

MINUTES

SANGAMON COUNTY BOARD

FEBRUARY 1, 2006

The Sangamon County Board met in Reconvened Adjourned September Session on February 1, 2006 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:00 p.m. Mr. Montalbano gave the Invocation and Mr. Bunch led the Board in the Pledge of Allegiance.

Mr. Montalbano recognized the Sheriff's Office for 185 years of service.

ROLL CALL

Chairman VanMeter asked the Clerk to call the roll. There were 25 Present – 4 Absent. Mr. Buecker, Mr. Forsyth, Mr. Moore, and Mr. Stephens were all excused.

PROCLAMATIONS

Mr. Stumpf presented a Proclamation to the Knights of Columbus North End Council #4175 in celebration of their 50th year in existence. Paul Palazzolo, County Auditor and member of the Council, read the Proclamation. Two charter members, Pat Capranica and Mike Burnes were present along with past Grand Knight, Earl Schroeder to accept the Proclamation.

APPROVAL OF MINUTES

A motion was made by Mrs. Long, seconded by Mrs. Turner, for approval of the minutes of January 10, 2006. A voice vote was unanimous.

MOTION CARRIED
MINUTES ADOPTED

CORRESPONDENCE

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

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.

MOTION CARRIED
CORRESPONDENCE FILED

RESOLUTION 1

1. Resolution approving an Election Services Contract with Donald C. Schultz.

A motion was made by Mr. Goleman, seconded by Mr. Vaughn, for the adoption of Resolution 1. Mr. Cahnman asked if the terms of the contract are for \$65 per hour up to a maximum of 1,000 hours. Ryan McCrady, County Administrator, stated that is correct. Mr. Cahnman asked if he would be doing work through the General Election. Mr. McCrady stated that he would probably be needed through the General Election.

Upon a roll call vote, there were 24 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 2

2. 2006-01 – Zinala Farms, Ltd., represented by Matthew Reyhan, 12687 Clevinger Road, Loami – Granting a Variance. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Ms. Cimarossa, for the adoption of Resolution 2. A motion was made by Mr. Vaughn 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 2.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 3

3. 2006-03 – Sandy Stephens, 986 East Andrew Road, Springfield – Denying a Rezoning. County Board Member – Dan Vaughn, District #2.

A motion was made by Mr. Vaughn, seconded by Mr. Mendenhall, for the adoption of Resolution 3. A motion was made by Mr. Vaughn 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 3.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 4

4. 2006-04 – Mark & Stacie Henderson, 2800 Block of Dinius Road, Williamsville – Granting a Variance. County Board Member – Dan Vaughn, District #2.

A motion was made by Mr. Vaughn, seconded by Ms. VanHoos, for the adoption of Resolution 4. A motion was made by Mr. Vaughn 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. 2006-05 – Pickrell Enterprises, Inc., 4300 Block of North Mt. Pulaski Road, Illiopolis, Granting a Variance. County Board Member – Dave Mendenhall, District #3.

A motion was made by Mr. Mendenhall, seconded by Mr. Goleman, for the adoption of Resolution 5. A motion was made by Mr. Vaughn to waive the reading of the professional staff's report. There were no objections.

Mr. Mendenhall commended the petitioner for taking a piece of property that has been virtually untouched and turning it back into a viable piece of property and opening up some new employment.

A voice vote was unanimous on the motion to adopt Resolution 5.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 6

6. 2006-06 – Rich Gatschenberger, 6668 Lost Creek Lane, Sherman – Granting a Use Variance and Variance. County Board Member – Dan Vaughn, District #2.

A motion was made by Mr. Vaughn, seconded by Mrs. Musgrave, for the adoption of Resolution 6. Chairman VanMeter asked for the professional staff's report.

Dave Kiliman, Professional Staff, stated the petitioner is requesting a Use Variance to allow storage for a heating and cooling business in the detached garage and a variance to allow an 8 foot fence instead of the 6 foot maximum. The subject property is located in a residential area on Lost Creek Lane just north of Sherman. There is a rental duplex located on the front of the property and a large outbuilding in the rear. The petitioner, who owns and operates a heating and cooling business from his home in Sherman, has been storing equipment for a business in the outbuilding. There are four standards for the use variance and the findings do not support this request. The use is not compatible with the trend of development in the area which is residential. There is concern with the impact the commercial use would have on this residential area and the staff recommends denial. The Zoning Board of Appeals felt the size of the outbuilding presented special circumstances and the fence variance would allow the business to be screened from the adjacent residents and recommends approval on a 4 to 1 vote.

Rich Gatschenberger, petitioner, residing at 501 Charter Oak Drive in Sherman, addressed the Board. He explained they bought the property in question about two years ago, rent out the building in front, and use the building in the rear for storage. The bulk of the storage in the building is personal and only a small portion is used for storage of business items. He stated he runs a heating and cooling business from his home and has never had any complaints. The building at Lost Creek is a convenient place to keep a small amount of excess material used on the job. There are no phone lines, signs or customers at this location. The only change made to the property would be the installation of an 8 foot fence on the north side of the property. This 8 foot fence would provide cover from the neighbor who seems to get upset when he drives his truck back to the building. Access to the building is usually 2 to 4 hours per week. Most access to the building is personal and a small amount is business. He expressed how he has always supported his community personally and from business and has lived there for 20 years.

Mr. Stumpf asked if he has fixed the septic system issue. Mr. Gatschenberger explained it is not a septic system. There were issues with the sump pump that have always been there. He stated he has agreed to pay half of the repair costs with the neighbor.

Jim Stone, Director of Public Health, stated he is not aware of this specific case, but if he has documentation from the department then it should support his case.

Mrs. Long asked if his property will be used just for storage only and if he feels it would increase traffic. Mr. Gatschenberger explained it would be for storage only and he will use it for personal use also, but no business will be conducted there. Mrs. Long asked if he has done any burning on the property. Mr. Gatschenberger stated he has done some burning there because he thought it was legal, but when he was informed it's not legal because he does not live there, he ceased burning.

Mr. Cahnman asked if there is a residence on the property. Mr. Gatschenberger stated there is just a duplex on the property. Mr. Cahnman asked what kind of material is stored there.

Mr. Gatschenberger explained there would be sheet metal and occasionally an air conditioner is brought there that would be taken away the next day. Anything there for a long period of time is left over materials. Mr. Cahnman asked if he is mainly interested in the storage and not the installation of the fence. Mr. Gatschenberger stated he would still like to build the fence because his vehicle is large and a six foot fence would not hide it and an eight foot fence would.

Mrs. Musgrave asked if everything would be stored inside. Mr. Gatschenberger explained he was keeping a few air conditioners in the back of the building but has since brought them in the building. If they are stored in the back you cannot see them. Mr. Vaughn clarified that the resolution says everything must be stored inside. Mr. Gatschenberger agreed he would keep everything in the building.

Gordon Gates, Attorney at 1231 South 8th Street in Springfield, addressed the Board. He stated that he is representing some of the neighbors in the area who are objecting to the petition. Some of the facts are not quite as represented in this case. This is not a usual home based business. This is commercial property with a commercial use in a residential area. The second fact is Mr. Gatschenberger is not using it for personal uses as he said. He is asking that he be allowed to use the property for his business. There are photographs that show the use of the property. There are brand new air conditioners stored in stacks on the property. He lives in a nice neighborhood and that is the commercial address of his business, but he is not using that home as his business. He comes by the property in question every morning to pick up materials that he needs. This is his base of operations as far as where he stores his materials. The third fact is since he has owned this business he has been cited by Public Health on more than one occasion for burning on this property. There are photographs of the fires where he burned commercial materials. He has done all of this after he has been told not to. The fourth fact is he bought the property for this purpose and then doubled the size of the building which created his own hardship. He has not come anywhere near to proving the elements of a variance.

Mr. Goleman asked Mr. Stone if Mr. Gatschenberger has been cited for violations. Mr. Stone explained this case does not ring a bell to him and he does not know for sure.

Mr. Vaughn stated that Mr. Gatschenberger said when he was notified by the Health Department he did quit burning. Mr. Gates stated that it was not what he heard from the department. They said they went out there on several occasions.

Mr. Vaughn explained that the Zoning Department inspected the property regarding complaints about the storage and thought he was in compliance because such a small portion was being used for storage. After several more complaints they then asked Mr. Gatschenberger to file for the variance. Mr. Gates explained that they are going from what they see in the photographs. Photographs taken on January 9th show no less than nine air conditioners stored outside. Since the hearing and since the photographs were produced he has since moved them inside.

Mr. Cahnman asked if it would be legal to store this material on the property if he lived there. Dave Kiliman, Professional Staff, explained it would depend on the percentage of material being stored. Mr. Cahnman asked what percentage would be considered out of compliance. Mr. Kiliman stated he thinks 25% would be the threshold. Mr. Cahnman asked if he is using more than 25%. Mr. Kiliman stated that he has heard a number of different percentages for this.

Chairman VanMeter asked the professional staff if they were recommending against the variances because the petitioner is not a good citizen, doesn't help the community, or because he burns illegally. Mr. Kiliman stated that they address standards of variation that are involved in any use variance request. There are special standards for use variances that were established. First, the variance is justified by showing some special circumstances demonstrating practical difficulties or particular hardship. Second, the variance is compatible with the trend of development in the area. Third, the variance will benefit the community and be in harmony with the general purpose and intent of the zoning regulations. Fourth, the variance will not create a negative impact on the area, will not alter the essential character of the locality, impair inadequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair the property values in the locality. Chairman VanMeter asked if it is their finding these criteria would apply to this property. Mr. Kiliman explained that there were no special circumstances or difficulties; it is not in conformance with the trend of development in the area; there is no particular benefit to the community; and there was concern with allowing commercial use in a residential area. It is not appropriate for the character of the neighborhood.

Mr. Bunch asked who issued the petitioner a building permit to build this building. Mr. Kiliman stated that it would have been issued by Sangamon County, but depending on when it was built it could have been done under a building permit or a simple zoning certificate.

Mr. Gatschenberger explained that he is in the service business and when he runs a service call he would come to your home. The office and operations are at 501 Charter Oaks Drive. The building is used to conveniently store a few extra items. A pickup truck is only there to deliver. There was a permit on the addition to store personal items, and all required inspections have been done.

Mr. Vaughn explained that the Zoning Board of Appeal's recommendation was that they felt the business would benefit the community and the property is well maintained. After the public hearing they recommended approval with those findings of fact.

Mrs. Turner asked if his intention, when he first built the building, was to store some of his work materials in there. Mr. Gatschenberger explained that the building was already there when he bought the place and the intention was to keep a lot of stuff there because there was no room at home. Some of it is for the business.

The permit that was obtained was for the addition of the building so that four wheelers and waver runners could be stored there. All of the commercial materials are stored in the old part of the building. Mrs. Turner asked for clarification as to his intention for storing commercial materials in the building when he bought the building. Mr. Gatschenberger stated that he did intend to do that when he bought the building. Mrs. Turner asked how long the air conditioners are stored outside in the back. Mr. Gatschenberger explained that it depends on when he needs them, but he will not keep them outside if he is told not to.

Mr. Cahnman asked for clarification if he is not storing outside anymore. Mr. Gatschenberger stated that there are no materials stored outside of the building. Mr. Cahnman asked if he stores some of his materials at another location. Mr. Gatschenberger stated that there are materials stored in the trucks.

Mr. Fulgenzi asked if the building would house everything he has and the fence would hide his truck from the road. Mr. Gatschenberger agreed and added that the trucks would go home at night.

Donna Thompson, residing at 6642 Lost Creek Lane in Sherman, addressed the Board. She stated she has lived at her home for 25 years and has never had the problems with a neighbor like she has had in the past two years. She stated that she has personally been down to Public Health after three requests to him to empty his septic. He finally did after they told him to.

Ms. Cimarossa asked how long the duplex has been on the property. Ms. Thompson started that she guesses around 11 or 12 years. Ms. Cimarossa asked if it is the sump pump or the septic. Ms. Thompson explained that he has everything running into the sump pump and she would not have a problem if he would just empty the septic.

Mr. Stumpf asked for clarification if this is a septic system or sump pump. Jim Stone explained that typical protocol would be if after a warning it had not been corrected it would be forwarded to him for referral to the State's Attorney's Office and he is not familiar with this particular case. Mr. Stumpf encouraged both parties to work this out because it is not right for this to go on her property.

Mr. Fulgenzi asked if this has been alleviated. Ms. Thompson stated that the septic has been cleaned out and is not a problem right now.

On the motion to adopt Resolution 6, there was a roll call vote. Upon the roll call vote, there were 14 Yeas – 10 Nays. Those voting nay were Mr. Fraase, Mr. Goleman, Mr. Griffin, Mr. Hall, Mrs. Long, Mr. Pace, Mr. Tjelmeland, Mrs. Turner, Ms. VanHoos, and Mr. Wieland. Ms. Cimarossa stated that she also hopes the neighbors will work together on this.

**MOTIONS CARRIED
RESOLUTION ADOPTED**

WAIVER OF TEN-DAY FILING PERIOD

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

MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED

RESOLUTIONS 7, 8, 9, 10, 11, 12, 14, 15 & 16

7. Resolution approving the ordering of a tandem axle dump truck for the Highway Department.

A motion was made by Mr. Montalbano, seconded by Mrs. Scaife, for the adoption of Resolution 7. A motion was made by Mr. Bunch, seconded by Mr. Pace, to consolidate Resolutions 7, 8, 9, 10, 11, 12, 14, 15 & 16. Chairman VanMeter asked the Clerk to read resolutions 8, 9, 10, 11, 12, 14, 15 & 16.

8. Resolution approving the low bids for county bituminous and miscellaneous materials.
9. Resolution granting the Road and Bridge Committee authority to award the low bids for township aggregate materials at its February 22, 2006 meeting.
10. Resolution appropriating additional Motor Fuel Tax funds for the improvement of Walnut Street and Gordon Drive in Chatham.
11. Resolution approving a contract with Medical Management Consulting Services, Inc. and the Sangamon County Auditor's Office.
12. Resolution replacing Schedule A of Title 5, Chapter 5.20 of the Sangamon County Code regarding food service establishments.
14. Resolution endorsing a hiring freeze for the Public Health Department.
15. Resolution appointing a Health Department Merger Transition Team.
16. Resolution authorizing an agreement between Sangamon County and AFSCME relating to the transfer of employees of the City of Springfield Department of Public Health to the Sangamon County Department of Public Health.

A voice vote carried on the consolidation. Mr. Cahnman and Mr. Fulgenzi voted nay. A motion was made by Mr. Goleman, seconded by Mr. Pace, that the roll call vote for Resolution 1 stand as the roll call vote for Resolutions 7, 8, 9, 10, 11, 12, 14, 15 & 16.

Mr. Griffin explained that Resolution 16 just sets the language the parties have agreed on and authorize the Chairman to finalize the contract and bring it back to the full Board for approval.

Mr. Fulgenzi stated that with Resolution 14 he would go along with it but would like to comment on whether there will be a hiring freeze on the other end of it. The City is getting ready to hire three or four more people. He stated that he would like to know if they are intending to merge at the end of the month and if so they should also have a hiring freeze because it does not benefit anybody to continue to hire people.

Ms. Cimarossa stated she was appalled to hear the City Spokesperson, not the Mayor, say they will continue filling jobs up to the merger. They are putting these people at a huge disadvantage and hopefully the Mayor will implement a hiring freeze at the City Health Department.

Ms. VanHoos stated that she does agree, but it is not only a disadvantage in hiring these people, but is a huge slap at the County because they are taking these people on and it will be quite expensive to take on these employees at pretty decent salaries. If additional people need to be hired they should let the County do that after the merger.

Mr. Bunch stated the County should applaud themselves by doing the right thing and implementing a hiring freeze.

Mr. Griffin stated that the County is trying to get this done on an arbitrary date that fits more with the schedule of the City and is even setting up a special meeting to do so. The County should draw a line at that point.

A voice vote was unanimous on the motion that the roll call vote for Resolution 1 stand as the roll call vote for consolidated Resolutions 7 – 16, with the exception of Resolution 13.

**MOTIONS CARRIED
RESOLUTIONS ADOPTED**

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

A. Resolutions

There were no new resolutions

B. Appointments

There were no appointments.

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**

RECESS

A motion was made by Mrs. Turner, seconded by Mrs. Long, to recess the meeting to February 7, 2006 at 7:00 p.m. for a Special Board Meeting for the purpose of voting on a final determination on the Public Health Department merger. A voice vote was unanimous.

**MOTION CARRIED
MEETING RECESSED**