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SANGAMON COUNTY CLERK

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MINUTES

SANGAMON COUNTY BOARD

JANUARY 10, 2017

The Sangamon County Board met in Reconvened Adjourned September Session on January 10, 2017 in the County Board Chambers. Chairman Van Meter called the meeting to order at 7:00 p.m. Chairman Van Meter 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 29 Present – 0 Absent.

Chairman Van Meter recognized Mr. Bunch after being mentioned in the County Bulletin for being the 2nd longest serving County Board Member in the State of Illinois.

PROCLAMATION

Mr. Fraase presented a Proclamation in recognition and support of Illinois Transportation Funding. Implementation of the Illinois Transportation Legislative Initiative will benefit the economy and the citizens of the State of Illinois.

HAZARDOUS MITIGATION PLAN PRESENTATION

Molly Berns with the Regional Planning Commission gave a slideshow presentation on the Sangamon County Multi-Jurisdictional Natural Hazardous Mitigation Plan. There is a resolution on the Agenda to adopt the plan. The plan is 180 pages on front and back. If anyone would like a copy she does have some with her.

She explained that hazardous mitigation is any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards and their effects. In essence, it saves lives and property by identifying things to do now to protect the future. It is long term and very cost effective.

Why do we mitigate and why are we doing this planning process? Largely it is because of the Disaster Mitigation Act of 2000, also known as the DMA2K. This was legislation passed at the federal level that requires units of local government to have mitigation plans to be eligible for certain federal funding, as of November 1, 2004. There are several grant programs this enables communities to be eligible for. One of them is the Hazardous Mitigation Grant Program. That is something available when there has been a presidential-federal disaster edict issued. It also can be used for things like building a flood wall or a detention pond. The second is pre-disaster mitigation planning. It can be used for earthquake mitigation, wind shelters, drainage issues, and all of those kinds of mitigation actions that will protect people's lives and property. It is a very time consuming process; but nonetheless it is available, providing a community has adopted a hazardous mitigation plan. There is also the flood mitigation assistance program. It is also time consuming, but the county has used that in the past with property on Mechanicsburg Road. It does give some avenues where the county can apply for federal grant funding to help mitigate with things like flooding, since it is a big problem in this county. Another reason to have a hazardous mitigation plan is, while it is not required for other avenues of federal funding, there are situations in which a community will apply for some sort of grant through the Department of Commerce and Economic Opportunity. In that application process they will ask what plans they have. All of those points rack up, so if a community plans, and is better prepared, their scoring goes higher on their ability to get federal grants.

In 2008 Sangamon County participated with other communities and adopted the 2008 plan. That plan was in effect for a five-year period. In 2012 toward the end of the planning cycle, Brian McFadden, on behalf of Sangamon County, contacted a couple different places to find out if they could do the hazardous mitigation planning. They were unsuccessful in being able to do that. They then asked the Regional Planning Commission to take the bull by the horns and assist with the planning process. Mrs. Berns emphasized that this is not the Regional Planning Commission's plan. It is Sangamon County's plan, and it also belongs to each of the communities who participate. They are just the plan authors. The total cost of updating the plan was \$61,615. The total IEMA share was \$46,211, which is 75%. The other 25%, which is required to be eligible for one of these grants, has to be through in-kind local cost share. So when communities would send somebody to the meeting they were required to have rate sheets to be turned in to them. They would have to keep track of their time and travel, and this would count against the 25%. Communities need to have some skin in the game. Someone can't just sit in their office and write this thing and then have the community take advantage of the funding opportunities. The question then becomes "well why did it take so long and was there any risk to us?" She stated that she can assure them 100%, even though there was a time delay in getting the plan actually completed, written and submitted to FEMA, there were several mitigating factors that contributed to that delay. First, the FEMA regulations changed a lot between 2008 and when they started this process.

The regulations got a lot more detailed; the plan ended up being a lot longer; and there was a lot more “red tape” that communities had to go through in the planning process. She was in regular contact with IEMA who was in contact with FEMA, and at no time was Sangamon County or any participating community at risk of either losing or not being able to apply for any funding.

Why is the plan required? They have to continue to comply with federal law to be eligible for grant funding. Some of the things change over time between 2008 and the current plan. There may be a new hazard or risk information. You say to yourself “oh come on, we still get snow, droughts, tornadoes and hail.” Well, Tennessee thought that until they had a wildfire. That is one of the mitigation hazards that people now look at, and it is becoming something that communities have to plan for. Fortunately we’ve not had that so it is not on their risk assessment list. It forces communities who participate in the plan to actually go through each of the risks and assess if they are still risks or if there is a new one that’s there. There may be a change to development patterns. If a new very large manufacturing plant goes in somewhere during that planning cycle and it has a lot of hazardous materials, it is going to result in the need for mitigation activities to protect property and to protect people. Then that would need to be added to the plan as well. The plan update will allow them to reassess previous goals and objectives to make sure they are up to date; evaluate progress in implementing actions in the previous plan; adjust actions to address current realities; and to develop new mitigation actions.

The process for the update when they started was to have a task force that contacted all communities in the county, obtained commitments to participate, and contacted other public entities and groups. They ensured that the planning process included ample opportunities for public input. There is a list of 16 task force community participants for this plan cycle. She noted that Pleasant Plains and Thayer participated in the 2008 plan, but they opted out of participating in the update. Curran, Dawson, Illiopolis, Riverton and Spaulding also started the process but did not meet the participation requirements. There were also a lot of non-community participants. Greg Michaud chaired the task force for them. He has a lot of experience in mitigation planning and helped make the meetings go very smoothly. There is a list of all the participants. There was a lot of good participation from Sangamon County departments as well.

There are five elements FEMA considers in order to do a plan update. Element A is the planning process; Element B is hazard identification & risk assessment; Element C is mitigation strategy; Element D is plan review, evaluation and implementation; Element E is plan adoption and to file with FEMA. There will be continued annual reviews of the plan.

There is a process for communities not meeting participation requirements. FEMA is allowing Sangamon County to amend the plan. They have met with Curran, Dawson, Illiopolis, Riverton and Spaulding, and each community is currently providing information for their communities. The plan will be amended and submitted to FEMA for approval. Those communities will then adopt an amended plan.

One comment regarding their plan from a FEMA reviewer was: “The planning team did an excellent job developing actions to mitigate their hazards. You can tell there were good discussions among the members of the planning team when it came time to identify mitigation actions”.

Mrs. Berns concluded her presentation. Chairman Van Meter asked if they are required to achieve everything from the list of objectives during the time frame. Mrs. Berns stated they just need to do their best. When the plan is updated the next time then each community will review the list again, document why and when it was done, or why it wasn't done, or why they are removing an item from the list. A lot of it will be dependent on funding. The five-year time clock starts when the first community adopts it. Williamsville adopted it last night, so the five years ends on January 9, 2022.

Mr. Stumpf asked if the communities not in right now would have to adopt something when they do come in. Mrs. Berns stated that is correct. They will just amend the plan as an appendix, providing the justification of why the communities didn't meet the participation requirements, and FEMA will approve that amendment to the plan. Those communities are then allowed to adopt the entire plan starting with the January 9th date.

MINUTES

A motion was made by Ms. Sheehan, seconded by Mr. Bunch, for approval of the minutes of December 13, 2016. A voice vote was unanimous.

MOTION CARRIED
MINUTES ADOPTED

CORRESPONDENCE

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

RESOLUTION 1

1. Resolution approving the low bids for the county's aggregate supply contracts.

A motion was made by Mr. Fraase, seconded by Mr. O'Neill, to place Resolution 1 on the floor. County Clerk Gray called the roll. Upon a roll call vote, there were 28 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 2

2. Resolution approving an engineering services agreement for a bridge rehabilitation on Cardinal Hill Road (County Highway 37).

A motion was made by Mr. Fraase, seconded by Mrs. Williams, to place Resolution 2 on the floor. A motion was made by Mr. O'Neill that the roll call vote for Resolution 1 stands as the roll call vote for Resolution 2. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 3

3. 2016-047 – William Hagerman, 9190 Oak Crest Road, Dawson – Granting Variances. County Board Member – Dave Mendenhall, District #3.

A motion was made by Mr. Mendenhall, seconded by Mrs. Linda Fulgenzi, 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. 2016-048 – Judith Coady, 340 E. Banister Road, Springfield – Granting a Rezoning and Variances. County Board Member – Todd Smith, District #2.

A motion was made by Mr. Smith, seconded by Mr. Snell, to place Resolution 4 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 4.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 5

5. 2016-049 – Jeff & Mei Franz, 2801 S. Woodward Avenue, Springfield – Granting a Rezoning. County Board Member – Joel Tjelmeland, Jr., District #14.

A motion was made by Mr. Tjelmeland, seconded by Mrs. Deppe, to place Resolution 5 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 5.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTIONS 6 – 9

6. Resolution adopting the Sangamon County Multi-Hazard Mitigation Plan.

A motion was made by Mr. Stumpf, seconded by Mr. Miller, to place Resolution 6 on the floor. A motion was made by Mr. Bunch, seconded by Mr. Smith, to consolidate Resolutions 6 – 9. Chairman Van Meter asked County Clerk Gray to read Resolutions 7, 8 and 9.

7. Resolution approving contracts with AT&T for the county's phone system.
8. Resolution approving a maintenance and support agreement with Tyler Technologies for the finance software package.
9. Resolution amending Sections 2.44.140 and 2.44.145-Travel and Expense Reimbursement, of the Sangamon County Code.

A voice vote was unanimous on the consolidation. A motion was made by Mr. O'Neill that the roll call vote for Resolution 1 stands as the roll call vote for Resolutions 6 – 9, as consolidated. A voice vote carried. Mrs. Small voted Present on Resolution 6.

MOTIONS CARRIED
RESOLUTIONS ADOPTED

RESOLUTION 10

10. Resolution approving a contract with Lawrence Education Center and Community Resources.

A motion was made by Linda Fulgenzi, seconded by Mr. Ratts, to place Resolution 10 on the floor. A motion was made by Linda Fulgenzi, seconded by Ms. Sheehan, to amend Resolution 10. Mrs. Fulgenzi stated the last paragraph should be amended to read: *This contract may be modified due to program negotiations or funding availability not to exceed the amount listed above. A voice vote was unanimous on the amendment. A motion was made by Mr. O'Neill that the roll call vote for Resolution 1 stands as the roll call vote for Resolution 10, as amended. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

WAIVER OF 10-DAY FILING PERIOD

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

MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED

RESOLUTION 11

11. Resolution approving the service program of the Office of the State's Attorney's Appellate Prosecutor for Fiscal Year 2017.

A motion was made by Mr. Krell, seconded by Mr. Forsyth, to place Resolution 11 on the floor. A motion was made by Mr. O'Neill that the roll call vote for Resolution 1 stands as the roll call vote for Resolution 11. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION AODPTED

OLD BUSINESS

There was no old business.

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

Appointment of Dr. Gary Minder to the Citizen's Advisory Committee on Animal Control for a term expiring January, 2018.

Appointment of Kay Morris to the Citizen's Advisory Committee on Animal Control for a term expiring January, 2018.

Appointment of Dr. Frank Coble to the Citizen's Advisory Committee on Animal Control for a term expiring January, 2018.

Appointment of Lisa Hills to the Citizen's Advisory Committee on Animal Control for a term expiring January, 2018.

Appointment of Todd Smith to the Citizen's Advisory Committee on Animal Control for a term expiring January, 2018.

Appointment of Clyde Bunch to the Citizen's Advisory Committee on Animal Control for a term expiring January, 2018.

Appointment of Allen Entwistle to the Citizen's Advisory Committee on Animal Control for a term expiring January, 2018.

Appointment of Sarah Moore to the Citizen's Advisory Committee on Animal Control for a term expiring January, 2018.

Appointment of Tim Griffin to the Citizen's Advisory Committee on Animal Control for a term expiring January, 2018.

Appointment of Chief Ken Winslow to the Citizen's Advisory Committee on Animal Control for a term expiring January, 2018.

Appointment of Jeff VanHoos to the Citizen's Advisory Committee on Animal Control for a term expiring January, 2018.

Appointment of Michael Neuman to the Woodwreath Cemetery Association for a term expiring November, 2022.

Appointment of Dave MacDonna to the Sangamon County Deputy Merit Commission for a term expiring January, 2023.

Appointment of James Santarelli, DDS to the Sangamon County Board of Health for a term expiring February, 2020.

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

MOTION CARRIED
APPOINTMENTS ADOPTED

The nominations for appointment in February were also submitted.

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

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

MOTION CARRIED
REPORTS FILED

PUBLIC COMMENT

Chairman Van Meter announced there are members of the public who have asked to address the County Board tonight.

Janet Factor addressed the County Board. She passed out handouts regarding their presentation. She is a resident of District 12, and is also the founder of Springfield Area Freethinkers, who is a group of local unbelievers that has been in existence since January 2006. They currently boast 356 members. She comes here to voice their objection to the Invocation offered at the meeting of this board in December.

She understands that government is a serious business, and a solemn reminder of this fact is an appropriate opening for meetings such as this one. She does not object to the concept involved, but objects to the specific content of Board Member Sullivan's prayer, which went far beyond this function to claim supremacy for his own beliefs. In the course of so doing, promulgated historical fictions. She has no expectation that a fervent believer, such as Mr. Sullivan, will give any weight to her opinions or to the opinions of any of her fellow Atheists. However, he does seem to respect the wisdom of their government's founding fathers; therefore, she thinks it would be appropriate to cite them here. All members of government at any level in the country should take note of the fact that our Constitution never mentions the word God. This was a deliberate choice, much debated at the time, and all objections were quashed in the court of public opinion. Further, Article 6, Paragraph 3 reads as follows: "The Senators and Representatives before mentioned and the members of the several state legislatures and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution, but no religious test shall ever be required as a qualification to any office or public trust under the United States. No religious test, none whatsoever, shall ever be required for any office or public trust." Going forward, they are all familiar, or think they are familiar, with the text of the First Amendment as it pertains to religion. She just wants to refresh their memory of it. "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or bridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances." All of the things they are doing right here right now. Please pay particular attention to that first phrase though. "Congress shall make no law respecting an establishment of religion." Note that it does not say an establishment of a religion that is any particular one. It says an establishment of religion. That is establishment of religion as such in any form is forbidden. This was a radical move on the part of our young country, but it had historical precedent here.

The first amendment's protection of individual conscience and belief was directly derived from the Virginia Statute of Religious Freedom, which had been fought for and passed into law in the years immediately preceding the writing of the Federal Constitution. You should now all be holding copies of that statute. It was a labor of love on the part of Thomas Jefferson and James Madison. Every man who voted to ratify the bill of rights was familiar with it. The majority of the text is the careful explication of the arguments for the necessity of separation between the concerns of the state and the concerns of religion. Every possible argument for their entanglement is anticipated and demolished. These arguments are timeless. The language is at times entertaining. She expressly loves the phrase that "Our civil rights have no dependence on our religious opinions any more than our opinions in physics or geometry." But there is no need for her to read it all here since they all have it. She read the powerful conclusion of these arguments which culminate in the statute itself. Like Mr. Sullivan, she is humbled by the wisdom and incredible foresight of these men, and will allow them to have the last word. "Whereas, that to suffer the civil magistrate, to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty because he, being of course judge of that tendency, will make his opinions the rule of judgement and approve or condemn the sentiments of others only as they shall square with or differ from his own. That it is time enough for the rightful purposes of civil

government for its officers to interfere when principles break out into overt acts against peace and good order. And finally, that truth is great and will prevail if left to herself, that she is a proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons for argument and debate. Error ceasing to be dangerous when it is permitted freely to contradict them. The law itself, be it enacted by General Assembly, that no man shall be compelled to frequent or support any religious worship place or ministry whatsoever; nor shall be enforced, restrained, molested or burdened in his body or goods; nor shall otherwise suffer on account of his religions opinions or belief. But that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion. And that the same shall in no wise diminish, enlarge or affect their civil capacities. And they will well know that this assembly, elected by the people for the ordinary purposes of legislation only, has no power to restrain the acts of succeeding assemblies constituted with powers equal to our own, and that therefore to declare this act irrevocable would be of no affect in law. Yet, we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.”

She thanked the County Board for their indulgence.

Nancy Weichert addressed the County Board. She stated she is a native of Springfield, a born and raised catholic, a mother and a librarian. She added that she is more than that, but only has five minutes. She has friends, students and colleagues of diverse faiths in this community; therefore, the December 13th Invocation struck her as exclusionary. Though she is not typically one to speak out in public, she feels the need to speak up for the diverse beliefs of her fellow community members. Merriam-Webster defines a representative as “Someone standing or acting for another, especially through delegated authority.” She directed her next comments to the County Board. We are a diverse county, and as elected representatives you must keep your constituents at the forefronts of your minds. Your personal religious beliefs should not be the guiding force while you are serving as our representatives. You have taken an oath and your constituents are counting on you to be inclusive and unbiased in your roles as Sangamon County Board Members.

In *Greece v. Galloway*, the Supreme Court determined that the line of permissible public religious speech for invocations is crossed when a speaker denigrates non-believers or religious minorities, threatens damnation, or preaches conversion. With this Supreme Court decision in mind, one may call into question the legality of the following portion of the December 13th Invocation. She quoted “So on this day Lord we humbly pray for the forgiveness of our sins and that our fellow countrymen will unite with us in inviting you into their hearts and souls making us one nation under God thereby allowing the God of the Universe to bless our country so it will be truly great again.” Making the assertion that there is one universal Christian God to be followed by all, and within all governmental decisions in Sangamon County, doesn’t unify. It denigrates. It divides. She asked the question if they have researched the religious demographics of Sangamon County. Prior to this meeting she hadn’t. What she found was a great deal of diversity within this community and within the county, and it is only growing. She has distributed those findings for

their consideration. The decisions made in this room impact all of us. It is her hope that those decisions are made with openness and inclusion for all, not just some. She thanked them for their time, consideration, and their service.

Jennifer Lee addressed the County Board and waived the additional time they had to speak, and she concluded their remarks. They thanked the County Board for listening.

Board Member DelGiorno made additional comments. He stated he is a Roman Catholic, born and raised. He helped create the Ursuline Academy Foundation when the school closed, and has assisted with its ten year old efforts to help students pay for their Catholic grade school education. He is raising his daughter in the faith, and while he may have disagreements with some of the teachings of his faith, it is still his, and he finds it to be one that sustains him in the greatest times of despair. His Catholic faith, along with his Italian heritage, was once persecuted on these shores because of the deep divide between Protestant and Catholic. The Irish found similar treatment when coming to America to build new lives with new opportunities. Last month as he listened to the Invocation given by their colleague, the words used struck a deep cord. A cord of intolerance for any religion that does not accept Jesus Christ. He could follow the centuries old precept that his church, the Roman Catholic Church, is the one true faith, but he doesn't believe there is one way to reach salvation. Every other Christian in this room, who is not of the Catholic faith, he is sure, believe their article of faith will lead them to eternal salvation also. Rather he submits to this board as President Ronald Reagan did to a gathering at the Dallas Texas Ecumenical Prayer Breakfast on August 23, 1984 in the midst of his re-election campaign when he said and he quotes "The tolerant society is open to and encouraging of all religions. And, this does not weaken us, it strengthens us. It makes us strong. If you look back through history to all those great civilizations those great nations that rose up to even world dominance and then deteriorated, declined and fell, we find they all had one thing in common. One of the significant forerunners of their fall was their turning away from their God or Gods."

Mr. DelGiorno explained that he did not call attention to Mr. Sullivan's invocation to end prayer at this meeting, but to remind them that tolerance is not a sin, it is a strength. They should remember that their county, like their nation, is made stronger by the many faiths observed. From Judaism to Islam to Protestant to Catholic and everything in between and beyond. All of the great religions of this world have one rule in common. The wording may be slightly different, but the sentiment is the same. That is to treat others the way you would want to be treated. He asked the board to be mindful of its language when asking for divine guidance as they make decisions affecting their friends and neighbors, and to use language that strengthens them as a society tolerant of all faiths in the manner that Ronald Reagan called them to exemplify.

Mr. Ratts commented. He pointed out one thing, which is that the \$1 bill says In God We Trust.

RECESS

A motion was made by Mr. Bunch, seconded by Ms. Sheehan, to recess the meeting to February 7, 2017 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED

Don Gray
Sangamon County Clerk