

DON GRAY
SANGAMON COUNTY CLERK



SANGAMON COUNTY COMPLEX
200 SOUTH NINTH STREET – ROOM 101
SPRINGFIELD, ILLINOIS 62701
TELEPHONE: 217-753-6700/FACSIMILE: 217-535-3233
WEBSITE: www.sangamoncountyclerk.com

MINUTES

SANGAMON COUNTY BOARD

APRIL 5, 2016

The Sangamon County Board met in Reconvened Adjourned September Session on April 5, 2016 in the County Board Chambers. Chairman Van Meter called the meeting to order at 7:00 p.m. Mr. Smith gave the Invocation and Mr. Krell led the County Board in the Pledge of Allegiance.

ROLL CALL

Chairman Van Meter asked County Clerk Gray to call the roll. There were 27 Present – 2 Absent. Mrs. Hills and Mr. Tjelmeland were excused.

MINUTES

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, for approval of the Minutes of March 8, 2016. 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 none filed.

RESOLUTION 1

1. 2016-009 – Kevin Miller, 2814 S. 11th Street, Springfield – Denying a Rezoning. County Board Member- Joel Tjelmeland, Jr., District #14.

A motion was made by Mr. O'Neill, seconded by Mr. Stumpf, to place Resolution 1 on the floor. Chairman Van Meter asked the professional staff to give the procedural history of the case.

Trustin Harrison, professional staff, stated the petitioner is requesting a rezoning from R-2 single-family and two-family residence district to RM-4 manufactured home district to allow one manufactured home on the property. Molly Berns, professional staff, stated the staff recommends denial. Parts of the east side of 11th Street were rezoned to RM-4, B-1 and B-3 in the 1970's. This leads to a mix of zoning in the general vicinity of the subject property, with the business classifications clustered near the intersections of Culver and Knox Avenue with 11th Street. However, most of 11th and 12th Streets between Culver and Knox are single-family residences. The Springfield 2020 Comprehensive Plan calls for this segment of 11th Street to be a redevelopment area which is defined as "mixed uses (residential, office/service, commercial) meeting stringent design guidelines to replace blighted or obsolete uses along major arterials." The plan further cautions against new piecemeal development. Zoning the parcel RM-4 for the purposes of a mobile home is considered to be piecemeal development which would restrict possible planned development along the 11th Street corridor and is contrary to good planning principles. Mr. Harrison stated the Zoning Board of Appeals concurs with the staff report and recommends denial.

Kevin Miller, petitioner, residing at 2922 S. 12th in Springfield, addressed the County Board. He stated he bought this piece of property, cleaned it all up and wants to put a mobile home there for his daughter.

Daniel Hamilton, Attorney at Brown, Hay & Stephens, addressed the County Board. He stated he is representing HD Smith, which is the pharmaceuticals manufacturer that owns the parcel of property directly across the street from this proposed zoning. The parcel across the street is also part of the commercial area that is on the development between 11th Street and 6th Street. That is an important area of economic growth in the Springfield community. This proposed zoning is inconsistent with the character and trends of the current block and doesn't comport with the 2020 Comprehensive Plan, it is not right for this part of 11th Street. As a result of those factors, HD Smith is opposing this zoning, and would ask that the County Board join the staff and Zoning Board of Appeals recommendations to deny this proposed zoning.

Mr. Miller gave his rebuttal. He stated there are other mobile homes along 11th Street. There are mobile home parks at 11th and Bruce and 14th and Culver. He counted 18 mobile homes in that area between 14th and 11th Street.

Mr. Stumpf stated there are other mobile homes in the same vicinity. He asked the professional staff to give their analysis why it is different from one place to another.

Mrs. Berns stated generally when the County Board had requests to place manufactured homes on other parcels under their jurisdiction, they have looked at an approximately two block radius to see how many mobile homes are there and if the trend is more towards mobile homes, business uses or stable single-family housing. In this case, staff did that analysis, and while the gentleman is correct and there are a number of mobile homes, they are located beyond that two-block radius they generally look at for trend of development in a neighborhood. They recommended denial because there is not a mobile home next door, two doors down or even within a block. They are in the Cabbage Patch area, which is east of 11th Street.

Mr. DelGiorno explained that he grew up near that area and is trying to picture where Mr. Miller's lot is. He remembers a mobile home park on 11th Street, but doesn't know if it is still there. Mr. Miller stated it is still there and the cross street is Bruce Street. Mr. DelGiorno asked where his property is exactly. Mr. Miller stated he is two blocks north of that. Mr. DelGiorno asked the professional staff if there is a long-term plan for redevelopment in the future for this corridor with the existing mobile home park on 11th Street or other mobile homes in that vicinity. Mrs. Berns stated it is her understanding, that with expansion of the 11th Street corridor, the bids will be let by the City of Springfield this summer to expand that. She is not aware of the extent to which 11th Street will be expanded near the gentleman's property. She can say that the City of Springfield's Comprehensive Plan, of which this property is adjacent to the plans jurisdiction, and the City of Springfield Zoning Ordinance, does not permit singular parcels of mobile home development. It restricts it to only mobile home parks. It clusters mobile home parks in certain areas based on the sectors that are designed in the city plan. The short version of this answer to Mr. DelGiorno's question is she does not believe there are any additional development plans that would be east of 11th Street that would include new additional mobile parks or specific parcels with mobile homes on them. Mr. DelGiorno also asked if there are any plans to acquire those properties to develop them into other uses as part of the comprehensive plan. Mrs. Berns stated she has no knowledge of direct plans to acquire those properties as part of the redevelopment of a mixed development area as described in the plan. Mr. DelGiorno asked if the county was a party to the comprehensive plan that the city implemented. Mrs. Berns stated the county was not. It is for the City of Springfield.

Mr. Bunch asked if the petitioner would have any objection to putting a foundation on the mobile home if this was approved. Mr. Miller stated he would not have a problem with that.

Mr. Hamilton gave his rebuttal. He explained the commercial area being developed is an important part of the economic growth in Springfield. When an industry wants to relocate and build in this industrial park, it is important to have consistent zoning around the perimeter for the residential areas. Although this particular parcel may not be in the commercial park, it is in the border of it. It is important for businesses to see zoning that is similar throughout the area. This proposed zoning would affect the setbacks because RM-4 setbacks are different from the current zoning. The buildings on the property could actually be closer to the road than currently permitted. As a result, you have inconsistency throughout. This could have a negative impact on the economic growth within the commercial park.

Chairman Van Meter asked for a voice vote on the adoption of Resolution 1. A voice vote was unanimous for the adoption of Resolution 1, which was written “to deny a rezoning”.

MOTION CARRIED

RESOLUTION ADOPTED

RESOLUTION 2

2. 2015-047 – William & Christie Rincker, 14670 Nave Road, Mechanicsburg – Granting a Use Variance and Denying a Rezoning, Conditional Permitted Use and Variances. County Board Member – David Mendenhall, District #3.

A motion was made by Mr. Mendenhall, seconded by Mr. Stumpf, to place Resolution 2 on the floor. Chairman Van Meter asked the professional staff to give the procedural history of the case.

Trustin Harris, professional staff, stated the petitioners are requesting a rezoning from A Agricultural District to B-1 Neighborhood Business District; a variance to allow four principal uses on one parcel (single-family residence, dog obedience training/kennel, horse boarding/breeding and a camping & tent park); a variance to allow a single-family residence in the B-1 District; a variance to allow agricultural uses in the B-1 District; a variance to allow the parking area to remain grass rather than being paved; and a conditional permitted use to allow a camper and tent park.

Molly Berns, professional staff, stated the staff recommends denial of the requested B-1 zoning classification. The LESA score of 196 indicates the property is suitable for agricultural use only. The property is developed with a single-family residence, several barns and other improvements of an agricultural nature. Most of the B-1 uses would be considered to be too intense and inappropriate for the area. Following the initial staff opinion on the first petition for this case, the petitioner submitted a revised proposal dated December 14, 2015. This second proposal indicated a substantive increase in the number of agility events and the types of dog operations on the subject property, suggesting a much larger impact than initially proposed. Staff has significant concerns pertaining to the requested increase in the number of dog agility events and dog operations on the subject property. The revised proposal is silent as to how many people might be on the subject property from all activities at capacity. Both the petitioners’ attorney’s letter (page 1 of 2) and Attachment 1 (page 2 of 3) indicate 12 dog agility trials per year; however, neither references the combined number of people and animals that might be on the subject property from one dog agility event, plus if all the various dog training courses were to occur simultaneously on the subject property. Because of this, staff is unable to make infrastructure determinations, (e.g. septic field sizing and sizing of paved parking areas) related to scale of operations and likely impact on the character of the surrounding area to adequately determine if the proposal would be detrimental. As the subject property sits on a rough, narrow road, and is on well and septic rather than public sewer and water, until further information is provided to adequately gauge possible intensity of use, staff believes it is premature to recommend approval of a use variance to allow more dog agility events than was initially proposed. Therefore, staff recommends denial of the use variance request pertaining to dog agility events on the subject property.

In the alternative to the requested B-1 zoning, staff recommends approval of a use variance to grant three uses (a single-family residence, a dog kennel limited to no more than 20 dogs boarded/kenneled at a given time with proof of adequate waste disposal, and a horse boarding/breeding business). Staff notes the following special circumstances related to the subject property: (1) the subject property is currently zoned agricultural, which allows horse breeding and boarding and single-family residences as of right; and, (2) a dog kennel business is a conditional permitted use in the agricultural district, indicating the County Board thought it an appropriate use with conditions.

The staff recommends denial of the requested conditional permitted use to allow a camper and tent park. As noted, the sole access to the subject property is a narrow, somewhat substandard road. Staff has concerns for public safety access to a potential camper and tent park if events bring a large number of vehicles to the area. Staff also has concerns regarding whether an RV park is compatible with the subject property, given that RVs have definite water and sewage impacts and that vehicular access will be on a narrow and sub-standard road.

Staff recommends denial of the requested variance to not pave the parking area. The revised information dated December 14, 2015, increased the scope of the petitioner's request in terms of the number of people and vehicles that could be visiting the property through the petitioner's multiple businesses. Based on inadequate information, it would be impossible to verify the number of parking spaces actually needed at this time. Due to the narrow width of Nave Road, on-street parking is not a viable option.

Staff amended the recommendation to delete the last paragraph above and replace it with the following: After a review of the ordinance, staff finds that the variance is not needed. While the ordinance does not apply, staff finds that the lack of an adequate parking plan to adequately provide on-site parking for the multiple uses proposed, that there would be a negative impact on the neighboring properties and the roadway.

Mr. Harrison, professional staff, stated the Zoning Board of Appeals concurs with the amended staff recommendation and recommends denial of the B-1 zoning and the conditional permitted use, but in the alternative, grant a use variance for three uses including: a single family residence, a dog kennel limited to no more than 20 dogs boarded and kenneled at a given time with proof of adequate waste disposal, and a horse boarding/breeding business.

William Rincker, petitioner, residing at 14670 Nave Road in Mechanicsburg, addressed the County Board. He explained his family wants a small unique hobby business. They want to maintain their country and agricultural atmosphere. They also want to maintain their hobby business that has been going on for the past six years without any apparent problems or complaints until now. They never wanted to be rezoned and have always wanted to stay agricultural because they have horses, cattle, sheep, etc. They are looking for a conditional permitted use for horse boarding up to four horses; a conditional permitted use for dog boarding/kennel with up to ten dogs; a variance for dog training and dog agility or herding trials. Herding trials and herding dogs also involve stock and cattle.

They are looking for up to six to eight dog agility or herding trials per year. They have never had a dog agility class go past 5:00 p.m. Their property line is surrounded by trees on both the west and east sides, so it blocks their property and any view of the agility field and anything that is going on. The average number of people that have entered the dog trials over the past six years is 16 per trial. That is 16 vehicles going down the road. Some of the concerns that have been brought up were with traffic and road damage. He has a letter from a pavement engineer with Applied Research Associates, Inc. that states these types of vehicles, which include mini vans, SUV's, trucks and cars, would have no impact or damage to the road in question. This company is well known and the engineer also graduated from Tri-City High School and knows these roads and the county. They have a 480-foot gravel drive and plan to add 2,400 square feet of gravel parking.

Daniel Hamilton, attorney with Brown, Hay & Stephens, addressed the County Board. He stated he represents the objectors Cooper Township. He explained that Cooper Township agrees with the staff and Zoning Board of Appeal's recommendation to deny the requested relief. The township doesn't oppose the activities that will be conducted on the property, but just where the activities will take place because there is a lack of infrastructure to support the proposed uses. The uses proposed are too intense for the infrastructure that it takes to get to the property. The roads used to access the parcel are hilly in places, narrow and are not safe for increased traffic. Nave Road, which is the main access road, is too narrow, at 11-feet wide, for passing traffic. At the Zoning Board of Appeals meeting it was said that farmers don't even use the road to move crops because it is so narrow. They would have to back a semi out of this dead-end road. The road is tree lined on the sides and has deep drainage ditches on the sides as well. Staff mentioned you couldn't park on the sides because there are drainage ditches off of this 11-foot wide road. There are also other potential health issues that should be considered. One is a lack of electric infrastructure that could potentially require the use of generators and noise that accompany those. There is also the lack of sanitary waste disposal systems to accommodate all the increased uses. It is far too costly for the township to improve the intensity of the road use that will be necessary if the petitioner's request is granted. The township would need assistance from somewhere, like the county, to pay for these improvements. Due to these considerations, Cooper Township opposes the petitioner's request and asks the County Board to deny the relief.

Mr. Bunch asked how they are passing each other now on the road. Are there any vehicles now that can't pass each other now? Mr. Hamilton stated it is his understanding that two cars meeting could not pass each other on the road now because it is only 11-feet wide. This is what his clients have told him.

Mr. Forsyth asked if they would have to enter private property if they passed each other on the road. Mr. Hamilton stated he could not answer that.

Mr. Rincker gave his rebuttal. He mentioned the RV's that he brought up earlier. They would like to remove the request for RV tent parking. They asked for that because they had one or two RV's in the past that came to the dog trials. As far as the road is concerned, there will not be any damage from any of the vehicles. Their road tees up to Unique Road, which is not much wider. In rural areas it is common sense to stop and be polite and let them go forward or you go forward.

As far as electric, the only thing a dog trial would need electric for is a computer. They have talked to Menard Electric, and they have no problems with what they are doing.

Mr. Stumpf asked the professional staff if they would be able to make the change with the RV parking due to the complexity of this case. Molly Berns explained that going back to January 21, 2016; denial was already recommended by the staff as well as the Zoning Board of Appeals. Subsequent to that, their official request to withdraw that request for a conditional permitted use was already read into the records at the Zoning Board of Appeals meeting by Mr. Rincker's attorney. It is her opinion that it would not require any additional action by the County Board because the Zoning Board of Appeals heard that request and it is an official part of the record.

Mrs. Linda Fulgenzi asked what the recommendation is from professional staff and the Zoning Board of Appeals. Chairman Van Meter stated he could give the recommendation from the ZBA. It is to grant the use variance and deny the rezoning and conditional permitted use and variances that were requested. Mrs. Fulgenzi asked what the use variances were again. Mrs. Berns stated the use variances are for these three uses: a single family residence, a dog kennel limited to no more than 20 dogs boarded and kenneled at a time, and a horse boarding/breeding business. The dog agility/training is not a part of the resolution you have before you, which reflects the staff and Zoning Board of Appeals recommendation.

Mr. Ratts stated if he had a birthday party to take his kids to on a Saturday in the area and their agility classes were going on, he would be frustrated when there are 16 cars coming by when he was trying to leave. Mr. Rincker stated he would be too, but most of the people are there very early, before 7:00 a.m., and they haven't had any problems in the past six years. When you live out in the country you kind of get used to waiting 20 to 30 minutes for combines coming down the street. It does take a lot of patience.

Mr. Smith stated there is a recommendation from the professional staff about allowable uses/variances. He asked Mr. Rincker if he is willing to accept what is being proposed. Mr. Rincker stated he would accept the proposal for the horse and dog kennels. Their unique type of dog training and definition that Sangamon County has for dog training are very different. In the past six years, they have taught dogs how to herd livestock such as cattle, sheep and goats. They teach people and their dogs how to work every day occurrences on a farm and ranch. That cannot be done in a residential area. Agility is a dog sport, and they teach owners how to handle their dogs while teaching their dogs to run agility courses or to herd livestock. Livestock, to him and many other states and counties, is agricultural because you need to have the livestock in order to do this. They occasionally host trials where owners can enter their dogs to test their skills. The agility provides really great exercise and bonding for the owners and their dogs. It is very difficult to do this in a business or residential area. There is Capital Canine Training Center in Chatham that hosts small agility classes, but they really don't have adequate space to run a full agility course. Mr. Smith asked Mr. Rincker if he is willing to accept the offer that is presented before him tonight. Mr. Rincker stated that he is.

Mr. Krell asked how many people coming to the class are actually farmers that have livestock. Mr. Rincker stated there are probably about four farmers coming in that really need help working their cattle or sheep. Mr. Krell asked if they are more into a sport or contest thing or actually into training. Mr. Rincker stated the complicated issue is that dog agility is a sport and training. They have competitions and people train and pay professionals to come in and teach them. Dog herding is a ranch aspect of every single day life. Some people use it to move their cattle and to protect the farmer from the stock. There are people that only do herding for competitions. Mr. Krell stated he has lived in Sangamon County all his life and has never seen his neighbors use dogs to herd anything. He is curious how many people are local. Mr. Rincker stated it makes things a lot easier with a dog. Out west dogs are considered to be worth six men on a ranch. With the professionally trained dog, it is a lot easier to move stock from pasture to pasture. About three or four people have come to them in the past six years to help them train to move stock. One of them lives in Sangamon County and one lives either in Sangamon or Morgan County.

Mr. Hamilton gave his rebuttal. The township is not concerned about the weight on the road. They are concerned about the safety aspect with the width of the road and the steep drop offs on the side. As a result of that, the township opposes the additional uses before you and asks that you deny the increased uses on this parcel. Chairman Van Meter asked if the township opposes even the limited variances as recommended by the Zoning Board of Appeals. Mr. Hamilton stated they do.

Chairman Van Meter asked for a voice vote on the motion to adopt Resolution 2. A voice vote carried.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 3

3. 2016-010 – Janice D. Park, in the 900, 1000 & 1100 blocks of Farley Road and in the 8600 block of Old Jacksonville Road, Pleasant Plains – Granting a Rezoning and Variances. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mr. O’Neill, to place Resolution 3 on the floor. A motion was made by Mr. Stumpf to waive the reading of the professional staff’s report. There were no objections. A voice vote was unanimous for the adoption of Resolution 3.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 4

4. Resolution approving the purchase of the Ecolane software for the Sangamon Menard Area Regional Transit (SMART) system.

A motion was made by Mr. Preckwinkle, seconded by Mrs. Williams, to place Resolution 4 on the floor. Chairman Van Meter asked for a roll call vote on the adoption of Resolution 4. Upon the roll call vote, there were 26 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

WAIVER OF TEN-DAY FILING PRIOD

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

MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED

RESOLUTIONS 5 - 20

5. Resolution approving the low bids for the township oil letting.

A motion was made by Mr. Fraase, seconded by Mr. Ratts, to place Resolution 5 on the floor. A motion was made by Mr. Bunch, seconded by Mrs. Douglas Williams, to consolidate Resolutions 5 – 20. Chairman Van Meter asked County Clerk Gray to read Resolutions 6 – 20.

6. Resolution approving the low bids for the county's bituminous materials.
7. Resolution approving the low bids for the county's miscellaneous materials.
8. Resolution approving a Federal Aid Agreement with the Illinois Department of Transportation for a road improvement on Woodside Road (County Highway 23).
9. Resolution approving a Federal Aid Agreement with the Illinois Department of Transportation for a bridge replacement on Old Salem Lane in Gardner Township.
10. Resolution approving a Federal Aid Agreement with the Illinois Department of Transportation for a bridge replacement on Wesley Chapel Road in Curran Township.
11. Resolution approving a bridge petition from Gardner Township for a bridge replacement on Irwin Bridge Road.
12. Resolution approving a partial cabling upgrade to support the new Countywide Finance System.
13. Resolution approving the upgrade of the "Jwalk" System.

14. Resolution approving the replacement of County unsupported desktops or laptops including the in-car computers in the Sangamon County Sheriff's Office.
15. Resolution approving the renewal of the County's vehicle insurance policy with the Cincinnati Insurance Company.
16. Resolution authorizing application for a public Transportation Capital Assistance Grant under the Illinois Department of Transportation.
17. Resolution approving the acceptance of the Special Warranty regarding fair and equitable arrangements to protect the interests of employees affected by such assistance.
18. Resolution approving the award of insurance policies for the operation of the SMART program's vehicles.
19. Resolution approving the purchase of vehicles on behalf of the Sangamon County Sheriff's Department.
20. Resolution granting the Sangamon County Sheriff's Department the authority to execute a contract with Ray O'Herron Co, Inc. for replacement equipment.

A voice vote was unanimous on the consolidation. A motion was made by Mr. O'Neill that the roll call vote for Resolution 4 stands as the roll call vote for Resolutions 5 – 20, as consolidated. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTIONS ADOPTED

OLD BUSINESS

There was no old business.

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

Appointment of Charles Chimento to the Zoning Board of Appeals for a term expiring April, 2021.

Appointment of Frank Lane to the Buffalo, Dawson, Mechanicsburg Sewer Commission for a term expiring April, 2022.

Appointment of Tim Boblitt to the Pawnee Fire Protection District for a term expiring May, 2017.

Appointment of Todd Ballenger as the Sangamon County Court Hearing Clerk for a term expiring December, 2017.

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, for approval of the appointments. A voice vote was unanimous.

MOTION CARRIED
APPOINTMENTS ADOPTED

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

A motion was made by Mr. Bunch, seconded by Mr. Montalbano, to place the reports on file with the County Clerk. A voice vote was unanimous.

MOTIONS CARRIED
REPORTS FILED

RECESS

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, to recess the meeting to May 10, 2016. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED

Don Gray
Sangamon County Clerk