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MINUTES

SANGAMON COUNTY BOARD

AUGUST 14, 2012

The Sangamon County Board met in Reconvened Adjourned September Session on August 14, 2012 in the County Board Chambers. Chairman Van Meter called the meeting to order at 7:02 p.m. Mr. Moore gave the Invocation and Mr. Forsyth led the Board in the Pledge of Allegiance.

ROLL CALL

Chairman Van Meter asked the County Clerk to call the roll. There were 26 Present – 3 Absent. Ms. Dillman, Mr. Maslauski and Mr. Tjelmeland were excused.

Mr. Fulgenzi commended the three Olympians from Sangamon County. They are: Lance Brooks, from New Berlin, who is a member of the discus and track & field team; Kelci Bryant, from Chatham, who won a Silver medal on the synchronized diving team; and Andre Iguodala, from Springfield, who won Gold on the men's basketball team. Mr. Fulgenzi extended an invitation to the parent's of these athletes to speak in the future.

MINUTES

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, for approval of the Minutes of July 10, 2012. A voice vote was unanimous.

MOTION CARRIED
MINUTES ADOPTED

CORRESPONDENCE

A motion was made by Mr. Bunch, seconded by Mr. Montalbano, 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 approving the low bids for an oil and chip contract in New Berlin Township.

A motion was made by Mr. Fulgenzi, seconded by Mr. Krell, to place Resolution 1 on the floor. Chairman Van Meter asked the County Clerk to call the roll. Upon the roll call vote, there were 25 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 2

2. Resolution approving the low bids for the replacement of two box culverts on Bullard Road in Mechanicsburg Township.

A motion was made by Mr. Fraase, seconded by Mrs. Davsko, to place Resolution 2 on the floor. A motion was made by Mr. Goleman, seconded by Mr. Bunch, 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. Resolution approving the low bid for wash bay equipment and installation.

A motion was made by Mr. Sausaman, seconded by Mr. Ratts, to place Resolution 3 on the floor. A motion was made by Mr. Goleman, seconded by Mr. O'Neill, that the roll call vote for Resolution 1 stand as the roll call vote for Resolution 3. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 4

4. 2012-23 – Tommy Sheppard, 309 & 313 East 1st Street, Berlin – Granting a Rezoning. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mr. Forsyth, 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. 2012-30 – Heritage Free Will Baptist Church, 3436 S. Douglas, Springfield – Granting a Variance. County Board Member – Linda Fulgenzi, District #12.

A motion was made by Mrs. Fulgenzi, seconded by Mr. Smith, to place Resolution 5 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 5.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 6

6. 2012-31 – William Rincker & Michael Benz, 14670 & 14688 Nave Road, Mechanicsburg – Granting Variances. County Board Member – David Mendenhall, District #3.

A motion was made by Mr. Mendenhall, seconded by Mrs. Douglas Williams, 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. 2012-32 – Robert & Rex Williamson, 9348 Prairie School Rd., Williamsville – Granting a Variance. County Board Member – Todd Smith, District #2.

A motion was made by Mr. Smith, seconded by Mr. Krell, 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

RESOLUTION 8

8. 2012-33 – Rick & Beth Kiel, 18893 State Rt. 4, Virden – Granting a Variance. County Board Board Member – Sam Snell, District #6.

A motion was made by Mr. Snell, seconded by Mrs. Musgrave, to place Resolution 8 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 8.

MOTIONS CARRIED
RESOLUTION ADOPTED

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, to go out of the regular order of business and proceed to Old Business for the purpose of accommodating the audience. There were no objections.

OLD BUSINESS

- A. Resolution 3 – Tabled 6/12/12
2012-16 – Heartland Worship Center, 6800 Bahr Road, Sherman – Granting a Rezoning. County Board Member – Todd Smith, District #2.

A motion was made by Mr. Moore, seconded by Mr. Montalbano and Mr. Bunch, to take Resolution 3 from the table. A voice vote was unanimous. A motion was made by Mr. Moore, seconded by Mr. Bunch, Mr. Smith and Mr. Montalbano, to withdraw Resolution 3. There were no objections.

MOTIONS CARRIED
RESOLUTION WITHDRAWN

- B. Resolution 5 – Tabled 7/10/12
2012-27 – Rebecca Hargett, 5029 Snell Road, Auburn – Denying a Conditional Permitted Use and Variance. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Moore, seconded by Mr. Bunch and Mr. Montalbano, to take Resolution 5 from the table. A voice vote was unanimous.

Chairman Van Meter asked the professional staff to give the procedural history of the case. Cyndi Knowles, professional staff, stated that the petitioner is requesting a conditional permitted use to allow three greenhouses with retail sales and a variance to allow three principal uses on one parcel. Molly Berns, professional staff, stated that the staff recommends denial of the requested conditional permitted use to allow three greenhouses on the subject property. The petitioner did not provide enough information regarding the method of operation and the intent of the proposed greenhouses. It is unclear if the greenhouses will be used privately or if the intent is a retail greenhouse for general public use. If the intent is for general public use, then a suitable parking plan in accordance with county regulations must be submitted. Also, testimony should be obtained regarding the hours of operation of the greenhouse. Staff recommends denial of the requested variance to allow three uses on one parcel. The standards for variation are not met. Mrs. Knowles stated that the Zoning Board of Appeals concurs with the staff report and recommends denial of the conditional permitted use and variances.

Alex Rabin, Attorney for the petitioner, addressed the Board. His address is 1119 S. 6th Street in Springfield. He stated that he was not representing Rebecca when she first came before the Zoning and Planning Commission hearing. Since that time he has submitted evidence to her local county board members, the Regional Planning Commission and Sangamon County Board. There is not going to be any public sales at this site or any anticipated increase in traffic. It is just going to be greenhouses for organic farming that is primarily sold at the farmer's market in Springfield. They also included detailed sketch maps that show the exact proportions of the 7.22 acres that would contain the greenhouses. It is no more than 10,000 square feet. The neighbor was concerned about an increase in traffic, but they do not foresee any of that. The Hargett's have lived there for approximately 25 years, and at least three times they have assisted the previous neighbors with rocking the lane. He asked that they grant the conditional permitted use for greenhouses since they are allowed in agricultural areas.

Derek Lomelino, residing at 4997 Snell Road in Auburn, addressed the Board. He expressed his objection to this petition request. He and the petitioner share a gravel lane to access their properties, which is only a shared easement between them. The easement is for ingress and egress to their properties only and is not designed for public use to a business. He stated that his family has maintained this easement since 1973. Granting this petition would put a burden on being able to keep this easement maintained properly due to the increased traffic. He already feels the increased traffic from the organic farm and the antique shop puts a burden on his family. The speed of the traffic keeps them from keeping their windows open in their home. The other concerns he has are with the size of the greenhouses and how much business they will produce, how much water they will use, hours of operation, number of employees traveling up and down the easement every day, parking, the passing of traffic back and forth, when the lane is only 13 feet wide, and increased traffic from advertisement of retail sales. Also, around February 2011, Becky's Barn and Antique Shop had a zoning hearing for the business. At that time his grandmother was in the hospital and later passed away, and his grandfather had already passed away. There was nobody available to appear to object to the zoning at that time and address their concerns with the easement.

Mr. Rabin emphasized that they are only asking for one use, which is the conditional permitted use for greenhouses that are allowed in agricultural areas. There will be no public sales or public traffic associated with the greenhouses or organic farming. It will be limited to a 10,000 square foot area on the 7.22 areas, which is surrounded by agriculture, except for Mr. Lomelino's residence. There will be a maximum of two employees. There is one guy out there now who does the farming, and maybe one day he will have an assistant.

Chairman Van Meter asked if they are only asking for a conditional permitted use at this time and not a variance. Mr. Rabin stated that is correct.

Mr. Moore stated that Mr. Rabin's client has a history of starting a project and then coming in after the fact to get permits for zoning. He asked what assurances he could give that this won't happen again. Mr. Rabin stated that going through this event and having to hire him is probably the best assurance he can give that it will not happen again. It is clear that they now understand the zoning process and what is required. During the Planning and Zoning Commission meeting, County Board member Hall had this discussion with them.

Mr. Fraase asked if they are actually raising the goods to take to the farmer's market. Mr. Rabin stated that his client is not. She has a farmer out there that grows the goods on the farm and takes them to the farmer's market.

Mr. Bunch asked if the greenhouses are already built. Mr. Rabin stated that there are two small ones. Mr. Bunch stated that this would then be the second time it happened out there. Once before they built something there and then came to the board and asked for a variance. At that time they said they were not aware they needed to do this and now they are back to the same story again.

Cyndi Knowles, professional staff, confirmed that the antique store was started prior to zoning being in place and then the greenhouses also went up without permits, a conditional permitted use or the required variance.

Dwayne Gab, Assistant State's Attorney, clarified that the only matter before the Board is for a variance and a conditional permitted use. His understanding is that the conditional permitted use is dependent upon the variance. If the petitioner's would want something different, they would have to go through the process again. Mr. Rabin stated that his understanding is the property is agricultural and under 17.10.20 it is an allowed conditional permitted use. They may have needed a variance when they originally started out when it said something about retail sales, but they have withdrawn that. Mr. Gab stated that the resolution before the Board is for a variance, and he does not agree with statements made by the attorney that they do not need a variance for a conditional permitted use. Chairman Van Meter clarified that they can proceed with the resolution that is before the Board, or the petitioner can start the process over.

Molly Berns, professional staff, stated that this is for a conditional permitted use to allow greenhouses in an agricultural district. This does require a conditional permitted use. The variance is to allow the third principle use on the parcel. There is a house and an antique store, so the greenhouse would be the third principle use. Chairman Van Meter stated that they do have a resolution that includes both of those things in it, and that is what they have to vote on tonight. Mr. Rabin agreed that Mr. Gab is correct.

Mr. Hall asked Mr. Rabin if he has contacted the professional staff about the change they made from having sales out there to not having sales. Mr. Rabin stated that he did talk to the professional staff.

Mr. Lomelino stated that he does want to know if they can change the use. They wanted retail sales and now they don't. He wanted to make sure that they can't go forward with this unless they start the process all over again.

Mr. Moore asked if the petitioner would be able to have retail sales if this is granted tonight. Dwayne Gab stated that they would.

Mr. Montalbano asked if this should be written a different way. Mr. Gab stated that the Board is voting on what is before them now, and there has been no motion to amend.

Mr. Snell stated that they would be getting themselves into an unenforceable and unfortunate situation. This is one of those situations where something needs to be done to address the concerns of the objector.

Mr. Boyster asked if they would be voting to go with the Zoning Board of Appeal's recommendation if they vote yes. He also asked if they would be giving them a variance and a conditional permitted use if they vote against the Zoning Board of Appeal's recommendation. Chairman Van Meter stated that the petition is for a conditional permitted use and a variance. Mr. Boyster stated that he shares the same concern as Mr. Snell.

Mr. Smith asked Mr. Lomelino if his objection would go away if there are no retail sales. Mr. Lomelino stated that it would if some of his concerns are addressed such as the size, employees and traffic. Mr. Smith asked where else they would put greenhouses but in rural agricultural areas. There should be some compromises here, and they should work this out between them and bring it back before the Board.

Mr. Ratts asked if Mrs. Hargett has ever offered to take care of the lane since she has lived there. Mr. Lomelino stated that to his knowledge she has not.

Chairman Van Meter asked for a roll call vote on the adoption of Resolution 5. There were 25 Yeas – 0 Nays. Resolution 5 was adopted and the conditional permitted use and variance was denied.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTIONS 9 – 12

9. Resolution approving a contract with the Recorder's office for the purchase of hardware and software.

A motion was made by Mr. Goleman, seconded by Mr. O'Neill, to place Resolution 9 on the floor. A motion was made by Mr. Bunch, seconded by Mr. Montalbano, to consolidate Resolutions 9 – 12. Chairman Van Meter asked the County Clerk to read Resolutions 10, 11 and 12.

10. Resolution setting forth budget policies for the preparation of the FY2013 Sangamon County Budget.
11. Resolution approving a quote from Jano Justice Systems for the Circuit Clerk to Implement a paperless court call for traffic cases.
12. Resolution approving a proposal from INFAX for the Circuit Clerk to install way-finding equipment.

A voice vote was unanimous on the consolidation. A motion was made by Mr. Goleman, seconded by Mrs. Briggity, that the roll call vote for Resolution 1 stand as the roll call vote for Resolutions 9 – 12, as consolidated. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTIONS 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

RESOLUTION 13

13. 2012-34 – Text amendment to a Sangamon County Zoning Ordinance regarding Chapter 17.49, Wind Energy Conversion Systems.

A motion was made by Mr. Moore, seconded by Mr. Ratts, to place Resolution 13 on the floor. A motion was made by Mr. Moore, seconded by Mr. Montalbano, Mr. Mendenhall and Mr. Bunch to table Resolution 13 to the September 6, 2012 meeting. Mr. Moore stated it is clear by recent activity that the various floor amendments have resulted in additional concerns. They want to give all interested parties adequate time to prepare and present arguments for appropriate limits on the systems and their development as well as a more reasonable decision by the County Board. They should also discuss if they might have a short extension of the moratorium to allow for a fair and impartial examination of the additional data that has arisen during the last nine months of the moratorium and associated public hearings. A voice vote was unanimous on the motion to table Resolution 13.

MOTIONS CARRIED
RESOLUTION TABLED

A motion was made by Mr. Moore, seconded by Mr. Montalbano and Mr. Bunch that all amendments to this text amendment should be filed with the County Clerk by Friday, August 31, 2012, and no amendments will be accepted on the night of the County Board meeting. A voice vote was unanimous. Chairman Van Meter stated that the purpose of this is so that everyone has clear notice of any amendment that will be offered to the text amendment.

RESOLUTION 14

14. Resolution authorizing an extension of the New World Criminal Justice System Maintenance Service Agreement.

A motion was made by Mr. Goleman, seconded by Mr. Stephens, to place Resolution 14 on the floor. A motion was made by Mr. Goleman that the roll call vote for Resolution 1 stand as the roll call vote for Resolution 14. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 15

15. Resolution authorizing a proposition to be placed on the ballot asking if the County of Sangamon shall have the authority to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such a program.

A motion was made by Mr. Goleman, seconded by Mr. Hall, to place Resolution 15 on the floor. Chairman Van Meter asked Mr. Goleman if the Finance Committee has reviewed this resolution. Mr. Goleman stated that they have. A voice vote was unanimous for the adoption of Resolution 15. Chairman Van Meter stated that Resolution 15 is adopted, and the County Clerk is instructed to place the referendum on the ballot for the November election.

MOTIONS CARRIED
RESOLUTION ADOPTED

NEW BUSINESS

A. Resolutions

B. Appointments

Appointment of Alfred "Pete" LaBarre, filling the unexpired term of Bob Bradford, for a term to expire May, 2013.

Appointment of Keith Rigdon to the Sherman Fire Protection District, filling the unexpired term of Jeff Bierman, for a term to expire May, 2014.

Appointment of Drinda O'Connor to the Springfield Metro Sanitary District, filling the unexpired term of Elvin Wooden, for a term to expire May, 2013.

Appointment of Rex Bangert to the Springfield Metro Sanitary District, filling the unexpired term of Harold Maples, for a term to expire May, 2013.

Appointment of Steve Dudley to the Farmland Review Committee.

Appointment of Joe Pickrell to the Farmland Review Committee.

Appointment of Mark Reichert to the Farmland Review Committee.

Appointment of Tom Foran as an alternate to the Farmland Review Committee.

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, for approval of the appointments. A voice vote was unanimous. The nominations for appointment in September were also submitted.

MOTION CARRIED
APPOINTMENTS ADOPTED

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

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

MOTION CARRIED
REPORTS FILED

RECESS

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, to recess the meeting to September 6, 2012 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED