

**MINUTES**

**SANGAMON COUNTY BOARD**

**JUNE 13, 2006**

The Sangamon County Board met in Regular Statutory Session on June 13, 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. Pace 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. Moore and Ms. VanHoos were excused.

**APPROVAL OF MINUTES**

A motion was made by Mrs. Long, seconded by Mrs. Turner, for approval of the Minutes of May 9, 2006. A voice vote was unanimous.

**MOTION CARRIED  
MINUTES ADOPTED**

**PROCLAMATION**

Mr. Montalbano read an Independence Day Proclamation in support and remembrance of America's Troops and Veterans.

**CORRESPONDENCE**

- A. Illinois Department of Transportation Motor Fuel Tax Allotment and Transactions for April, 2006.

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 Prevailing Wage Rates.

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

MOTIONS CARRIED  
RESOLUTION ADOPTED

**RESOLUTIONS 2 – 5**

2. Resolution approving the annual agreement with the Springfield-Sangamon County Regional Planning Commission.

A motion was made by Mr. Snell, seconded by Mrs. Scaife, for the adoption of Resolution 2. A motion was made by Mr. Bunch, seconded by Mr. Pace, to consolidate Resolutions 2 – 5. Chairman VanMeter asked the Clerk to read Resolutions 3 – 5.

3. Resolution approving the agreement with Cherry Hills Baptist Church.
4. Resolution approving the vacation of right-of-way on County Highway 33.
5. Resolution approving a bridge petition from Loami Road District on Rhea Park Road.

A voice vote carried on the consolidation. Mr. Cahnman voted nay. 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 – 5, as consolidated. A voice vote was unanimous.

MOTIONS CARRIED  
RESOLUTIONS ADOPTED

**RESOLUTION 6**

6. 2006-21 – Chris Luka, 11125 Whitetail Creek Lane, Dawson – Granting a Variance. County Board Member – Dave Mendenhall, District #3.

A motion was made by Mr. Mendenhall, seconded by Mr. Fraase, for the adoption of Resolution 6. 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 6.

MOTIONS CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 7**

7. 2006-22 – Adolphe & Winifred Colin, 6111 Mill St., Pleasant Plains – Granting a Rezoning. County Board Member – Tom Fraase, District #1.

A motion was made by Mr. Fraase, seconded by Mr. Stephens, for the adoption of Resolution 7. 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 7.

MOTIONS CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 8**

8. 2006-23 – Robert A. Williams Construction Co., Inc., 3525 S. MacArthur Blvd., Springfield – Granting a Rezoning. County Board Member – Cathy Scaife, District #12.

A motion was made by Mrs. Scaife, seconded by Mr. Forsyth, for the adoption of Resolution 8. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Dave Kiliman, professional staff, stated that the petitioner is requesting a rezoning from "R-1" to "B-3". Randy Armstrong, professional staff, stated that the property is located south of Wabash and is improved with a construction company that has been on the property for many years and has a grandfathered use. Mr. Kiliman stated that there have been several rezonings in the area to "B-3"; therefore, the staff recommends approval. Mr. Armstrong stated that the Zoning Board of Appeals concurs with the staff report and recommends approval.

Gordon Gates, Attorney for the petitioner, addressed the Board. He stated that he is located at 1231 S. 8<sup>th</sup> in Springfield. This is essentially a continuation of a long standing progress to this area. This property has been used as a construction yard and office for going on 40 years. It came in as "R-1" and they are now asking that this be corrected. Back in 1994 the property to the south was rezoned to "B-3" as well as other property in the area. The Zoning Board of Appeals found back in 1994 the trend in the neighborhood was commercial and this corner was proper to be rezoned "B-3". And now 12 years later those factors are just as strong if not stronger. Funding appears to be in place for the extension of MacArthur Avenue. According to some articles in the State Journal-Register this will create an enormous potential for commercial growth on the south side of Springfield. It will spur a commercial boom in the area. Mayor Davlin even said this corridor may be a good location for the new Super Walmart. Everybody in the community understands this is what's going to happen to this corridor. This is clearly a "B-3" area. This part of MacArthur is a dead end road. The road stops at the petitioner's property and there is no reason for the objector to be over there.

Robert Andrew, residing at 3536 S. Douglas in Springfield, addressed the Board. He explained that some of the modest residences in the area have home-based businesses. When you reach lot 23, the property in question, and lots 24 and 25, which are also owned by this same person and are for sale, you encounter a three plus acre site housing various equipment used for excavation, piping, and various projects. Other than a visibility screen of shrubbery on the east side, this equipment is accessible to anyone including small children, vandals, bike riders, hikers, etc. Within 1500 feet there are approximately 50 modest residences. He asked that the Board take into consideration these residences and their safety and quality of life before they rezone this property.

Mr. Gates explained that Mr. Andrew's purchase of his house post dates the purchase of the petitioners by about 30 years. Across the street and to the north are other businesses. The key to this argument is the petitioner owns property that has no use as an "R-1" property. They are surrounded by "B-3" and "I-1". This property cannot be sold or developed as "R-1". The only best use for this is "B-3".

Mr. Andrew stated that it is true this will probably all be commercial. But if it is going to be commercial, it should at least be fenced and more secure. There are rules to follow with commercial property and they should be followed.

Mrs. Scaife pointed out for the record that if this zoning is passed a privacy fence must be installed if using the property for outside storage when new owners would come in.

Mr. Cahnman asked if there is a fence up there now. Mr. Gates explained that the fence which was there before has been removed, so there is no fencing currently on any of these lots. Mr. Cahnman asked if there is any legal requirement for the property owner to have fencing on the property right now. Jim Grohne, Assistant State's Attorney, explained that this would only be required if the property was sold to another owner. Right now a fence is not required because it was grandfathered in. Mr. Cahnman asked if the fencing requirement is in the zoning laws. Mr. Grohne stated that it is.

Mr. Bunch asked the petitioner if they would mind posting no trespassing signs around the property. The petitioners stated they have no problem with that.

A voice vote carried on the motion to adopt Resolution 8. Mrs. Scaife voted no.

**MOTION CARRIED  
RESOLUTION ADOPTED**

### **RESOLUTION 9**

9. 2006-25 – D2W, Inc. (Dennis Ingram), 2249 N. 3<sup>rd</sup> St., Springfield – Granting a Rezoning, Conditional Permitted Use and Variance. County Board Member-John Fulgenzi, District #17.

A motion was made by Mr. Fulgenzi, seconded by Mr. Wieland, for the adoption of Resolution 9. A motion was made by Mr. Vaughn to waive the reading of the professional staff's report. There were no objections. A motion was made by Mr. Montalbano, seconded by Mr. Moss, to amend Resolution 9. Mr. Montalbano stated that on Page 2 on Line 3 "B-3" should be stricken and "B-1" should be put in its place. A voice vote carried on the amendment. Mr. Vaughn voted no. A voice vote carried on the motion to adopt Resolution 9, as amended. Mr. Vaughn and Mrs. Turner voted no.

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

### **RESOLUTION 10**

10. Resolution approving a proposal by Maximus, Inc. for the performance of an operational efficiency study.

A motion was made by Mr. Fulgenzi, seconded by Mr. O'Neill, for the adoption of Resolution 10. A voice vote was unanimous.

MOTION CARRIED  
RESOLUTION ADOPTED

### **OLD BUSINESS**

- A. Resolution 13 – Tabled 5/9/06  
Resolution approving a contract for the purchase of an integrated criminal justice system with New World Systems, an intergovernmental cooperation agreement with the Sangamon County Emergency Telephone Systems Department, and a lease-purchase financing agreement with SunTrust Leasing Corporation.

A motion was made by Mr. Buecker, seconded by Mrs. Turner, to take Resolution 13 off the table. A voice vote was unanimous. A motion was made by Mr. Buecker, seconded by Mr. Tjelmeland, to amend Resolution 13.

Mr. Buecker stated that Exhibit C should be withdrawn and replaced with a new Exhibit C to update the dates on the Exhibit. A voice vote was unanimous to adopt Resolution 13, as amended.

MOTIONS CARRIED  
RESOLUTION ADOPTED

### **NEW BUSINESS**

#### A. Resolutions

### **RESOLUTION 11**

11. Resolution amending Chapter 8.12 of the Sangamon County Code regarding fireworks regulations.

A motion was made by Mrs. Long, seconded by Mr. Pace, for the adoption of Resolution 11. A motion was made by Mrs. Long, seconded by Mrs. Scaife, to amend Resolution 11. Jim Grohne, Assistant State's Attorney, stated that on the first page in the sixth paragraph, Section 8.12.0410 should be changed to 8.12.010; and on the second page in the sixth paragraph, Section 812.050 should be changed to 8.12.050. Also, on the second page in the fifth paragraph under 8.12.040 the second line should read "a) identifies by name, address and license number the lead pyrotechnic operator licensed by the Illinois State Fire Marshall that will conduct the display." A voice vote was unanimous on the amendments.

Mr. Stumpf stated that he appreciates what Rosemarie Long and the Firework's Committee has done. It is too bad the Board has to vote on this at all. The State has put the County in a box they cannot get out of and they have it backwards. The people still want the sale of fireworks in this County for consumer use. The system the County had in place worked well and was running smooth. Mr. Stumpf expressed his disgust with the State leaving them no options, but he appreciates what Rosemarie Long has done to get the pyrotechnic system in place.

Mr. Goleman echoed Mr. Stumpf's comments and agreed with what he said. He thanked the Firework's Committee and feels this resolution will certainly help those organizations out in the unincorporated areas of the County who put on shows.

Mr. Bunch also echoed Mr. Stumpf's comments. He stated that it is a shame and is sad the State does not recognize this as a day to honor the Veteran's.

Chairman VanMeter asked for a roll call vote on the motion to adopt Resolution 11, as amended. Upon the roll call vote, there were 26 Yeas – 0 Nays.

**MOTIONS CARRIED  
RESOLUTION ADOPTED**

**B. Appointments**

Appointment of Charles Abbott to the Dawson Fire Protection District for a term expiring June, 2009.

Appointment of Keith W. Cravens to the Dawson Fire Protection District for a term expiring June, 2009.

A motion was made by Mrs. Long, seconded by Mr. Bond, 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 July 11, 2006 at 7:00 p.m. A voice vote was unanimous.

**MOTION CARRIED  
MEETING ADJOURNED**