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MINUTES

SANGAMON COUNTY BOARD

JANUARY 8, 2013

The Sangamon County Board met in Reconvened Adjourned September Session on January 8, 2013 in the County Board Chambers. Chairman Van Meter called the meeting to order at 7:01 p.m. Mr. Stumpf gave the Invocation and Mr. O'Neill led the Board in the Pledge of Allegiance.

ROLL CALL

Chairman Van Meter asked the Clerk to call the roll. There were 25 Present – 4 Absent. Mr. Bunch, Mr. Forsyth, Mr. Hall and Mr. Snell were excused.

MINUTES

A motion was made by Mr. Montalbano, seconded by Mrs. Douglas Williams, for approval of the minutes of December 11, 2012.

MOTION CARRIED
MINUTES ADOPTED

CORRESPONDENCE

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

RESOLUTION 1

1. 2012-55 – Ed & Becky Handley & Dawn Anderson, 1052 & 1022 North Oaklane Rd., Springfield – Granting Variances. County Board Member – Sarah Musgrave, District #9.

A motion was made by Mr. Stumpf, seconded by Mrs. Musgrave, to place Resolution 1 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 1.

MOTIONS CARRIED

RESOLUTION ADOPTED

RESOLUTION 2

2. 2012-56 – Patrick W. Knox, 3298 Bissell Road, Springfield – Granting a Use Variance and Variance. County Board Member – Jim Good, District #8.

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

Norm Sims, professional staff, stated the petitioner is requesting a rezoning from "A" Agricultural District to "B-3" General Business District with a variance to allow two principal uses on one parcel to allow for a single-family residence and an auto detail shop.

Molly Berns, professional staff, stated the professional staff recommends denial of the requested "B-3" zoning as it is seen as too intense, and commercial zoning would not be consistent with the immediate area. The Land Evaluation and Site Assessment score of 138 indicates the property is deemed acceptable for non-agricultural development, which supports the current use; however, staff recognizes that agricultural zoning is not seen as acceptable on this particular parcel and rezoning to "R-1" single-family residence district is recommended for future consideration. Staff does recommend that a use variance is appropriate for the subject parcel to allow the existing auto detailing shop to continue operating, with the stipulation that there are no additional non-owner employees and the hours remain 7:00 a.m. to 6:00 p.m. daily, as stated in the petition. Furthermore, staff does not recommend that a sign larger than the existing sign be constructed on the property due to the precedent that has been set by the County Board regarding signage. Staff recommends approval of the requested variance. The standards for variation have been met.

Mr. Sims stated the Zoning Board of Appeals concurs with the staff report and recommends approval of the requested use variance and variance with the restrictions as stated above.

Brent Beeman, attorney representing the petitioner, addressed the Board. Mr. Beeman gave his address as 2008 Barberry Drive, Springfield. He stated the variance is to allow an auto detail shop, and it is the petitioner's sole livelihood. He and his wife are the only employees and they are both present tonight. They detail an average of two cars per day.

He has spoken to the neighbors, who have no objection to the variance. The petitioner has run the auto detailing shop since 2002 with no objections. There are commercial industrial businesses nearby, and the variance would not alter the character of the area. He asked that the variance, as approved by the Planning Commission staff, be granted.

Mr. Stumpf stated he believes there is one objector on file. Mrs. Berns stated that is correct. There was an objection letter received prior to the Zoning Board of Appeals from Mr. Matt Brown, who is the president of the development corporation for the Bissell Village development across the street to the north.

Mr. Beeman gave his rebuttal. He pointed out that Mr. Brown's objection was to the rezoning and not to the variance. There have been no objections to the variance.

Chairman Van Meter asked for a vote on the adoption of Resolution 2. A voice vote was unanimous.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 3

- 3. 2012-57 – Nicholas Randall Skaggs, II, Rev. Trust – Nicholas R. Skaggs, II, Trustee, 729 E. Andrew Rd., Andrew – Granting a Use Variance. County Board Member – Todd Smith, District #2.

A motion was made by Mr. Smith, seconded by Mrs. Davsko, to place Resolution 3 on the floor. A motion was made by Mr. Stumpf, seconded by Mr. Smith, to withdraw Resolution 3 by request of the petitioner. There were no objections.

MOTIONS CARRIED
RESOLUTION WITHDRAWN

RESOLUTION 4

- 4. Resolution amending Chapter 2.36 of the Sangamon County Code regarding the Springfield-Sangamon County Regional Planning Commission.

A motion was made by Mr. Goleman, seconded by Mr. O'Neill, to place Resolution 4 on the floor. Upon a roll call vote, there were 24 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 5

5. Resolution allowing the County Board to establish an opt-in electric aggregation program.

A motion was made by Mr. Fulgenzi, seconded by Mrs. Ruzic, to place Resolution 5 on the floor. Mr. Fulgenzi pointed out that this is a completely voluntary opt-in portion of the program and every county resident has a choice of opting into the program. They expect residents to get anywhere from 20% to 35% savings on their electricity, which may in turn put about \$2 million back in to the economy of Sangamon County. He thinks this is a very good program, and they should lend their support.

Mr. Goleman explained that in November there was a ballot proposition for electric aggregation that failed in the unincorporated areas of Sangamon County. Throughout Sangamon County in the local communities, villages and cities it passed, except for the unincorporated areas of Sangamon County where it actually lost by five votes. With that, there were over 7,700 unincorporated county residents that voted yes for this aggregation. If it would have passed, those people in the unincorporated areas of Sangamon County would have been forced into this electric aggregation program. The only way for them to get out of that program, if they chose, was to opt out of it. This program is simply voluntary and gives people the opportunity to opt in to the program if they want. If they don't want to, that is their own choice. This has come about because there have been citizens they represent who said they would like to have the opportunity to participate in the program. Because of that, the County Board has to pass a resolution allowing them the opportunity to do that. This is what the resolution does, and he encouraged his fellow County Board members to vote in favor of this. It will allow all the residents of Sangamon County, who are serviced by Ameren, to have the opportunity to participate in the program.

Mrs. Ruzic stated she thinks this would be a good thing and it should be passed.

Chairman Van Meter asked for a roll call vote on the adoption of Resolution 5. Upon the roll call vote, there were 24 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

WAIVER OF TEN-DAY FILING PERIOD

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

MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED

RESOLUTION 6

6. Resolution approving the renewal of the insurance contract with CHUBB-Federal Insurance Company.

A motion was made by Mr. Krell, seconded by Mrs. Hills, to place Resolution 6 on the floor. A motion was made by Mr. Goleman, seconded by Mr. Fraase, that the roll call vote for Resolution 4 stand as the roll call vote for Resolution 6. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

OLD BUSINESS

- A. Resolution 14 – Tabled 11/13/12
Resolution amending Chapter 2.44.300 of the Sangamon County Code regarding conflicts of interests.

Resolution 14 remains tabled.

- B. Resolution 5 – Tabled 12/11/12
2012-52 – Robert & Karen Rheude, 4500 Old Route 36, Springfield – Granting a Variance. County Board Member – Sarah Musgrave, District #9.

A motion was made by Mr. Stumpf, seconded by Mrs. Musgrave, to take Resolution 5 from the table. A voice vote was unanimous.

Mrs. Musgrave asked what steps the petitioner would go through if this is denied and he wanted to build a new construction on that property. Molly Berns, professional staff, stated he would not be allowed to have two residential houses on one piece of property. He would apply for a building permit with the Building Department. He would then work out a time frame for when the current building would be demolished. The Building Department typically gives them a reasonable amount of time. Once the new house is completed, they would not issue an occupancy permit until he demolishes the house there now, or rendered it no longer a residence by removing the kitchen and all occupancy. Mrs. Musgrave asked if he would have to come back for any further zoning. Mrs. Berns stated he would not. The Building Department would also be notified by the Zoning Administrator of the action of the County Board.

A motion was made by Mr. Stumpf to waive the reading of the professional staff's report. There were no objections.

Dwayne Gab, Assistant State's Attorney, gave a brief finding of the legal research done on some issues of this case upon the recommendation of the County Board.

His conclusion was that this type of variance wasn't void as a matter of law; however, he did reach the conclusion that it would be difficult to enforce unless the condition antecedent took place. He also reviewed the sections regarding what is to be considered a variance request and found, as a matter of policy, the Zoning Board of Appeals considered Section D, number 6, which is that a variation decision should be based upon the characteristics of the property as opposed to the person who is presenting the petition. He believes the Zoning Board of Appeals did look at the person presenting the petition rather than characteristics defined by the property.

Chairman Van Meter asked for a vote on the adoption of Resolution 5. A voice vote carried to deny Resolution 5. Chairman Van Meter stated they do appreciate the efforts of the Health, Safety, Zoning & Swamp Committee to craft solutions, and he thinks they have done a very good job, but he thinks this solution probably went a step too far. Mr. Stumpf stated he would convey that to them.

MOTIONS CARRIED
RESOLUTION DENIED

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

Appointment of Robert Howlett to the Sangamon County Deputy Merit Commission, to fill the unexpired term of Paul Harmon, for a term to expire January, 2015.

Appointment of Robert Weichert to the Sangamon County Deputy Merit Commission for a term to expire January 2019.

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

MOTION CARRIED
APPOINTMENTS ADOPTED

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

A motion was made by Mr. Montalbano, seconded by Mrs. Douglas Williams, to place the reports on file with the County Clerk. A voice vote was unanimous. The Committee Report on Claims was filed.

MOTIONS CARRIED
REPORTS FILED

RECESS

A motion was made by Mrs. Small, seconded by Mr. Montalbano, to recess the meeting to February 13, 2013 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED