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SANGAMON COUNTY CLERK



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MINUTES

SANGAMON COUNTY BOARD

SEPTEMBER 11, 2007

The Sangamon County Board met in Regular Statutory Session on September 11, 2007 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:00 p.m. Mr. Montalbano gave the Invocation and a slide show was presented in memory of September 11, 2001. Mr. O'Neill led the Board in the Pledge of Allegiance.

ROLL CALL

Chairman VanMeter asked the Clerk to call the roll. There were 29 Present – 0 Absent.

MINUTES

A motion was made by Mrs. Long, seconded by Mrs. Turner, for approval of the minutes of August 14, 2007. A voice vote was unanimous.

MOTION CARRIED
MINUTES ADOPTED

CORRESPONDENCE

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

There was no correspondence to file.

RESOLUTION 1

1. Resolution appropriating motor fuel tax funds for final construction costs on County Highway 23.

A motion was made by Mr. Montalbano, seconded by Mr. Hall, for the adoption of Resolution 1. Upon a roll call vote, there were 28 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTIONS 2 – 6

2. Resolution approving an engineering agreement for an improvement on County Highway 22.

A motion was made by Mr. Montalbano, seconded by Mr. Stephens, for the adoption of Resolution 2. A motion was made by Mr. Bunch, seconded by Mr. Wieland, to consolidate Resolutions 2 – 6. Chairman VanMeter asked the Clerk to read Resolutions 3 – 6.

3. Resolution approving an engineering agreement for an improvement on County Highway 23.
4. Resolution approving a supplemental engineering agreement for a bridge project in Rochester.
5. Resolution approving the establishment of an altered speed zone on Tozer Road in Springfield Township.
6. Resolution approving the establishment of an altered speed zone on Bell Fountain Road in Cooper Township.

A voice vote was unanimous on the consolidation. A motion was made by Mr. Goleman, seconded by Mrs. Musgrave, that the roll call vote for Resolution 1 stand as the roll call vote for Resolutions 2 – 6, as consolidated. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTIONS ADOPTED

RESOLUTION 7

7. 2007-45 – Eddie & Linda Derringer, 7670 & 7690 N. State Route 29, Springfield – Granting a Variance. County Board Member – Todd Smith, District #2.

A motion was made by Mr. Moore, seconded by Mr. Stumpf, for the adoption of Resolution 7. 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 7.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 8

8. 2007-46 – Don Trott, 8295 Bomke Rd., Pleasant Plains – Granting Variances. County Board Member – Tom Fraase, District #1.

A motion was made by Mr. Smith, seconded by Mr. Fraase, 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. 2007-47 – Nipper Wildlife Sanctuary Trust, 9560 Withers Road, Loami – Granting a Conditional Permitted Use. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mr. Moore, for the adoption of Resolution 9. A motion was made by Mr. Hall, seconded by Mr. Moore, to table Resolution 9 until October. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION TABLED

RESOLUTION 10

10. 2007-48 – Bernard Coady, 2864 Hilltop Road, Springfield – Granting Variances. County Board Member – Sarah Musgrave, District #9.

A motion was made by Mrs. Musgrave, seconded by Mr. Tjelmeland, for the adoption of Resolution 10. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Norm Sims stated that the petitioner requests a variance of 17.49.030(B) to permit a small wind energy system on a one acre lot instead of the required 3 acres and a variance of 17.49.030(C) (2) to allow the system to be within 40' of a residence instead of the required 55'. The request to permit a small wind energy conversion system, which allows a tower height up to 8' but requires 3 acres of land, would allow the proposed tower height of 50' which is not permitted for mini wind energy conversion systems.

Mini wind energy conversion systems are allowed on one acre tracts but have a tower height limit of 35'. So one effect of the variance would be to allow a 15' taller tower due to existing trees which is not seen as a concern; however, the requested variance to allow the tower to be closer to the residence than the required 55' would compromise the safety conditions established by the zoning ordinance to protect principal structures. The staff recommends denial.

Randy Armstrong stated that the property is on Hilltop Road south of State Route 29. The front yard is the preferred location of the system, as the septic system is in the rear yard. The Zoning Board of Appeals recommends approval and they felt since the tower is on a solid concrete foundation it poses little risk to the residence.

Bernard Coady, residing at 2864 Hilltop Road in Springfield, addressed the Board. He stated that he wants to install a wind energy system on his property and it would take a 3-acre lot for a 50-foot tower. You can put a 30-foot tower up, but it does not get above the trees and would not catch enough wind. The higher it is the better. They are extremely quiet and noise would not be an issue. They need alternative energy now and in the future and it would be irresponsible if it isn't done. If there is an emergency shutdown of power this would also shut down. He stated that he thinks wind power is the future for them.

Mr. Kamper asked if there is just a single turbine. Mr. Coady stated that there is and the picture they have is what it is going to look like.

Mr. Montalbano asked how much noise this would generate. Mr. Coady read a pamphlet from Illinois Wind Power that said it is extremely quiet and makes a small operating sound similar to the level of a small office. It generally cannot be heard over general background noise and it does not interfere with television reception.

Mr. Stumpf asked if it is set up so that excess electricity would be turned back on the grid. Mr. Coady stated that he still needs to meet with the City but he does think that is going to happen.

Kevin Behl, residing at 2824 Warrior Blvd. in Springfield, addressed the Board. He stated that he lives in the subdivision right across the road from Mr. Coady's property with his back yard facing Mr. Coady's front yard. He explained that he and the neighbors do think this is a great idea, but they do not like that it will be in the front yard. Mr. Coady said he would do everything he could to put this in the back yard and as long as he does this there will be no complaints. In the front yard there will be a 4x4 square concrete pad with this wind system with a safety cage around it. It would just look better in the back yard where the neighbors would not have to view it all the time.

Chairman VanMeter asked the professional staff if they have any indication where this will be constructed as the application is now. Randy Armstrong stated that there is a sketch in the resolution.

It meets the front yard setback and the other side yard setback. The only variance is to allow it to be on a smaller lot and closer to his house.

Mr. Coady stated that in the back yard it would not meet the property line and he would have to get another variance for that. They would also have to cross the laterals for the septic service to dig the hole for the foundation. He stated he could try to work with the contractor to do that and to make it aesthetically nice and pretty. There also would not be a 4-foot pad. It would be covered with dirt and would be a small pad just a little bigger than the pole.

Mr. Moss asked if there would be room for some berms or trees nearby. Mr. Coady explained that there are no berms, but there are trees in the front yard now.

Mr. Behl stated that he knows Mr. Coady said he would work with them but they would just prefer he put this in the back.

Mr. Goleman asked the professional staff if they are aware of any other situations in the County where there is a wind generation system in the front yard. Randy Armstrong explained that they would need to ask for a variance to allow the mini system in the front yard, but the small system is allowed in the front yard. They just issued a permit for one other system that met all the setbacks.

Mrs. Musgrave asked if it is true the neighbors directly next door do not have a problem with this. Mr. Coady stated that is true.

Mr. Hall asked if they would be opening themselves up on this if they vote yes tonight and then possibly vote no for someone else a year from now. Mr. Armstrong stated that it is not an issue of whether it is in the front or not because that is permitted. The issue is if it can be within 40-feet of his house and on a 1-acre lot as opposed to a 3-acre lot. He does meet the front yard setback.

Chairman VanMeter asked for a roll call vote on the motion to adopt Resolution 10. Upon the roll call vote, there were 27 Yeas – 1 Nay. Mrs. Fulgenzi voted no.

**MOTION CARRIED
RESOLUTION ADOPTED**

RESOLUTION 11

11. 2007-49 – James R. McAfee and Raymond K. McAfee, 2701 Lowell Ave., Springfield – Granting a Use Variance. County Board Member – Clyde Bunch, District #21.

A motion was made by Mr. Bunch, seconded by Mr. Preckwinkle, 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. 2007-50 – Wayne and Sandra Mogle, 1715 Tozer Road, Springfield – Granting a Use Variance. County Board Member – John Fulgenzi, District #17.

A motion was made by Mr. Fulgenzi, seconded by Mrs. Fulgenzi, 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

RESOLUTION 13

13. 2007-51 – Francis Edwards, 16068 Watts Road, Pleasant Plains – Granting Variances. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mr. Forsyth, for the adoption of Resolution 13. 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 13.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 14

14. 2007-52 – Duston Suits, 13500 Maxwell Hall Road, Loami – Granting Variances. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mr. Stephens, for the adoption of Resolution 14. 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 14.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTIONS 15 - 17

15. Resolution approving a contract with the Sangamon County Juvenile Center and SIU School of Medicine to provide medical services.

A motion was made by Mr. O'Neill, seconded by Mr. Bunch, for the adoption of Resolution 15. A motion was made by Mr. Bunch, seconded by Mr. Smith, to consolidate Resolutions 15 – 17. Chairman VanMeter asked the Clerk to read Resolutions 16 and 17.

16. Resolution approving a contract with the Recorder of Deeds and R.D. Lawrence Construction Company for renovations to the office.
17. Resolution authorizing the issuance and sale by the County of its Economic Development Revenue Bonds, the Land of Lincoln Goodwill Industries, Inc. Project.

A voice vote was unanimous on the consolidation.

Mr. Kamper asked for an explanation of Resolution 17 because he had never seen anything like this before. Ryan McCrady, County Administrator, explained that the County Board is able to lend its name to bond issuances for some entities in the community, especially Goodwill which is a not-for-profit agency, when they want to borrow money for making improvements, or in this case for purchasing a building. This does not obligate the taxpayers to re-pay the debt. This just allows them to get a much better interest rate when they borrow the money and saves them money in the long run. There are usually a couple of these done per year depending on what is going on in the community.

A motion was made by Mr. Goleman, seconded by Mr. Moss, that the roll call vote for Resolution 1 stand as the roll call vote for Resolutions 15 - 17, as consolidated. A voice vote was unanimous.

**MOTIONS CARRIED
RESOLUTIONS ADOPTED**

WAIVER OF TEN-DAY FILING PERIOD

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

**MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED**

RESOLUTION 18

18. Resolution authorizing the development and purchase of a new Department of Public Health Facility.

A motion was made by Mr. Moore, seconded by Mrs. Turner, for the adoption of Resolution 18.

Mr. Kamper asked if there is a completion date set for this because it was left blank in the documents that were sent. Ryan McCrady explained that the final completion date right now is estimated to be May 31, 2008, but they will not have the exact date until they finish crafting the work letter that will follow this development agreement. They will probably be taking possession around June 1, 2008.

Mr. Kamper asked if the purchase price is still the same. Mr. McCrady stated that the purchase price is still at \$7.7 million, which includes the purchase of two acres on the west side as it is extended into the development. He stated that he received a signed option from the developer for their ability to purchase the additional two acres for \$100,000, which is part of the \$7.7 million.

Mr. Kamper asked for an explanation of the financial advisory services clause. Mr. McCrady explained that the County will be issuing debt certificates to finance this project. It is a complicated task and it is important they secure the services of the financial advisor to help do this. They will help take care of the documents related to issuing the debt certificates. They will help with pricing, issuing the bonds, and will advise on a good interest rate and a good time to lock into that interest rate based on market conditions. Because the County does not borrow money very often, they do not have the expertise to do these things on their own. It is very common to secure the services of a financial advisor when you issue debt certificates. The financial advisor they are looking at has done a lot of work in Central Illinois, including in the City of Springfield with local school districts. The 1.5 % fee is the market rate based on what other financial advisors would charge.

A motion was made by Mrs. Long, seconded by Mrs. Turner, that the Board sit as a Committee of the Whole for the purpose of taking testimony from members of the public who wish to speak or comment on this proposal. A voice vote was unanimous.

Reverend Silas Johnson, at 2208 E. Kansas in Springfield, addressed the Board. He stated that he serves as the Chair for the Springfield Ministry Alliance. The proposed increase came out in the newspaper in regards to the community for the Health Department. The increased lighting was a good thing because it is very important to have good lighting to serve your clients so they feel safe. It is great to have a new facility that is in a low and underserved area and is accessible by all bus services and is easy to walk to. He asked the Board to support these changes and keep the schedule of building the Health Department.

Judith Ann Johnson, at 2013 E. Capital in Springfield, addressed the Board. She stated that she is a resident of this area and thinks it is important they continue making progress on the Health Facility. The people in the community really need the services this will provide. She stated that she feels they could all live with the slight increase that is going to take place for the lighting because the benefit the community will receive from this facility will serve a lot of people. She explained that she did serve on the initial committee that did the study for the building of the new facility and she did have the opportunity to question Jim Stone, Director of Public Health, about access to the facility. She stated that she was concerned about the intersection at Wheeler and Clearlake and the need for lights. They seem to have resolved the issue that many members of the community who live over that way have had. She stated that she is in support of this and thinks the Board should move forward with it.

A motion was made by Mrs. Long, seconded by Mrs. Turner, that the Board conclude the Meeting of the Whole and return to the regular order of business.

A motion was made by Mr. Kamper to amend Resolution 18. He stated that he would like to add three paragraphs after the "Be it Further Resolved" that had the purchase price in it. The amendment should read "Be it Further Resolved by the Board that no change orders may be agreed to by the authorized persons that caused the purchase price to exceed \$7,750,222 unless authorized in advance by the Board, and Be it Further Resolved by the Board that no change orders may be agreed to by the authorized persons that cause the guaranteed substantial completion date and/or the guaranteed final completion date to be extended by more than 30 days unless authorized in advance by the Board, and Be it Further Resolved by the Board that any change orders entered into by the authorized persons be distributed within two working days to the Board, and".

Chairman VanMeter asked for a second to Mr. Kamper's motion. There was no second to the motion, therefore the motion to amend dies.

Mr. Kamper apologized for not bringing these up sooner because he had to rush in from Chicago. He explained that he has nothing but the deepest respect for the Chairman, Mr. McCrady, and Mr. Stone, but noted that the resolution is listed as authorizing the development and purchase of a new Department of Public Health Facility, when really it is not. What they are authorizing is to let those individuals do it and not the Board. He stated that the last thing he would want is for the Board to decide the color of the carpet or which way the doors open inside the building, but it seems they are leaving a lot open to these three individuals. He stated that he feels they are supposed to be an oversight body and this enabling resolution is giving away that oversight authority completely, unless they go past \$8.4 million at which point they could speak up again. He explained that he is not comfortable going to his constituents and saying he has had only 96 hours to look at this material and then passed it off to someone else, who may be extremely qualified, but gives him little input in the process. He stated that he really wants to have this facility built, but will have to vote no on it.

Mr. Goleman spoke on behalf of the committee. He explained that they have spent an enormous amount of time on this and a tremendous effort has been made by the professional staff, the developers, and the committee members. All the meetings were open to the public, any questions could have been asked at any time, and any amendments could have been given at any time in preparation for tonight. They have listened to the community and made a commitment to them. There is never a project that is perfect, but they have done everything they can possibly do to save the taxpayer's money and combine the departments into one new facility. This is the right thing to do. He stated that he is proud of the committee, which has asked a lot of questions and debated a lot of issues, and it is now time to vote.

Mrs. Long thanked Mr. Goleman for chairing this very difficult committee. She also thanked the rest of the Public Health Facility Planning Committee and the Finance Committee for putting many hours into this. She also thanked Ryan McCrady, Jim Stone, and Tom Rechner from Hanson Engineers for being involved in this and helping move it along. She stated that she is voting for Springfield East Venture because it is still a savings of \$2 million under the next bidder. The design was the best design and the location was the best location for the medically underserved areas. This will improve and promote businesses in the area because it is the gateway to the City. Hanson Engineers is overseeing the project which is a big guarantee it will be done right. They are using union labor and are also willing to specify that minority workforce will be used. She asked the Board to accept this proposal.

Mr. Buecker stated that he is concerned with Mr. Kamper's comments about who is overseeing the project. He stated that it would not just be those three individuals overseeing it. That is why they hired Hanson Engineers to do the weekly inspections and make sure of change orders. He stated that he feels perfectly comfortable with this.

Mrs. Turner stated that this is a project she feels very strongly about and is close to her. She explained that, along with Tim Moore, she co-chaired a committee that would ensure services in the County would go uninterrupted if there was a Health Department merger. They went around the entire County and took into consideration everything they heard. Springfield East Venture was the only proposal of the three they received back that embodied all of the concerns and issues that come out of the hearings they had throughout the community. There were some added things they didn't ask for but it did enhance the proposal. She explained that in voting yes for this she has taken every precaution she can take to ensure this will be a quality facility, will embody everything they wanted, and will be one they will be proud of. She asked the Board to keep in mind that this bid was \$2 million lower than the next bid. A lot of the additions are things the developer had no idea of when they first submitted their bid. An added plus is that the developer will employ individuals from that community. She urged everyone to vote yes on this proposal.

Mr. Moore echoed Mrs. Turner's comments. He asked Mr. McCrady if they are raising taxes to pay for this building. Mr. McCrady stated that they are not and could not even if they wanted to without a full referendum from all County voters.

This will be paid for out of the levy they have now so there will be no tax increases to pay for this building.

Mr. Fulgenzi stated that this is just another situation where the County is being very diligent in the way they are approaching construction, expansion, and consolidation. It is going to greatly improve the whole entrance to the City and is something they can all be proud of.

Mr. Moss stated that he has served on this committee from the beginning and when they did come back with a different number of \$6.9 million it was a solid number. Mr. Moss stated that after sitting down with the architects and developer, he felt it was good they found these changes prior to the agreement. Mr. Moss explained that the developer came through with the proper documentation to ensure them every change is justifiable and he would not have voted for this if it was not done.

Mr. Bunch stated that he was very pleased they got the lighting implemented for this building and encouraged everyone on the Board to vote in favor of this.

Chairman VanMeter asked the Clerk to call the roll on the motion to adopt Resolution 18.

Mr. Hall explained that he is voting no because there was some construction done in his area years ago that they still have issues with.

Mr. Mendenhall explained that he is voting no because he put a lot of faith in this committee a month ago and the comments he heard then are the same now except there was going to be a \$3 million savings and now it is only \$2 million, and this bothers him a little bit. Some of the costs for infrastructure are usually covered by the developer, so this issue should be re-visited. He stated that he also has some of the same concerns as Mr. Hall.

Upon the roll call vote, there were 22 Yeas – 6 Nays. Those voting nay were: Mr. Hall, Mr. Kamper, Mr. Mendenhall, Mr. Snell, Mr. Tjelmeland, and Mr. Wieland.

MOTIONS CARRIED
RESOLUTION ADOPTED

OLD BUSINESS

There was no old business.

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

Re-appointment of R. Wayne Cross as Commissioner to the Lanesville/Illiopolis Drainage District #1 for a term expiring September, 2010.

Appointment of Dave MacDonna replacing Rudy Braud to the Deputy Merit Commission for a term expiring January, 2011.

Appointment of Pat Somers replacing Mike Bartletti to the Board of Review for a term expiring September, 2009.

Appointment of Drinda O'Connor replacing Dick Austin to the Springfield Airport Authority for a term expiring September, 2012.

Appointment of Byron Deaner replacing Pat Somers to the Zoning Board of Appeals for a term expiring September, 2011.

A motion was made by Mrs. Long, seconded by Mrs. Turner, for approval of the appointments. A voice vote carried. Mr. Goleman voted no.

**MOTION CARRIED
APPOINTMENTS ADOPTED**

Chairman VanMeter recognized former County Board Chairman Dick Austin and Springfield City Council Member Mr. Lesko who were present in the audience tonight.

COMMITTEE REPORT ON CLAIMS

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

**MOTION CARRIED
REPORT FILED**

ADJOURN

A motion was made by Mrs. Turner, seconded by Mrs. Long, to adjourn the meeting to October 9, 2007 at 7:00 p.m. A voice vote was unanimous.

**MOTION CARRIED
MEETING ADJOURNED**