

JOE AIELLO  
SANGAMON COUNTY CLERK



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## MINUTES

### SANGAMON COUNTY BOARD

OCTOBER 11, 2005

The Sangamon County Board met in Reconvened Adjourned September Session on October 11, 2005 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:05 p.m. Mr. Montalbano gave the Invocation and Mr. Josh Scaife, son of Cathy Scaife, 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. Moore was excused. Mrs. Turner came in late.

### APPROVAL OF MINUTES

A motion was made by Mr. Bunch, seconded by Mrs. Long for approval of the Minutes of September 13, 2005 and September 29, 2005. A motion was made by Mr. Cahnman, seconded by Mrs. Long, to amend the Minutes of September 13, 2005. Mr. Cahnman stated that on Page 1 in Paragraph 1 where he gave the Invocation it should read “Mr. Cahnman gave the Invocation and asked for a moment of silence for former County Board Member Roger Sweet who recently passed away.”

A voice vote was unanimous on the motion to approve the minutes as amended.

MOTIONS CARRIED  
MINUTES ADOPTED

### CORRESPONDENCE

- A. Illinois Department of Transportation Motor Fuel Tax Allotment and Transactions for August, 2005.

A motion was made by Mrs. Long, seconded by Mr. Bunch, to place the Correspondence on file with the County Clerk. A voice vote was unanimous.

MOTION CARRIED  
CORRESPONDENCE FILED

**RESOLUTION 1**

1. Resolution establishing altered speed zones on Turkey Run Road and Barlow Road in Williams Township.

A motion was made by Mr. Montalbano, seconded by Mr. Wieland, for the adoption of Resolution 1. Upon a roll call vote, there were 26 Yeas – 0 Nays.

MOTION CARRIED  
RESOLUTION ADOPTED

**RESOLUTIONS 2 – 3**

2. Resolution approving an engineering agreement with Cummins Engineering Corporation for culvert and roadway design on Waverly Road (County Highway 10).

A motion was made by Mr. Hall, seconded by Mr. Stumpf, for the adoption of Resolution 2. A motion was made by Mr. Bunch, seconded by Mr. Pace, to consolidate Resolutions 2 – 3. Chairman VanMeter asked the Clerk to read Resolution 3.

3. Resolution appropriating Motor Fuel Tax funds for Rochester Road, County Highway 56, Section 02-00104-02-RS.

A voice vote was unanimous on the consolidation. A motion was made by Mr. Goleman, seconded by Mrs. Scaife, that the roll call vote for Resolution 1 stand as the roll call vote for Resolutions 2 – 3, as consolidated. A voice vote was unanimous.

MOTIONS CARRIED  
RESOLUTIONS ADOPTED

**RESOLUTION 4**

4. 2005-61 – Bryan Meyerhoff, 4674 Starwalt Lane, Sherman – Granting a Conditional Permitted Use. County Board Member – Dan Vaughn, District #2.

A motion was made by Mr. Vaughn, seconded by Mrs. VanHoos, for the adoption of Resolution 4. A motion was made by Mr. Goleman 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 4.

MOTIONS CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 5**

5. 2005-62 – Michael Huesing, 1223 West Miller, Springfield – Granting a Rezoning. County Board Member – Dick Bond, District #11.

A motion was made by Mr. Bond, seconded by Mr. Buecker, for the adoption of Resolution 5. A motion was made by Mr. Goleman 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 5.

MOTIONS CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 6**

6. 2005-63 – Charles & Shannon Lynch, 2741 Green Valley Road, Springfield – Granting Variances. County Board Member – Dick Bond, District #11.

A motion was made by Mr. Bond, seconded by Mr. O'Neill, for the adoption of Resolution 6. A motion was made by Mr. Goleman 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. 2005-64 – John Jr. & Lori Haggard, 3237 Luthin Road, Sherman – Granting Variances. County Board Member – Dan Vaughn, District #2.

A motion was made by Mr. Bond, seconded by Mr. Snell, for the adoption of Resolution 7. A motion was made by Mr. Goleman 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. 2005-65 – Mark Boggs, 6030 State Route 97, Pleasant Plains – Denying a Rezoning. County Board Member – Tom Fraase, District #1.

A motion was made by Mr. Bond, seconded by Mr. Tjelmeland, for the adoption of Resolution 8. Chairman VanMeter asked for comments from the professional staff.

Linda Wheeland, Professional Staff, stated that the petitioner is requesting a rezoning from “R-1” to “B-1”. Randy Armstrong, Professional Staff, stated that the property is located on State Route 97 on the east edge of Salisbury and the petitioner wants to build a dog kennel on the front of the property, and at a later date, a residence at the rear of the property. Ms. Wheeland reported that trend of development in the area has been residential so the existing residential zoning is seen as appropriate and the staff recommends denial. Mr. Armstrong reported that the Zoning Board of Appeals concurs with the staff report and recommends denial of the petition.

Bill Seltzer, friend of the petitioner and an attorney, addressed the Board. He explained that he is present to address any legal matters that come up while Mr. Boggs is giving his presentation, and he has prepared statements available to be passed out and a video of the property in question would run while the presentation is made.

Mark Boggs, residing at 6030 State Route 97 in Pleasant Plains, addressed the Board. He explained his plan to build a boarding kennel and a training facility which would include a small retail operation with specialized equipment for search and rescue, police, and homeland security dogs, in addition to some select canine nutrition products. And, they would also breed working dog puppies. At the last hearing complaints were made regarding odor, dog waste and noise. In regards to the dog waste disposal, the solid waste would be bagged up and sent to a landfill, which was what Public Health said to do. The rest of the waste, such as urine, could be washed into a normal septic tank. In regards to well water contamination, everyone is a good five times the 75 feet requirement away from the property.

The kennel would be constructed of solid concrete block and the dogs would be inside throughout the evening and during certain daytime hours. Outside exercise runs would also be divided by concrete block to further prevent noise and prevent the dogs from seeing each other which is a major noise problem in kennels. Meticulous attention has been paid to both building design and kennel management planning to prevent the noise problems. A pre-construction noise impact assessment was prepared and concluded that the proposed kennel would not cause noise problems or de-valuation of property. Also, since vegetation is acknowledged as a natural sound barrier, two hundred trees have been planted on three sides of the subject property which do not adjoin the highway right-of-way. They should reach a height of 15 feet in five years. The length of the kennel building will be set from east to west and the building will sit towards the northern corner

of the tract near the metal fabrication plant next door. The proposed location will be next to State Route 97, which is heavily traveled. From the video, it shows there were 84 cars that passed through there within six minutes at 7:15 in the morning. There will be a \$200,000 home built there also. When this project is completed it will be worth almost \$500,000. Also, the number of kennels will be reduced from 50 to 25. It will be an upscale business and noise and smell will not be a problem.

The kennels will be washed out three times a day and it will be subject to random inspections by the Department of Agriculture.

Mr. Fraase stated that the video they are presenting does not show the homes on the south side of the property. There are also a bunch of homes to the north and east that are not being shown. Mr. Boggs explained that the closest home is 250 feet away.

Mr. Cahnman asked for verification on the change from 50 to 25 kennels. He asked if they are asking for a variance and not a conditional permitted use. Mr. Boggs stated that he would do whatever he needed to do.

Mr. Cahnman asked the professional staff if there would be any limitations on the number of kennels that could be placed on the property. Randy Armstrong explained that you cannot put conditions on an amendment. It could only be voluntarily written into the resolution. Mr. Cahnman asked for clarification if their plan is to assure the Board the plan is to not have any more kennels with this business. Mr. Boggs stated that is correct. He explained that he wants to live on the property and work from home.

Mr. Hall asked if he has ever been an employee of this type of business or ever owned a business like this. Mr. Boggs stated that he does breed and train his own dogs and he has friends who own kennels. He stated that he is a builder by trade, but dogs are his passion and that is what he wants to do.

Mrs. Musgrave asked what types of dogs they breed. Mr. Boggs stated that they are German Shepherds.

Marcia Masten, residing at 7296 Spring Street in Pleasant Plains, addressed the Board. Mrs. Masten explained that she lives next door to the property. She stated that the pole barn is about 20 feet from her property line. When the petitioner bought the property they knew there was a covenant which states no more than six domestic animals could be kept on that property. There was also a petition signed by 54 home owners who live in the area and they are all against the petition. They do not want a commercial dog kennel because of the noise, smell, and 24 hour a day noise the dogs would create. It would also decrease the value of homes. This would make all of the residents unhappy in their current living conditions.

Bill Chestnut, residing at 5976 State Route 97 in Pleasant Plains addressed the Board. He stated that he lives downstream from the property and he would get the downstream trickle affect through his property on his septic system if their system would fail. Also, if their police dogs are untrained this means they would have to be trained

with gunshots. He stated that this is a residential neighborhood and they would like to keep it that way. Mr. Boggs has no experience running a professional dog kennel and who knows what could be put there after the dog kennel fails. He stressed that he does not want gunshots or untrained dogs running through his property along with all of the possible noise, smells and contamination of his well and septic.

Mr. Moss asked how long he has lived there. Mr. Chestnut stated he has lived on his property for 17 years. Mr. Fraase asked how close his property is to the petitioners. Mr. Chestnut stated that his is the second property downstream.

Ms. Cimarossa asked if there are any other farm animals in the area. Mr. Chestnut stated that he just has a cat and there are no domesticated animals adjacent to the property. Across the street there are a small number of cattle.

Mr. Boggs explained that he spoke with the Public Health Department regarding the septic system and they said the regulation is 75 feet from a well. He stated that he is on a five acre tract and they said there is no way anyone would be affected by this. There are horses and cattle right across the street from Mrs. Masten. He stated that he is 510 feet behind her which is almost two football field lengths. And, as far as the petition, there are 54 signatures, but some of them live in the same house. There are not 54 homes around there. Growth is coming in this area. There are six other businesses on that same road, not to mention the industrial business right next door. Noise will not be a problem. You can go out to Dal Acres West and there is no noise. In five to ten years the trees will be 10 to 15 feet tall. They are a natural buffer zone. The kennel is a \$130,000 building and it is designed to reduce noise. It will all be enclosed by a privacy fence and construction for that part of it will probably not start for another two years. He stated that all of these things have been taken into consideration and he does not want to de-value anyone's property. There are tons of mobile homes in the area so a \$500,000 building in that area could only raise the value. There is a big need for dogs and someone has to train them.

Mr. Montalbano asked if he is aware of the covenant of six dogs. Mr. Boggs explained that he is aware of it and it states he can have six domestic animals in one year to market their offspring. He explained that when German Shepherds are bred, males are not where the profit is. It is in the females. One stud dog can tend to five females. These females can be bred twice a year and they are going to produce six to ten pups per litter. He stated that in any given time there could be 50 dogs of his own stock on that property. Kennels would have to be built to house them. Really the covenant allows for that many dogs to be there as long as they are marketed within that one year.

Mr. Cahnman asked if this would be 20 feet from the objector's house as she had said. Mr. Boggs stated that it is not true because the back of their house is 510 feet from where the kennel would be. He explained that his property is 280 feet from the front to the back and their home is another 200 to 300 feet. The pole barn is 20 feet from her property line, but not the kennel. It would block their view from the kennel.

Mrs. VanHoos asked what certification or training he has had to train these dogs. Mr. Boggs explained that he has been working with a lot of professional trainers for 10 years. He stated he has worked with the Springfield Police Department Canine Unit and with canine directors from Tennessee and other areas. The preconception that trained dogs are vicious is not true. Statistically, dogs that are not trained will bite more often. These dogs are trained to do certain things and will do it when they're told.

Mr. Stephens asked what the pole barn would be used for. Mr. Boggs stated that he would train his own stock in the building when the weather is bad.

Mrs. Turner asked for verification about the number of dogs that could be housed in a year. Randy Armstrong explained there is no limit to the number of dogs in the zoning ordinance. That would be regulated by the Department of Agriculture. The Zoning Department cannot enforce private breeding.

Mr. Fulgenzi asked if the training with gunshots would be done inside or outside. Mr. Boggs explained that it could be done inside or outside. They would not use real live ammo. It would be a blank shot, which is not as loud as real live ammo. He stated that he wouldn't have a problem with not doing that. It could be done anywhere. Mr. Fulgenzi asked how close the nearest house is to the south side. Mr. Boggs stated that it is 250 feet from where the kennel would sit. He explained that he stood from where the kennel would sit and shot with a range finder to all of the homes that he could. The house to the south would be the closest. Mr. Fulgenzi asked if there is anything that would tell how much distance there would be before you could hear the animals inside of the soundproof building. Mr. Boggs stated that there was a study done and there was not visible evidence that it was any different than any other noise. These dogs would be trained to be quiet on demand. Dogs are usually stimulated by visual things. The runs would be divided by a solid block, therefore, if they don't see anything to be stimulated they won't bark.

Mr. Fulgenzi asked if he would be building a house on the property. Mr. Boggs stated that he is building a home on the back of the property before the kennel is built.

Mr. Fraase asked if the homes to the south across the highway are 250 feet away. Mr. Boggs stated that he did not check across the highway. They would probably be at least 150 feet and he is not sure if anyone lives in the house directly across the street.

Mrs. Masten stated that this is a primarily residential neighborhood. The factory was there before most of the people bought their homes. They are not there on the weekends or at night. She stated that they would appreciate not having this dog kennel in their neighborhood.

Mr. Chestnut explained that all of the other businesses have been there long before he bought his property and they just want to keep this area residential.

Mr. Fraase asked Mr. Chestnut if he knows how far the houses are to the south. Mr. Chestnut stated he does not know.

Mr. Pace commended the petitioner for trying to make this area better.

On the motion to adopt Resolution 8, there was a roll call vote. Upon the roll call vote, there were 21 Yeas – 4 Nays – 2 Present. Mr. Bond, Mr. Buecker, Mr. Cahnman, and Mr. Tjelmeland voted Nay. Mr. Bunch and Mr. Fulgenzi voted Present. Resolution 8 written “to deny a Rezoning” was adopted.

MOTIONS CARRIED  
RESOLUTION ADOPTED

### **RESOLUTION 9**

9. 2005-66 – Lewis & Alison Fehring, 10128 Gilreath Road, Chatham – Granting a Use Variance. County Board Member – Don Stephens, District #5.

A motion was made by Mr. Stephens, seconded by Mr. O’Neill, for the adoption of Resolution 9. Chairman VanMeter asked for comments from the professional staff.

Linda Wheeland stated that the petitioners are requesting a Use Variance to allow an ornamental iron works fabrication business in a machine shed. Randy Armstrong stated that the property is one mile south of Chatham and the Zoning Board of Appeals recommended denial of an amendment allowing the petitioner to file for a use variance to allow an ornamental iron works business in the existing machine shed.

Ms. Wheeland stated that the property is located in a rural/residential area. The standards for a Use Variance are not met and the staff recommends denial. Mr. Armstrong stated that the Zoning Board of Appeals recommends approval with the following restrictions: the new addition is for personal use only; the Use Variance will be for the existing shop and no other land on the property; the hours of operation shall be limited to 8:00 a.m. to 4:30 p.m. Monday through Friday; all painting shall be eliminated in the shop; and the number of employees outside of the family is limited to two.

Michael Meyers, Attorney for the Petitioner, addressed the Board. He stated that his office address is 607 E. Adams in Springfield. He explained the property has been in the family for over 60 years. It was divided up and given to certain descendants. Mr. Fehring has operated out of the same building on a part-time basis working with ornamental iron. When the Springfield operation was closed down in 2003 he started to work out of this particular location. They are not doing anything different since 1978. There would only be two employees and the hours are going to be limited. There was some concern with painting. The Environmental Protection Agency was out there to do an inspection in January of this year and Mr. Fehring got a letter stating there was no

problem. He basically goes to some well-to-do houses and does ornamental iron work. The customers never come to the business. There is really no traffic either. Mr. Fehrig lives 60 to 100 feet away from the business. He added an addition to the building which has nothing to do with his shop. He has a barn to the south and will be putting horses in there and needs to put some old motorcycles and things into the building for storage.

The four walls of the business will be the same four walls that he has had since 1978. He has not had any problems with the neighbors nor does he want to have problems. This is a family oriented business and he would not do anything to affect land values. There is air conditioning and heating and the doors are closed most of the time when anything is operational.

Mr. Goleman asked if there have been several concessions made in the original petition. Mr. Meyers stated that there has been regarding the time, the number of employees, and one of the neighbors complained about painting on the site. The EPA showed no problems at all, but as an accommodation the painting will be contracted out. Any ornamental iron that needs to be painted will be off site.

Mr. Montalbano asked if there are now or would there ever be materials stored outside. Mr. Meyers stated that there would not because that is the purpose of the building.

Ms. Cimarossa asked if the addition to the building is on an existing building now. Mr. Meyers explained that there was an original building which he is operating from now. There is a barn to the south which his wife will be putting horses. When the horses go in, what is stored in the barn will need to be stored somewhere and that is why they added the new addition.

Mr. Vaughn asked if this differs from an old time blacksmith shop. Mr. Fehrig stated that they do the original blacksmithing and he has his grandfather's original equipment. Mr. Vaughn asked if this is basically what a blacksmith would do. Mr. Fehrig agreed that it is, but it can also go beyond that.

Grace Wisniewski, residing at 10106 Gilreath in Chatham, addressed the Board. She stated that she lives just north of the building and since Mr. Fehrig moved his welding shop in 2003 to within 70 feet of her front porch the traffic, noise, and odor has increased. This has ceased to a minimal since they first went before the Zoning Board. Two additions were made to the original structure which is now some 180 feet long. He is asking for a variance, but the plat map is showing it as the original building and is showing the square footage is still at 180 long by 70. That is not his original building size. There are two full time employees plus the owner working in the shop. The owner has said he was not aware of the odors and has moved the painting business elsewhere within the Chatham city limits. The newest addition was supposed to be for the paint shop, but is now going to be used for storage. His hours have gone to 8:00 a.m. to 4:30 p.m., but prior to the zoning request it was much later than that. She stated that Coleman Chemical Company has stated to be their bio-hazard materials pickup and he has not needed a bio-hazard pickup in one and a half years and she does question this. Even

though he says there is no traffic increase there is heavy industry traffic when hauling metal.

Mr. Mendenhall asked if this is zoned agricultural. Mrs. Wisniewski stated that it is agricultural and residential.

Mr. Mendenhall stated that if he was a farmer and was bringing his equipment in at all hours of the day and night to weld and paint it would have to be acceptable. He has now limited his hours and keeps that activity inside the building so there is not much else they can ask him to do. Mrs. Wisniewski stated that when she left her house tonight there were two trailers outside of the building and one had sheet metal on top of it. This is not crops they are talking about here or machinery used in the farming community.

Mr. Fehrig stated that the original building where the fabrication is done is 30X60 and the addition to that for the storage is 57X30. There are two trailers that are 40 feet long behind the shed for storage. This would be 160 feet long. The trailers parked outside tonight were just there this afternoon to be used for cleaning out the remainder of the barn to be used for the horses by the end of the week.

Mr. Stephens asked if they could put some language in the resolution to define the existing building as 30X60. Mr. Armstrong stated that they could amend the resolution to define it that way.

A motion was made by Mr. Stephens, seconded by Mr. Vaughn and Mrs. Long, to amend Resolution 9. Mr. Stephens stated that it should read "limit the area dedicated to this use to the 30X60 area in the existing building".

Mr. Fulgenzi asked if the existing building is 90 feet long from east to west. Mr. Armstrong stated that the building is not as big as what is depicted on the survey. Mr. Fehrig assured them that the fabrication building is 30X60.

A voice vote was unanimous on the amendment of Resolution 9.

Mr. Pace asked if the variance would continue with this property if there is new ownership. Mr. Armstrong explained that the land is zoned, therefore it would continue with the land. If it is vacated for one year it would lapse. It could only be used for an ornamental iron works business and could not be used for any other business.

Mr. Buecker asked if all those stipulations would stay with the variance. Mr. Armstrong stated that they would.

Jeff Paine, residing at 10022 Gilreath in Chatham, addressed the Board. He stated that the concern is an industrial facility is not in character with the neighborhood. It is not an agricultural application; therefore, it should not be there. The value of homes in the entire area could be affected by this.

Mr. Montalbano asked if Mr. Fehrig has been operating the same business for two or three years. Mr. Paine stated that this has become the full time operation since he closed his business in Springfield. Mr. Montalbano asked if they had problems before now.

Mr. Paine explained they were not fully apprised of what he was doing and were not aware he was operating full time as his sole source of income. Prior to this he worked as a hobby shop. When someone has a hobby shop you don't really object to that.

Mr. Goleman stated that some of the tools Mr. Fehrig would have in his shop he would have in his own shop because he is also involved in production agriculture. There was an amendment made which was agreed upon. This is yet another concession that was made. He is trying to be a good neighbor. He has compromised on several things and is listening to the concerns of his neighbors.

Mrs. Scaife stated that she feels Mr. Fehrig has been a good neighbor and they are lucky he is living there.

Mr. Stephens reassured everyone that Mr. Fehrig has done everything to propose he operates a business as he has for almost three years. This variance holds him to that. He cannot change it. He has already made that commitment. This is not a growing business and will continue to operate as it has been.

On the motion to adopt Resolution 9, there was a roll call vote. Upon the roll call vote, there were 24 Yeas – 3 Nays. Mr. Griffin, Mr. Pace, and Mrs. Turner voted Nay. Resolution 9 written "to grant a Use Variance" was adopted.

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

#### **RESOLUTIONS 10 – 12**

10. Resolution allowing additional engineering services on Cardinal Hill Road.

A motion was made by Mrs. Cimarossa, seconded by Mrs. Scaife, for the adoption of Resolution 10. A motion was made by Mr. Bunch, seconded by Mr. Pace, to consolidate Resolutions 10 – 12. Chairman VanMeter asked the Clerk to read

Resolutions 11 and 12.

11. Resolution authorizing the County Board Chairman to sign an agreement with the Village of Rochester for the Rochester Road Project.

12. Resolution approving an amendment to the precinct re-alignments.

A voice vote was unanimous on the consolidation of Resolutions 10 – 12. 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 Resolutions 10 – 12, 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

LAND USE ADVISORY BOARD

Tony Smarjesse (reappointed)

Jim Fulgenzi (reappointed)

Brad Schaive

William Yoggerst

Sandra Douglas

Bob Davis

Lee Delay

BUILDING CODE BOARD OF APPEALS

Mike Keafer (reappointed)

Pam Deppe (reappointed)

Kevin Forden (reappointed)

Harold Maples (reappointed)

Keith Moore (reappointed)

Jim Reinhart (reappointed)

David Gurnsey

DEPUTY MERIT COMMISSION

Rudy Braud

REGIONAL PLANNING COMMISSION

Eric Hansen

BOARD OF REVIEW

Mike Bartletti (reappointed)

ZONING BOARD OF APPEALS

Peggy Egizii

BOARD OF HEALTH

Dan Vaughn (reappointed)

Paul Smelter, M.D. (reappointed)

Jeffrey Bierman, D.M.D. (reappointed)

Anna Maria Israel (reappointed)

Deborah Grant

Robert Wesley

Dr. Wesley McNeese

CITIZENS ADVISORY COMMITTEE

Sarah Musgrave, appointed Chairman

Judy Yeager

Kevin Hyatt

Sam Snell

HEALTH INSURANCE BOARD OF MANAGERS

Andy Goleman

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

MOTION CARRIED

APPOINTMENTS ADOPTED

C. Approval of the 2006 County Holiday Schedule

A motion was made by Mrs. Long, seconded by Mrs. Turner, for approval of the 2006 County Holiday Schedule. A voice vote was unanimous.

MOTION CARRIED

HOLIDAY SCHEDULE APPROVED

D. Review of Sangamon County Comprehensive Ethics Ordinance

A motion was made by Mrs. Long, seconded by Mrs. Turner, that the Board sits as committee of the whole for the purpose of discussing the Sangamon County Comprehensive Ethics Ordinance and accommodating a guest speaker to speak on the subject of the Ethics Ordinance.

Jim Grohne, Assistant State's Attorney, explained the Sangamon County Ethics Ordinance was passed and became effective in June of last year and it was felt that after some 15 months it might be a good idea to review the ordinance and give all the members an overview of it. Michael Luke, from the State Attorney General's Office, is present to conduct the overview. Mr. Luke is the Chief of the Public Access and Opinion's Division of the Attorney General's Office and was the principle author of the model local ordinances passed pursuant to ethics legislation requiring this to be done.

Mr. Luke addressed the Board and thanked the Board. He commended the Chairman, Ryan McCrady, County Administrator, and Jim Grohne for taking the time to arrange a little bit of training and familiarity with a topic that is very important. Ethics and government is a very popular topic to talk about these days. He stated that he was the principle drafter of the Attorney General's Model Ethics Ordinance which was a job they were given. The task was to take the State Ethics Act and turn it into a local ordinance that would satisfy the requirements of the Act.

A few years ago the General Assembly felt some need to go back and address the issue of ethics primarily on the State level. Unfortunately there are circumstances where people exhibit not so ethical behavior and it makes headlines. It makes people worry about how government works in general. There are lapses from time to time and people don't use very good judgment or some people who wind up in public office or employment are not above using it for their own advantage. Given the fact that there were a large number of problems that arose, the General Assembly felt it was time to take another look at governmental ethics and address some of the problems that have become obvious particularly on the State level.

The Act itself is a combination of two public Acts that were passed in close proximity. The first Act was the genesis of the bill. The second was a trailer bill to clean up and clarify some problems that came up with the first bill. Together the two created the State Officials and Employees Ethics Act. There are two components of the Act. One is substantive and one is procedural. The substantive side addresses two primary problems. One is generically called prohibited political activities. You could summarize that by saying it was attempting to get politics out of the workplace and government to avoid many of the abuses and claims that have been made over the years. The second is a gift ban prohibition which takes the place of the Gift Ban Act. The second portion of the Act is the Procedural Act. It includes the creation of the Office of the Executive Inspector General in most of the State agencies and State offices. It also includes the requirement for Ethics Officers to be appointed and the creation of the Executive Ethics Commission and the Legislative Ethics Commission as tribunals to hear ethics complaints on the State level. It also includes a few other things such as the WhistleBlowers Act.

Basically, the General Assembly at some point decided if they were going to apply these types of restrictions to State government then the same restrictions should be applied to local government. They did not carve out a second Act, instead they tacked on a provision at the end that says local governments and school districts need to adopt their own regulations that are no less stringent than those adopted for the State and they were given six months to do so.

Mr. Luke stated that Jim Grohne is the Ethics Officer for Sangamon County and everyone should see him with ethics questions. It is a very good idea to have someone who is the point of contact with these matters. The object was to put something out there in a reasonably good time so that local government would have time to go over it before they had to adopt it.

Mr. Montalbano stated that he read you cannot talk to a reporter about your re-election campaign from a County office because that would constitute prohibited political activity. He asked if a reporter were to stop him in the hall after a meeting and ask how his election was going would he have to tell them to get away from him. Mr. Luke explained that while you are on County controlled property you are limited as to what you can speak to anyone about. You can take it out on the street or tell them to call you when you get home. If you look at the guts of this Act it does things like prohibit employers and supervisors from requiring employees to work on political campaigns, which is an age old problem in political government. In the past most local politics was done on the basis of your political affiliation. In small counties when you wanted a job you would go the political chair. When someone was turned out of office and a new party came in everyone was fired. It doesn't happen as often anymore.

Mrs. Scaife stated that she did take the State Ethics test at D.O.T., passed it, and still lost her job after being with the State for 17 years. She stated that they were honest hard working ethical people and still lost their jobs, and it is not an experience she would wish on anyone. Mr. Luke stated that he was hopeful it doesn't happen, but he knows in some cases it still does. For a variety of reasons that is primarily no longer the case. The idea is to get politics out of the workplace. It doesn't prohibit someone from working on a political campaign on the weekends. You should not use the office fax machine or Email to send out information about your election.

Chairman VanMeter stated that the Board approved appointments to a number of Boards under the County Board and in the process of assembling those names called the Democratic and Republican Chairmen from the telephone that is provided by the taxpayers of Sangamon County. He asked if that is permitted. Mr. Luke explained that there is an exception which states "activities that are otherwise a part of the person's official duties". In that case, particularly in circumstances where you are obligated to replace an incumbent of someone within the same political party, under State law it is very commonplace to contact political chairs for recommendations or just to advise them what is going on. That would fall under your official duties.

Chairman VanMeter stated that this points out how difficult this is and you have to stop and think every time you pick the phone up. Mr. Luke agreed and said it does take thought. The good thing is that people here are thinking. There are a lot of things that are very technical. The fact is that you looking at it will bring the familiarity to you and it will become second nature. It is better now than it was 25 or 30 years ago. It is much more difficult to use the political process to abuse local governmental powers. Mr. VanMeter stated that he has asked Mr. Grohne a number of questions over the past twelve months or so and he has been very helpful in that regard.

Mr. Vaughn stated that it says “perform any political activities during compensated time”. He explained that they are compensated on a yearly basis and their offices are their homes. They receive all kinds of activities and calls from the home. He asked if this means they cannot conduct any political activities at all. Mr. Luke explained that employees are basically employees and not officers. County Board Members are officers. The Act states “with respect to officers or employees whose hours are not fixed, compensated time includes any period of time when they are on the premises and under control of the County and any other time they are executing their official duties regardless of location”. For a County Board Member that means when they are in the County Building or at a Board Meeting they cannot politic. It also means when they are representing the County Board somewhere else they are probably on official time and are precluded from politicking. When they are at home they are basically a private citizen.

Mr. Vaughn asked if he were off duty would he be allowed to stand on the front steps of the County Building and solicit petitioners for signatures on a petition for a State Representative job. Mr. Luke stated that they could not do that. It is deemed important that a County officer would be precluded from political activities anywhere where that officer had official influence. It says you have to avoid political activities on property that is under control of the public body you serve. You could go somewhere like the library and announce a candidacy. The language of the ordinance would prohibit you to engage in any campaign for any elective office while you are on the County premises.

Mr. Goleman asked if it would be a violation of the Ethics regulations if a County Board Member were to solicit a County jail employee for dates and remind them they are a County Board Member. Mr. Luke explained that this would not be covered by the Ethics Ordinance. It may be covered by a sexual harassment policy or any other number of State laws. If they tried to sell fundraiser tickets to jail employees and then remind them they are a County Board Member, then that may violate the ordinance.

Mr. Pace asked if a County Board Member could talk to a reporter in the parking lot the County owns and controls. Mr. Luke explained that he thinks it would apply as well. You would have to ask the State’s Attorney if they would consider it to be a violation. There are points where some of these things may become non-enforceable. Mr. Pace asked if when the General Assembly passed the State Officials and Employees Ethics Act, they included the ethics testing requirement and any type of enforcement policy.

Mr. Luke explained that this does not mandate ethics training. The section of the Act says local governments must adopt restrictions no less stringent than those found in certain sections and the gift ban article. The training requirements were not in either of those particular sections. On that basis, although training would be wise, it was not mandated by the State Legislature. In some cases it may be unnecessary. He explained that in his office everyone from the Attorney General all the way down to the maintenance people have to take a mandatory training program.

Joe Aiello, County Clerk, asked if it would be considered a violation of the Ethics Act if a candidate circulates a petition, which is a political document, and then goes to the County Clerk's Office to verify signatures. Mr. Grohne stated that this is clearly political activity, anyone whether they are engaged in that activity or private activity is entitled to public records and entitled to view public records. Mr. Luke stated that there would be no other way to avoid that unless you had someone walk them in. It seems that would probably be accepted anyway. There isn't another site available where those records could be examined or where those petitions could be filed.

Mr. Cahnman asked if they would require ethics training for all employees once a year or very other year. Mr. Luke stated that it would be a policy determination to be made. There is a two step training process. New employees must be trained within a certain amount of time after being hired. He suggested initial ethics training for new hires and at minimum of one training cycle for present employees. Then if you want to periodically re-train them that would be a good idea. Every employee should at least take one training session on the ordinance.

Mr. Hall asked if they would be able to use the emblem from the County Seal. Mr. Luke stated that he does not know if there is anything in the County ordinances that limit the use of the seal. Mr. Hall asked if someone would be able to use the emblem from the County Seal on their political signs. Mr. Grohne stated that the County Seal is not physical property of the County, but it is proprietary to Sangamon County. Mr. Luke explained there is no prohibition against the use of the State Seal if it is not fraudulently used.

Mr. Bunch stated there was something passed down by Judge Kelley under County Board Chairman Mary Frances Squires that says you cannot use the County Seal for political purposes. Chairman VanMeter stated it was the State's Attorney's opinion. Mr. Bunch explained it was the State's Attorney's opinion to the County Board that anyone using the County Seal for political purposes would be violating some Act and they could be prosecuted.

Mr. Grohne explained they need to just look at the State Ethics Act with a certain sense of reasonableness and use a common sense approach. You may not cover every situation but ask yourself is "what I am about to do, what I am contemplating doing or is the conversation I'm about to have political in nature?", and if the answer is yes then simply say "am I currently on County property? There will be several variations of this. He expressed if anyone has questions to come to him.

Mrs. Scaife asked if there have been any formal complaints from employees at the County. Mr. Grohne stated that he has not received any written complaints.

Mr. Stephens asked if this only addresses political activity and not any other ethical conduct of the official. He asked if a Board Member were to make advances towards an employee or towards a jail inmate if this would be a part of an ethical ordinance. Mr. Grohne explained this ordinance is aimed at political activity and gift ban only. There are other laws that cover the other situations. This Act was passed specifically in response to a State mandate and the subjects are limited.

Chairman VanMeter thanked Mr. Luke for his presentation and without objection returned the meeting to its normal order of business.

### **COMMITTEE REPORT ON CLAIMS**

A motion was made by Mrs. Long, seconded by Mr. Pace, 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 Mr. Pace, seconded by Mrs. Long, to recess the meeting to November 8, 2005 at 7:00 p.m. A voice vote was unanimous.

**MOTION CARRIED  
MEETING RECESSED**