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MINUTES

SANGAMON COUNTY BOARD

SEPTEMBER 13, 2005

The Sangamon County Board met in Regular Statutory Session on September 13, 2005 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:00 p.m. Mr. Cahnman gave the Invocation and Mr. Griffin led the Board in the Pledge of Allegiance.

ROLL CALL

Chairman VanMeter asked the Clerk to call the roll. There were 27 Present – 2 Absent. Mr. Buecker and Mr. Vaughn were excused.

APPROVAL OF MINUTES

A motion was made by Mrs. Turner, seconded by Mrs. Long, for approval of the minutes of August 9, 2005. A motion was made by Mr. Cahnman to amend the minutes. He stated that under Resolution 18 on Page 6 the word “no” in the second paragraph should be changed to “not”. A voice vote was unanimous on the amendment. 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 July, 2005.

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

MOTION CARRIED
CORRESPONDENCE FILED

RESOLUTION 1

1. Ordinance establishing Class III truck routes for the harvest season.

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

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTIONS 2 – 7

2. Resolution approving the recommendation to award a contract for the construction of a box culvert on Old Jacksonville Road near Berlin.

A motion was made by Mr. Fraase, seconded by Mr. Montalbano, for the adoption of Resolution 2. A motion was made by Mr. Bunch, seconded by Mr. Pace, to consolidate Resolutions 2 – 7. Chairman VanMeter asked the Clerk to read Resolutions 3 – 7.

3. Resolution approving the recommendation to award a contract for the construction of a box culvert on Old Jacksonville Road near Farmingdale Road.
4. Resolution approving the recommendation to award a contract for the construction of a drainage project on Woodhaven Drive in Rochester Road District.
5. Resolution approving the recommendation to award a contract for the construction of a box culvert on Waverly Road near Illinois Route 104.
6. Resolution approving the recommendation to award a contract for the construction of a box culvert on Waverly Road near County Highway 40.
7. Resolution granting the Road and Bridge Committee the authority to award to the lowest bidder a contract for rehabilitating a portion of Rochester Road.

A voice vote was unanimous on the motion to consolidate Resolutions 2 – 7. A motion was made by Mr. Goleman, seconded by Mrs. Turner, that the roll call vote for

Resolution 1 stand as the roll call vote for Resolutions 2 – 7, as consolidated. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTIONS ADOPTED

RESOLUTION 8

8. 2005-55 – Michael & Donna Holinga, 9786 WICS Rd., Dawson – Granting a Variance. County Board Member – David Mendenhall, District #3.

A motion was made by Mr. Stephens, seconded by Mr. Pace, for the adoption of Resolution 8. A motion was made by Mr. Moore to waive the reading of the professional staff’s report. There were no objections. A voice vote was unanimous on the motion to adopt Resolution 8.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 9

9. 2005-56 – Cynthia Luster, 300 Block of E. Houston St., (Clear Lake Village), Springfield – Granting a Rezoning. County Board Member – Sarah Musgrave, District #9.

A motion was made by Mrs. Musgrave, seconded by Ms. Cimarossa, for the adoption of Resolution 9. A motion was made by Mr. Moore to waive the reading of the professional staff’s report. There were no objections. A voice vote was unanimous on the motion to adopt Resolution 9.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 10

10. 2005-57 – Phillip Ulinski, 633 Thistle Ridge, Springfield – Granting a Variance. County Board Member – Dan Vaughn, District #2.

A motion was made by Mr. Wieland, seconded by Mr. Stephens, for the adoption of Resolution 10. A motion was made by Mr. Moore to waive the reading of the professional staff’s report. There were no objections. A voice vote was unanimous on the motion to adopt Resolution 10.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 11

11. 2005-58 – Richard Lucas, 13540 Old Route 36, Buffalo – Granting Variances. County Board Member – David Mendenhall, District #3.

A motion was made by Mr. Mendenhall, seconded by Mr. Moss, for the adoption of Resolution 11. A motion was made by Mr. Moore to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous on the motion to adopt Resolution 11.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 12

12. 2005-59 – Doug Schemmer, in the 7500 block of Cornland Road, Buffalo – Granting Variances. County Board Member – David Mendenhall, District #3.

A motion was made by Mr. Mendenhall, seconded by Mr. Goleman, for the adoption of Resolution 12. A motion was made by Mr. Moore to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous on the motion to adopt Resolution 12.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTIONS 13 – 15

13. Resolution approving the adjustment of the Sheriff's Office budget to reflect unanticipated expenditures and grant revenue for the purchase of mobile data computers.

A motion was made by Mr. Moore, seconded by Mr. Bunch, for the adoption of Resolution 13. A motion was made by Mr. Bunch, seconded by Mr. Pace, to consolidate Resolutions 13 – 15. Chairman VanMeter asked the Clerk to read Resolutions 14 and 15.

14. Resolution approving the adjustment of the Sheriff's Office budget to reflect unanticipated expenditures and grant revenue for the purchase of radio tower equipment.

15. Resolution approving the final plat of Flatt Acre Minor Subdivision.

A voice vote was unanimous on the consolidation. A motion was made by

Mr. Goleman, seconded by Ms. Cimarossa, that the roll call vote for Resolution 1 stand as the roll call vote for Resolutions 13 – 15, as consolidated. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTIONS 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 16 – 19

16. Resolution authorizing the County Clerk to act as an Agent for the County Board to apply for funds through the State Board of Elections to purchase a new Voting System.

A motion was made by Mr. Moore, seconded by Mrs. Turner, for the adoption of Resolution 16. A motion was made by Mr. Bunch, seconded by Mr. Pace, to consolidate Resolutions 16 – 19. Chairman VanMeter asked the Clerk to read Resolutions 17 – 19.

17. Resolution authorizing the County Clerk to act as an Agent for the County Board to apply for funds through the State Board of Elections to purchase Accessible Voting Equipment.
18. Resolution approving precinct re-alignments.
19. Resolution approving a contract with Lexis/Nexis and the Circuit Court.

A voice vote carried on the consolidation. Mr. Cahnman voted nay. Mr. Moore discussed Resolutions 16 and 17 which deal with giving authorization to the County Clerk's Office to enter into negotiations to buy new voting equipment to come into compliance with the Help America Vote Act. The committee that Mr. Aiello assembled to advise this Board and the Election Oversight Committee was really a quality level committee. The committee met over the last 18 months and reviewed the requirements of the Act, the systems that are in place now, and the different types of machines that are out there which include both optical scan and touch screen. Last Tuesday during a special meeting of the Oversight Committee Mr. Aiello's Office recommended the system they will be going with which is the one that is on display tonight.

Mr. Moore commended Mr. Aiello's staff, especially Stacey Kern, Director of Elections and her staff who went the extra mile.

Joe Aiello, County Clerk, stated that he would be happy to address any questions. Mrs. Turner publicly thanked Mr. Aiello for his willingness to work with her on several concerns she had regarding Resolution 18 and the proposed precinct consolidations.

Mr. Aiello really understood the unique relationship that occurs within the precinct and the relationship between those constituents and their elected representatives. He really deserves a lot of consideration for how he went through this process.

Mr. Cahnman asked if Resolution 17 binds the County to the Populex System. Mr. Aiello explained it does not bind them to that; it will come at a later date. This just allows them to move forward and start applying for grants. Mr. Cahnman asked if either of these resolutions bind the County to any particular voting system. Mr. Aiello stated that they do not, but feel they have made a good solid decision as to who they are going with. The contract negotiations will be coming to bind the County to that contract. Mr. Cahnman asked for clarification as to whether they would still be able to choose either the Populex System or an optical scan system once these resolutions are passed. Mr. Aiello asked Ron Michaelson, former Executive Director of the State Board of Elections, to address the Board regarding this issue. Mr. Aiello explained that Mr. Michaelson has helped coordinate this whole effort and they felt he would be a good person to lead this project. He knows how elections run and how to apply for grants.

Mr. Michaelson explained that these resolutions will allow Mr. Aiello to enter into contract negotiations with a firm they think offers the best solution for Sangamon County. They will enter into those negotiations and bring a recommended contract before the Board for its approval and then move forward with the system they are presenting tonight. They do believe this system makes the most sense because it provides new and progressive technology with the advantage of retaining a paper ballot which a voter can verify and can be retained for any potential discovery recounts. It would be a wonderful merger of new technology plus it will allow the paper ballot which voters are familiar with. This resolution would allow Mr. Aiello's Office to proceed with contract negotiations to finalize their decision.

Mr. Cahnman stated that he does not see in either resolution where it binds the County to the Populex System. Mr. Michaelson explained that it is Mr. Aiello's intention to enter into negotiations with the Populex Corporation for the new voting system for Sangamon County. Mr. Cahnman asked if it would require another resolution at some other time if they go with the Populex System. Mr. Michaelson stated he believes so. Mr. Moore explained that this resolution simply gives Mr. Aiello the authority to enter into negotiations. The grants have to be applied for through the State Board of Elections to move this process forward by the end of the month. They are required to do this by law. This is the position they have to take at this time.

Chairman VanMeter explained that everything is up front. The committee and Mr. Aiello are being very candid in saying that the Populex System is the system they are recommending the Board adopt for this community, and do intend to bring a contract

with Populex back to the full Board. Mr. Cahnman explained that he will vote in favor of these resolutions because he thinks they need to be passed to go forward with purchasing a new voting system, but he does not favor the Populex System because he feels it is too complicated and there are too many steps the voter must go through.

Mr. Cahnman asked Mr. Aiello to reconsider the optical scan system because some objections have been raised because it is old technology, but old technology does not necessarily mean it is bad technology and it seems simple. You don't have to go through two or three steps to vote. It's hard enough to get voters to the polls let alone getting them to go through different steps with a complicated procedure. Mr. Aiello explained they were not looking for a simple route. In fact, they didn't even have to change from punch cards, but the money was there to make some significant changes and step forward and be a little more forward thinking. There is no perfect system out there and feel they have narrowed it down to the best system to serve the voters.

Mr. Stephens asked if Mr. Michaelson could address the benefits of this system versus the optical system for handicapped accessibility. Mr. Michaelson explained that the optical system is not accessible for people with disabilities and the Populex System is. If they had gone with the optical scan system they would have to purchase two different systems. They would have to purchase one optical scan for most voters without disabilities and then another system for those with disabilities because federal law requires that every person with a disability be able to vote independently without assistance. The advantage of the Populex System is that they are purchasing one system instead of two. There would be one set of training for election judges rather than two. And, there would be one voter outreach program rather than two.

Mr. Cahnman asked if the optical scan system is accessible to handicapped voters because there is a computer that goes along with it and the computer marks the optical scan ballot for you. Mr. Michaelson stated this is not true. Optical scan systems have not been accepted by the disabled community. None have been certified for them. It is a given fact that they are not acceptable for the disabled community. Mr. Cahnman asked if there is a computer system that goes along with it. Mr. Michaelson clarified that optical scan systems are not acceptable to the disabled community and they do not qualify and do not meet the requirements.

Mr. Aiello explained there were members of the committee assisting them who are disabled and who understand the difficulties of voting. They have met with a group from the visually impaired and have talked to a lot of different people about this. The biggest complaint has been with those who are visually impaired and can't vote independently. This system will allow them to do that and get back a little freedom. This will provide some independence for people who have been asking for it for years. It is a system that will finally serve every voter independently.

A voice vote was unanimous on the motion to adopt Resolutions 16 – 19, as consolidated. A voice vote carried. Mr. Moore voted Present on Resolution 19.

MOTIONS CARRIED

RESOLUTIONS ADOPTED

OLD BUSINESS

A. Resolution 7 – Tabled 7/12/05

Resolution approving a contract with Lexis/Nexis and the Circuit Court.

A motion was made by Ms. Cimarossa, seconded by Mrs. Long, to bring Resolution 7 from the table. A voice vote was unanimous. A motion was made by Ms. Cimarossa to withdraw Resolution 7 because Resolution 19 replaced it. There were no objections.

MOTIONS CARRIED

RESOLUTION WITHDRAWN

B. Resolution 7 – Tabled 8/9/05

2005-47 – Higginbothom Development, Inc., 8200 block of Wildwood Acres Road, Cantrall – Granting a Rezoning and Variance. County Board Member – Dan Vaughn, District #2.

A motion was made by Mr. Moore, seconded by Mrs. VanHoos, to bring Resolution 7 from the table. A voice vote was unanimous. Chairman VanMeter asked for comments from the professional staff.

Linda Wheeland, professional staff, stated that this 85 acre parcel is located ¼ mile north of Gabbert Road and one mile east of Route 29. The petitioner wishes to develop a residential subdivision. The original Land Evaluation and Site Assessment score of 173 was prepared to the Zoning Board of Appeals' hearing on this case. A major issue was the condition of Wildwood Acres Road which does not meet minimum road standards. The developer has been working with the County Highway Department and has presented a plan that will meet the road upgrade requirements of the County Subdivision Ordinance. Taking this into account, the LESA score would be reduced to 153 and the staff recommends approval. The Zoning Board of Appeals also recommends approval.

Jason Jacobs, residing at 11342 Blue Oak Lane in Athens, addressed the Board. He stated that he is with John Reynolds, Inc. who is representing the Petitioner. They are planning to propose a residential subdivision containing 19 lots at the most that are in size from 2 ½ acres to a little over 11 acres. The major concern is the inadequate size of Woodland Acres Road. The developer is working with the County to improve that road at his cost to facilitate development.

Taran Ley, opponent, residing at 8135 Donna Lane in Cantrall, addressed the Board. She explained that she is the adjacent property owner and knows there is a

federally designed wetland and floodplain which flows through this property and federal law requires a permit from the US Army Corps of Engineers. She stated her concern is they have not been contacted regarding this.

She explained that she had to contact them regarding her property and also had to contact the Illinois Department of Natural Resources. She expressed her concerns with where the water will flow and that it would flow through her property.

Mr. Goleman asked the professional staff to address some of these issues. Ms. Wheeland explained there is minimal floodplain on the west side of the property. During the subdivision process the area will be identified and no development can occur on that portion of the property. It will be designated on the subdivision plat. She stated if someone wanted to put in a structure they would have to contact her office, the Illinois Department of Natural Resources, and the Corps. Dave Kiliman, professional staff, explained that the designated wetlands would have to be protected as well through the subdivision process.

Mr. Moore explained that the permit process takes place after the Board approves the zoning. The permit process is beyond the scope of what the County does.

Mr. Jacobs explained that they would acquire the necessary permits during the subdivision process.

Mr. Fulgenzi pointed out for clarification that the Board can authorize the subdivision tonight but to proceed any further they would have to contact the federal government or the Illinois Department of Natural Resources to secure the wetlands and the floodplains. Ms. Wheeland explained that only the re-zoning is being authorized tonight and not the subdivision.

A voice vote carried on the motion to adopt Resolution 7. Mr. Hall voted nay.

**MOTION CARRIED
RESOLUTION ADOPTED**

- C. Resolution 19 – Tabled 8/9/05
Resolution amending Title 8, Chapter 8.04 of the Sangamon County Code regarding recycling.

A motion was made by Mr. Moore, seconded by Mrs. Long, to bring Resolution 19 from the table. A voice vote was unanimous.

A motion was made by Mr. Moore to amend Resolution 19. First, under Paragraph A the word “mental” should be changed to “metal”. Second, under Paragraph C the words “are required to communicate” should be eliminated and replaced with “shall cooperate”. Third, Paragraph E should be added to read “this Section

8.04.345 shall become effective 90 days after passage”. Last, in the third paragraph “Section 8.04.350” should be changed to “Section 8.04.345”.

Mr. Moore explained that after consulting with the State’s Attorney and the various committees they agreed Paragraph C provided an affirmative burden on the scrap operators and they do not want to do that.

Chairman VanMeter asked Mr. Moore to explain each amendment. Mr. Moore explained that two items corrected are just technical corrections. One is a correction of the Section number in the County Code, the other is a spelling correction. Paragraph C was corrected because there was concern that the scrap operators were being burdened by making them report something rather than making law enforcement do what they are supposed to do. It’s a cooperative endeavor versus an affirmative reporting requirement of scrap operators. Paragraph E was amended because they wanted to make sure operators were put on notice that they had 90 days to come in compliance. There were one or two operators who asked what would happen to them if they couldn’t comply by the next morning. The State’s Attorney said they would have a reasonable time, so rather than decided what a reasonable time would be it was decided the 90 day window would make the most sense.

Mr. Cahnman explained that at the Swamp Committee meeting they discussed Subsection B, which states the requirement for paying via check for transactions in excess of \$100, created a great burden on one of the scrap operators. They discussed only putting a delayed effective date on Subsection B and not the entire ordinance. He asked why they decided to apply this to the entire ordinance. Jim Grohne, Assistant State’s Attorney, explained that it would be difficult to put an effective date for each different section.

Mr. Bunch asked if they are required to take the license number and proof of I.D. He stated this would just be running them out of town to sell in a different county. Mr. Fulgenzi explained with the high gas prices, this would at least minimize their profits.

Mrs. Turner stated that it is a major issue in her district and this would address that issue. It’s usually people that are not thinking far enough ahead to take a bunch of stuff out of town and sell it. She stated that she is happy and proud the Board is doing this because it does address a major issue in her district.

Mr. Hall stated he was asked how much steel will be driven out of Sangamon County. He asked if there is an estimation of how much people will haul out of Sangamon County. People just do not want more government in their business. Mr. Goleman explained there is a problem in this County. It is not just in Mrs. Turner’s area. This shows what cooperation can do between governmental bodies. Everybody

will have to abide by the same rules. It's not just in the City of Springfield, it is all over. He expressed his strong support for this.

Mr. Moss stated that if people start hauling scrap iron and copper from Springfield over to Jacksonville or wherever and have to show identification or get a receipt it will throw up some red flags to those buying it as to why they are bringing it there when they are paying more in Springfield.

Ms. Cimarossa stated that this also provides consistency for law enforcement to enforce this resolution, by the City and the County mirroring the same resolution. Mr. Stumpf stated he is all for this and they need to be in sync with the City. Mrs. Long explained that the purpose of this is to stop the stealing and she is for this.

Mr. Cahnman also agreed there is a problem in this County which needs to be addressed and this at least takes a step in addressing it. He suggested the committee possibly make this a stronger ordinance by putting an alternative where transactions are either paid by check or the person presenting the scrap has to present a photo I.D. and it would be recorded by the scrap operator. Within these 90 days the County could work with the City to get a uniform ordinance that is stronger than this one. He encouraged the Board members to vote yes. Mr. Stumpf thanked the State's Attorney's Office and Board members for working with the 90 day time period.

A voice vote was unanimous on the amendments. A voice vote was unanimous on the motion to adopt Resolution 19, as amended.

MOTIONS CARRIED
RESOLUTION ADOPTED

NEW BUSINESS

A. Resolutions

There were no new resolutions.

Mr. Cahnman explained he did not want to address his proposed resolution regarding National and State Disaster and Emergency Leave of Absence. He stated that there may be a provision in the current employee handbook, based on an AdHoc basis, which would allow County employees to take a leave of absence to volunteer to work in the area of a disaster in the gulf states, and he would let the Employee Services Committee consider it on Monday and possibly bring it before the Board in October.

Chairman VanMeter commented that the purpose of the County Board Committees is to take these ideas to the committees first and let them work on the ideas before they move forward with the resolutions and before they go to the media and grandstand these proposals and ideas. Let these committees test it and study it and come up with a solution. That is the way this Board has always operated on a bi-partisan basis

and that is how things get done. Mr. VanMeter stated that speaking as the Chairman of the Board it is preferred that all of the members work with the committees to get things done in a positive light instead of grandstanding in front of the media.

Mr. Cahnman explained that he was not grandstanding and feels there is a need for this to be passed now, but he does not have the votes. He said that he has chosen to follow the Chairman's recommendation and go before the committee. He stated that he feels there is a legitimate need for this when they have set forth in the employee handbook a leave for political leave, medical leave, and military leave. It would be legitimate for County employees who want to volunteer to work in an area of a national or state disaster or emergency.

B. Appointments

Citizens Advisory Committee

Marvin Miller (reappointed)

John Hawkins replacing Diane Cape

Christine Groves replacing Glen Hudspeth

Deborah McGregor replacing Jane McBride

Charles Lockhart replacing Sharmin Doering

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

COMMITTEE REPORT ON CLAIMS

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

MOTION CARRIED

REPORT FILED

ADJOURN

A motion was made by Mrs. Long, seconded by Mrs. Turner, to adjourn the meeting to October 11, 2005 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED

MEETING ADJOURNED