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MINUTES

SANGAMON COUNTY BOARD

APRIL 5, 2011

The Sangamon County Board met in Reconvened Adjourned September Session on April 5, 2011 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:00 p.m. Mr. Smith gave the Invocation and Mr. Hall led the Board in the Pledge of Allegiance.

ROLL CALL

Chairman VanMeter asked the County Clerk to call the roll. There were 23 Present – 6 Absent. Ms. Dillman, Mrs. Douglas Williams, Mr. Forsyth, Mr. Good, Mr. Mendenhall, and Mrs. Turner were excused.

PROCLAMATION

Mr. Montalbano presented a Proclamation in honor of Public Service Recognition Week. Norm Sims, Director of Regional Planning, accepted the Proclamation. He stated it is an honor to receive this for all of the public employees and public servants for the County who work everyday to try and carry out the duties that are given to them with as much integrity and hard work as they can.

MINUTES

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, for approval of the minutes of March 8, 2011. A voice vote was unanimous.

MOTION CARRIED
MINUTES ADOPTED

CORRESPONDENCE

A motion was made by Mr. Bunch, seconded by Mr. Montalbano, to place the Correspondence on file with the County Clerk. A voice vote was unanimous. There was no correspondence to file.

RESOLUTION 1

1. Resolution authorizing the purchase of Microsoft Office software by the Sheriff's Office.

A motion was made by Mr. Preckwinkle, seconded by Mr. Ratts, to place Resolution 1 on the floor. Chairman VanMeter asked for a roll call vote on the adoption of Resolution 1. Upon the roll call vote, there were 22 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 2

2. Resolution authorizing the purchase of mobile data computers by the Sheriff's Office.

A motion was made by Mr. Preckwinkle, seconded by Mr. Stephens, to place Resolution 2 on the floor. 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 Resolution 2. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 3

3. 2011-7 – Kenneth & Deborah Adams, 22813 W. Long Point Road, Illiopolis – Granting a Variance. County Board Member – Dave Mendenhall, District #3.

A motion was made by Mr. Davsko, seconded by Mr. Stumpf, to place Resolution 3 on the floor. A motion was made by Mr. Moore to waive the reading of the professional staff's report. There were no objections. A voice vote carried for the adoption of Resolution 3. Mr. Goleman and Mr. Preckwinkle voted no.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 4

4. 2011-8 – Jeff Snyder, Trustee for Parents Trust, 4816 Margaret Ave., Springfield – Granting a Rezoning and Variance. County Board Member – Abe Forsyth, District #27.

A motion was made by Mr. Snell, seconded by Mr. Tjelmeland, to place Resolution 4 on the floor. 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 for the adoption of Resolution 4.

**MOTIONS CARRIED
RESOLUTION ADOPTED**

RESOLUTION 5

5. 2011-9 – John Barnard, Contract Purchaser, 5695 Dickerson Road, Sherman – Denying a Rezoning and Granting a Variance and Use Variance. County Board Member – Dave Mendenhall, District #3.

A motion was made by Mr. Krell, seconded by Mr. Sullivan, to place Resolution 5 on the floor. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Molly Berns, professional staff, stated that the petitioner is requesting a rezoning from "A" Agricultural District to "B-3" General Business District to allow for a single family residence with a trucking firm and a variance to allow two principal uses on a zoning lot. The staff recommends denial of the "B-3" zoning. The proposed zoning would be spot zoning and is considered to be inappropriate to the immediate area. The petitioner proposes to construct a pole barn within six months to provide for the inside storage of the two existing trucks and for one additional truck or a Bobcat to be added in the future. Information should be obtained regarding the hours and method of operation particularly related to the time and number of trips the trucks make from the site to determine the impact on traffic in the area. If the evidence indicates there would be no negative impact, the staff recommends that a use variance would be appropriate to allow the operation of a trucking firm of up to three trucks or two trucks and a Bobcat providing that the storage of the equipment is inside the proposed pole barn to be constructed within six months. If the use variance is granted to allow the two principle uses, the staff recommends that the variance to allow two principle uses on the property also be granted.

Cyndi Knowles, professional staff, stated that the Zoning Board of Appeals concurs with the staff report and recommends denial of the rezoning; however, grant the variance to allow two principle uses on a zoning lot and a use variance to allow a trucking firm with up to three trucks and a Bobcat, as long as they are stored in a pole barn which is to be constructed within six months.

Brad Wilson, Attorney at 1231 S. 8th Street, Springfield, addressed the Board. He stated that he is representing the petitioner. Mr. Barnard owns a small trucking company and it currently consists of two tandem trucks. In the future, he may buy an additional truck or Bobcat if his business continues to grow. Under the current agricultural zoning classification, he is already allowed to park one of those vehicles on his property. He originally petitioned for re-classification to "B-3" zoning and it was denied. The Planning Commission recommended he be granted a use variance, and the Zoning Board of Appeals concurred with the recommendation. If this is granted, he will construct a pole barn on a large lot in the rear. The vehicles will be stored inside the pole barn, which they believe will minimize any visual impact of the trucks. The pole barn is set so far back, that even the visual impact of the pole barn would be minimal.

The property is currently zoned for agricultural use. Under the present zoning classification he could have tractors, grain trucks or other equipment that would pose a greater impact on the surrounding area than the two trucks he would have. He stated that this has been approved by the Planning Commission and Zoning Board of Appeals and they ask the County Board to concur with this.

Kimberly Bechtel, residing at 5637 Dickerson Road, Sherman, addressed the Board. She stated that there are three letters in opposition to this petition. She has lived next to the property for a number of years and has listened to the trucks come in and out. The road is barely wide enough for two vehicles. Mr. Barnard says his hours of operation would be from 7:00 a.m. to 3:30 p.m., but they do sometimes start the trucks at 6:00 to 6:30 a.m. and will leave them running for up to an hour. They do this not only Monday through Friday, but also on Saturdays and Sundays as well. There is a road built along her property line that has two dump trucks running in and out. They are not parked at the back of the property, but are on the road. She strongly urged that they deny this variance since this is different than listening to farm equipment.

Mr. Goleman asked if she is opposing this because of the noise. Mrs. Bechtel stated that she is opposed to this because of the noise, smell and nuisance. Mr. Goleman asked if this is a rural area. Mrs. Bechtel stated that it is, and it used to be peaceful before he moved there. They are used to hearing tractors and school buses, but are not used to hearing the idling of the dump trucks right in their back yard. Her concern now is that he is putting a building on the back of the property, which will affect the residents back there. Mr. Goleman asked who has lived there longer. Mrs. Bechtel stated that she has lived there longer than Mr. Barnard.

Mr. Wilson gave his rebuttal. He explained that they do have letters from people who drive trucks on this road and have said they do not have a problem with Mr. Barnard's trucks on the road. This is an agricultural area and you will have a lot of traffic, but this will not significantly change the amount of traffic on this road.

Mrs. Fulgenzi asked how close the nearest neighbors are. Mr. Wilson stated that this is a large area and there are residents on both sides. Mr. Barnard will be about 200 yards from Mrs. Bechtel's residence. The pole barn will be moved back even farther away from her residence. Mrs. Fulgenzi asked if they dump on this property with the dump trucks. Mr. Wilson stated that the only material he dumps is in the pond to address erosion issues, and there was material dumped to construct the driveway. It has only been for home improvement use and not commercial dumping.

Mr. Stumpf asked any of his colleagues, who are farmers, if the equipment Mr. Barnard would be using is equivalent to farm equipment and if it would have less of an impact on the area. Mr. Goleman explained that they could actually have bigger trucks such as semis. Mr. Hall stated that his trucks are up to 80,000. Mr. Wilson stated that Mr. Barnard's trucks are up to 54,999. Mr. Hall stated that this would be smaller than farm equipment.

Mrs. Bechtel asked again that this be denied. It is a nuisance, and this was a quiet area. Even if they are parked on the back of the property, the noise and nuisance would be there. They do make several trips off and on the property.

Mr. Fraase asked if Mr. Barnard has been doing this for three or four years. Mrs. Bechtel stated that she would say it has been longer than that. He asked if she has complained before. She stated that it has been a constant thing. They have tried to talk to him about it, but they can't seem to get along.

Chairman VanMeter asked for a roll call vote on the adoption of Resolution 5. Upon the roll call vote, there were 22 Yeas – 0 Nays. Resolution 5 written to deny a rezoning and grant a variance and use variance is adopted.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 6

- 6. 2011-11 – Dan Mickle, 2401 Stockyard Road, Springfield – Granting a Variance. County Board Member – Jim Good, District #8.

A motion was made by Mrs. Fulgenzi, seconded by Mr. Goleman, to place Resolution 6 on the floor. 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 for the adoption of Resolution 6.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 7

- 7. 2011-13 – Timothy Smith, 6362 Salisbury Cemetery Rd., Pleasant Plains – Granting a Variance. County Board Member – Harry "Tom" Fraase, District #1.

A motion was made by Mr. Fraase, seconded by Mr. O'Neill, to place Resolution 7 on the floor. 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 for the adoption of Resolution 7.

MOTIONS CARRIED
RESOLUTION ADOPTED

WAIVER OF TEN-DAY FILING PERIOD

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

MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED

RESOLUTIONS 8 – 10

8. Resolution approving the low bids for the township bituminous materials.

A motion was made by Mr. Fraase, seconded by Mr. Hall, to place Resolution 8 on the floor. A motion was made by Mr. Bunch, seconded by Mr. Smith, to consolidate Resolutions 8 – 10. Chairman VanMeter asked the Clerk to read Resolutions 9 and 10.

9. Resolution approving an engineering agreement for a culvert replacement on County Highway 40 in Maxwell Township.

10. Resolution approving the low bid for a house sale at 100 Maple Lane in Rochester.

A voice vote was unanimous on the consolidation. A motion was made by Mr. Goleman, seconded by Mr. Schweska, that the roll call vote for Resolution 1 stand as the roll call vote for Resolutions 8 – 10, as consolidated. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTIONS ADOPTED

RESOLUTION 11

11. Resolution authorizing the County Administrator to enter into negotiations with Maximus, Inc. on a master agreement.

A motion was made by Mr. Fraase to withdraw Resolution 11. There were no objections.

MOTION CARRIED
RESOLUTION WITHDRAWN

OLD BUSINESS

There was no old business.

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

Chairman VanMeter stated that the list of appointments mistakenly listed Mr. Krell's appointment to the Local Emergency Planning Committee. This should have been on the list of nominations subject for appointment next month.

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, for approval of the appointments. A voice vote carried. Mr. Stumpf voted present on the Sangamon County Sewer Rebate Benefit Board appointments. Mr. Hall, Mr. Boyster and Mr. Schweska voted no on the Sewer Rebate Benefit Board appointments.

Chairman VanMeter stated that the events of the last few days will create a vacancy in the office of the Sangamon County Coroner. With the outcome of a number of private conversations with members of the County Board, over the past several days, they have laid out a tentative plan for receiving the search for a nominee to replace the present Coroner. The exact time frame will be confirmed in a press release to be made available by the Board Office some time this week. They will seek nominations and letters of interest for approximately three weeks from members of the community who wish to serve in this position. He will then review those letters of interest with various members of the County Board. Those letters of interest are always available to the Board members to review and make recommendations. He will then forward the nomination to the County Board at the May meeting, and the nomination will be available for public comment for a period of one month. The County Board will then be asked to approve that nomination at the June board meeting. That person will be in position and able to assume office at the time Susan Boone vacates the office. The only stated criteria in State law for the nominee are that they must be of the same political party of the person who previously held the position. Since Susan was elected as a Republican, the replacement must be a registered Republican. In addition, the Board will be seeking, from any prospective nominee; a pledge to employ only a board certified Forensic Pathologist to act as the official pathologist for Sangamon County. They must also be a resident of Sangamon County. These would be the only three criteria required for anyone interested in serving as Coroner.

REPORTS OF COUNTY OFFICIALS, REPORTS OF SPECIAL COMMITTEES, REPORTS OF STANDING COMMITTEES, COMMITTEE REPORT ON CLAIMS

Reports were placed on file with the County Clerk.

Chairman VanMeter stated that they will be appointing a committee to study the best future course for the functions of the Coroner's Office in Sangamon County. That will be a special committee of the County Board. He asked that those interested in serving should indicate their interest to the County Administrator. Hopefully within a month or so that committee will be able to begin their work.

RECESS

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, to recess the meeting to May 10, 2011 at 7:00 p.m. A voice vote was unanimous.

**MOTION CARRIED
MEETING RECESSED**