. McDermott urged the Board to approve this proposal as amended.

A motion was made by Mr. Moore, seconded by Mr. Fraase, to amend Resolution 8. The words beer garden from paragraph 8 and live entertainment and dancing from paragraph 18 should be stricken and substitute banquet room instead of beer garden.

Jenny Sprouse, residing at 2924 S. Glenwood, Springfield, addressed the Board. She stated that there are now four taverns in this neighborhood within eight blocks. This would make the fifth one. The traffic right now is very heavy and there is a school within a block from this location. She stated that she just does not see how this neighborhood could handle another tavern with all these people. If they are not going to have a beer garden now, they will probably come back next year and want one because all of them out there have one now. People will need a place to smoke.

Chairman VanMeter asked Ms. Sprouse if the proposed amendment changes her opposition in any way. Ms. Sprouse stated that she still thinks there will be a lot of noise down there and people outside smoking.

Mr. McDermott gave his rebuttal. He explained that the way this building is set up, the parking lot will be on the east side of the lot. They foresee people coming and going on North Avenue and also on First Street.

Mr. Moore asked if the petitioner currently owns this property. Mr. McDermott stated that he has an option to purchase this property contingent on this rezoning.

Mr. Fulgenzi asked if there is adequate parking to accommodate the increased size of this structure. Mr. McDermott stated that there is, and they will conform to all parking requirements.

Mr. Goleman asked if the petitioner agreed to the amendment because of the concerns of the neighbors. Mr. McDermott stated that they did drop the beer garden and live music because they are trying to be good neighbors.

Mr. Fraase asked what time they will open. Mr. McDermott stated that it will be around 10:30 or 11:00 a.m. for lunch.

Mr. Moss asked what the occupancy level is for the building. Mr. McDermott stated that it is for 88 people.

Mrs. Long asked what time they would be closing. Mr. McDermott stated that it would be by Midnight or 1:00 a.m. They have not yet worked out if it would be every night.

Mr. Hall asked the professional staff to explain the difference between a bar and a banquet hall. Molly Berns explained that the County Code does not really address banquet halls and meeting facilities, but it loops it all into one.

Since this is attached to the restaurant, the interpretation of the Code would be a separate room that could hold meetings versus being a separate banquet facility that is a stand alone property only open for special meetings.

Mr. Fulgenzi asked if the 88 person seating includes the banquet hall. Mr. McDermott stated that it does. It is not going to be a banquet hall, but an area or room people can rent out to have a separate gathering from the rest of the bar.

Mr. Moss asked the professional staff if the occupancy is only 88 based on the size of this facility. Molly Berns stated that occupancy in this case would be different than actual seating based on the size of the facility. The building capacity may be bigger than 88 people, but he is addressing the actual seating.

Mr. Bunch stated that he thinks if someone is not involved with the conditions of that neighborhood then they do not know what it is all about. He stated that he has been there and listened to the noise in the area. You need to look at this from the view of the people who have been suffering out there, and think how you would vote if this were your district. This would just be a public nuisance because this part of town does not need another 88 to 100 cars in this area.

Mr. Fraase asked the professional staff what else could be put on this property right now. Norm Sims stated that a pool hall, a theater including a drive-in, a restaurant with live entertainment and dancing, a drive-in restaurant, and a fueling station would all be allowed under "B-3" zoning. This was originally zoned "B-3" for a mini-storage warehouse.

Mr. Stumpf asked how this would read with the changes. Jim Grohne, Assistant State's Attorney, stated that it would read "that the request for a conditional permitted use to allow a tavern and a variance of Section 17.58.080(D) (4) to allow a tavern property line to be 84' from a residential structure rather than the required 100', and to exclude the use of the beer garden". Mr. Stumpf asked if they would have a full menu. Mr. McDermott stated that they would. They look at this as a way to improve the neighborhood, and it will be nothing like the other places down the street.

Mr. Schweska asked how many people they will be hiring. Mr. McDermott stated there would be about 15 people.

Ms. Sprouse gave her rebuttal. She stated that there are other bars people can go to and she really does not think the neighborhood can handle this.

Mr. Krell stated that he is in opposition to this because he does know the area a little bit. There are already four taverns in this neighborhood and Darcy's on North Street. If you look at the neighborhood, it is almost landlocked. There is only three ways to get in there. There is an elementary school right down the street and this will cause more traffic down First Street. There was a business located across from the elementary school that made the papers quite a bit with its noise problems in that neighborhood. A lot of people will be sitting outside now because of the smoking ban. They may say they will not have a beer garden, but all of a sudden you see these smoking shacks outside where people will sit and smoke and drink all night long.

A voice vote was unanimous on the amendment of Resolution 8. Chairman VanMeter asked for a roll call vote on the adoption of Resolution 8, as amended. Upon the roll call vote, there were 10 Yeas – 17 Nays. Those voting nay were: Mr. Bunch, Mr. Davsko, Ms. Dillman, Mrs. Douglas Williams, Mr. Forsyth, Mrs. Fulgenzi, Mr. Hall, Mr. Krell, Mrs. Long, Mr. Montalbano, Mr. Moss, Mr. Preckwinkle, Mr. Schweska, Mr. Snell, Mr. Stephens, Mr. Tjelmeland, and Mrs. Turner. Resolution 8 written “to grant a conditional permitted use and a variance” was denied.

MOTIONS CARRIED
RESOLUTION DENIED

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

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

COMMITTEE REPORT ON CLAIMS

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

MOTION CARRIED
REPORT FILED

RECESS

A motion was made by Mrs. Long, seconded by Mrs. Turner, to recess the meeting to December 8, 2009 at 7:00 p.m. or at the call of the Chairman, if necessary, prior to that time. There is the possibility of a special meeting on November 16, 2009 to address any issues that may arise about the railroad proposal and/or issues with the budget.

**MOTION CARRIED
MEETING RECESSED**