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MINUTES

SANGAMON COUNTY BOARD

OCTOBER 8, 2019

The Sangamon County Board met in Reconvened Adjourned September Session on October 8, 2019 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. Tjelmeland 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.

CORRESPONDENCE

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

MINUTES

A motion was made by Mr. Bunch, seconded by Mrs. Williams, for approval of the Minutes of September 10, 2019. A voice vote was unanimous.

MOTION CARRIED

MINUTES ADOPTED

RESOLUTION 1

1. Resolution approving the purchase of an Oil Distributor for the Highway Department.

A motion was made by Mr. Fraase, seconded by Mr. Tjelmeland, to place Resolution 1 on the floor. Chairman Van Meter asked County Clerk Gray to call the roll. Upon the roll call vote, there were 28 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 2

2. Resolution approving a bridge petition from Fancy Creek Township.

A motion was made by Mr. Fraase, seconded by Mr. Ratts, to place Resolution 2 on the floor. A motion was made by Mr. Preckwinkle 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

PUBLIC COMMENT

Chairman Van Meter stated he would like to go out of the regular order of business and allow the public speakers who have signed up to speak to address the County Board.

Chatham Township Trustee Diana Carlisle addressed the County Board. She is here tonight because there is a resolution about reaching an agreement between Capital Township and Sangamon County to take over the General Assistance part that is being run by Capital Township. She is a representative of Chatham Township, and they currently have an Intergovernmental Agreement with Capital Township. She went to Capital Township’s meeting last Monday and the only way she was made aware of this was by reading the Sunday paper prior to the meeting. She spoke with her supervisor who had no idea this was being brought up for a vote at last Monday’s Capital Township meeting. She hoped she would have an opportunity to speak before they voted, but she didn’t speak until after the vote. This is why she is speaking before the board votes tonight.

Chatham Township’s current Intergovernmental Agreement is not only with them, but this resolution affects five other townships. One of the comments made at the Capital Township meeting last Monday was, “If they took this and moved it to Sangamon County, the money that’s been appropriated in the General Assistance fund could be used as a good neighbor toward the City of Springfield leading to appropriate some funds toward the homeless problem.”

She is wondering why Capital Township did not want to be a good neighbor to the six townships they currently have Intergovernmental Agreements with, give them a notice this was coming, and that it was going to be a consolidation to the County before they voted. In their current agreement with Capital Township, she can already see there are two problems being broken in the current Intergovernmental Agreement. She is hoping the County Board will be considerate and postpone the vote for thirty days to let all six townships, that Capital Township has this agreement with, decide if they want to continue with their Intergovernmental Agreements. She thanked the County Board.

Sangamon County Treasurer and Capital Township Supervisor Joe Aiello addressed the County Board. He first thanked them for this opportunity to speak. Mr. Aiello said they recently had a retirement and an employee leave the office, so the timing was just right to look into an agreement with the County to move these resources under the direction of Community Resources. The timing of the retirements and the budget year gave them the opportunity to craft an agreement. The agreement was discussed with the Capital Township Board last Monday on the 30th. He called all six township supervisors prior to that meeting to notify them. One supervisor got back to him that morning and he spoke with another supervisor recently. The agreement Capital Township has with the six townships is optional, they can continue with the agreement or they can choose not to. A year ago, 75% of the voters said they want Capital Township to do some sort of merger with the County. Mr. Aiello stated that is what they are doing. He inherited this when he took over as Supervisor of Capital Township, it has been a year and it is time to do something. He has discussed this at various meetings and with various trustees and it's time to take the initiative. This agreement and the budget they have been working under will allow them to save taxpayers 12%. This agreement will allow their clients, those who are the neediest, to receive not only their services but services from the County Health Department and Community Resources. It will create one-stop shopping for their clients. It was a good government initiative and the Capital Township voters asked them to do it. They work with about 8,000 clients per year and often at times, with everything the clients need, they have to send them down the street. So, they either hop on a bus, bike, or walk to go to the County Building. This eliminates that.

Mr. Aiello stated that 41,000 voters asked them to do this and they are taking the initiative to do it. They are more than willing to work with the other townships. Six of the townships told him this is a good thing and they wanted to merge with them and not the City. They were the ones to bring it up, not him. He said they should be proud of the program they have developed out there and the services they provide. The taxpayers appreciate what they do. This is just another good government initiative. Mr. Aiello said they will give the supervisors and trustees of the other townships the opportunity to renegotiate the Contract. That is not an issue. The issue for them is to get something moving. They've had some retirements, it is a new budget year, and this is a good government initiative. It will help them to expand their services and help those that are the neediest. They talked about it for a very long time and now it is time to do something. The 12% savings for the taxpayers is important. This isn't the first time they have consolidated services. When the Election question was on the ballot, they took the initiative there and consolidated those services.

Taxpayers' Federation said they saved \$300,000 a year by doing that, and he thinks they saved about \$10,000,000 by the time he left that office. The annual savings by doing this consolidation is going to be around \$200,000. There are two positions they are not filling, so there is \$135,000 right there.

Mr. Preckwinkle asked if any of the Capital Township employees are going to lose their jobs. Mr. Aiello said no one would lose their jobs. They are eliminating vacancies that were created through retirement and one employee moving out.

Linda Fulgenzi stated he said there would be about 8,000 from Sangamon County. She asked how many clients will come from the six townships. Mr. Aiello they have 8,000 clients in Capital Township. Of the six townships they contract with, they average about ten total per month. Last month they did not have one general assistance case from any of the townships. It does not happen very often. It's a great service and the Supervisors from each township really appreciate what they do for them.

Mr. Thomas stated he wants to be clear there is no money going toward the homeless project. Diana said that some of the money would be used towards the homeless project, and he wants to be sure this is not the case. Mr. Aiello stated this agreement has no money going toward the homeless initiative.

Mrs. Small said they left the meeting and he said all the townships were in agreement with what they are going to do. Now they are finding out something different. She asked if they contacted them to see if they wanted to stay in the agreement or opt out. Mr. Aiello said he contacted and spoke to all the Supervisors and nobody had an issue with it. They were all willing to stay with them. He said if they have to draft a new agreement, they can do that. If they want to opt out, they are okay with that. He reiterated that he did talk to all the Supervisors.

Mr. Hall stated he has received phone calls over the past two or three days, and he believes the clumsiness was the communication part. They can see a little bit of that, but the end result was there. As of 3:00 p.m. today he was still on the fence about this one because of his conversations and from him also being a Township Supervisor. He has dealt with General Assistance. His question is if there is any way the 12% could go back to the townships during the negotiations. Mr. Aiello stated there is a 12% savings for Capital Township taxpayers. Mr. Hall asked if there was no savings for the six townships who participate in this. Mr. Aiello stated the six townships now pay them \$35 per case. They do their work for them. They are not going to pay the townships to bring their work to them.

Mr. Bunch stated when he asked about a 30-day extension on this, he was under the impression they were going to take \$250,000 of County money and put it towards the homeless project. They were not really in favor of that. The people in Chatham are telling him they didn't get a call, and he was wondering if there was some way they could rectify this.

Since finding out the money was not going toward the homeless shelter, he wants to know if there is someone who could justify the conversation they had with Chatham Township. Mr. Aiello stated he called Dick Treat on Friday and left a message and Mr. Treat called him back on Monday. This is about the 31,000 voters that said “do this”, and it is about the Capital Township taxpayers. They certainly appreciate the relationships they have with the other townships, but last month they did not do one General Assistance case for any of those townships. His loyalty is to the Capital Township taxpayers on this particular issue. It is good for their taxpayers and is good for the clients to get them into that building and expose them to other services that are available through Community Resources, Sangamon County, and SIU School of Medicine. It is about being able to provide a service to those who need it the most. It is a good government initiative, good policy, and good government. Mr. Aiello thanked them again for their time.

RESOLUTION 3

3. 2019-030 – Duffy & Associates Inc., dba Discount Tobacco, Steve Kerber, 3596 East State Route 29, Springfield – Granting a Rezoning, Conditional Permitted Use with Conditions and Variances. County Board Member – Tom Madonia Jr., District #9.

A motion was made by Mr. Stumpf, seconded by Mrs. Scaife, to place Resolution 3 on the floor. Chairman Van Meter asked the professional staff to give the procedural history of the case.

Trustin Harrison, professional staff, stated the petitioners are requesting a rezoning from “A” Agricultural District to “B-1” Neighborhood Business District; a Conditional Permitted Use pursuant to Section 17.22.020 for a tavern (approximately 500 square feet); a variance of Chapter 17.04 (Lot) to allow two principal uses on one parcel: (1) retail sales of tobacco and (2) tavern (approximately 500 square feet); a variance of Section 17.58.080 to allow a tavern property line to be approximately ten feet from a residence instead of the required one hundred feet, and, a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner.

Emily Prather, professional staff, stated the Planning Commission recommends approval of the requested B-1 district. The LESA score of 160 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the subject property has adjoining B-3 zoning, is only one acre that could not be economically converted to cropland, and has had a retail establishment operating on the subject property for approximately 30 years are mitigating factors in support of B-1 zoning. Recommend approval of the requested Conditional Permitted Use with the following conditions: 1) the tavern is limited to approximately 500 square feet as shown on the site plan in the petition, and 2) the hours of operation are limited to the Sangamon County Liquor Ordinance. Recommend approval of the requested variances. In 2005, the County Board granted a Use Variance for two uses on the subject property for furniture sales and storage for a construction business. The proposed uses are not seen to be more intense than the previous Use Variance granted on the subject property.

There are unique circumstances in that the customer entrance to the proposed tavern will be over 100 feet away from the residence to the west, and the subject property sits on a low traffic, dead end road. The Standards for Variation are met. Mr. Harrison stated the Zoning Board of Appeals concurs with the staff's recommendation for approval.

Steve Kerber, residing at 3900 Tuxhorn Road in Springfield, addressed the County Board. He is the petitioner and works for Duffy & Associates, known as Discount Tobacco. He is also a neighbor of the property and he lives across the street. He stated the tavern seems to be a big issue. All they are wanting is video gaming and to serve beer. They will have a little cooler for beer. It will not be a fully staffed tavern where someone can come in and sit down with their buddies and have a full blown drink. They currently operate six of their tobacco stores like this with video gaming, and they are serving beer and individual serve wine. The other thing they are asking for is to allow their customers to back out of the parking lot and onto the road. People believe they are asking to back onto Hilltop Road, saying they are a big delivery service and it will be a big distribution hub. Mr. Kerber stated this is not true. They do deliver some tobacco to their own stores. It's delivered in a Ford van once a week. That is all they deliver. They will obviously have deliveries for their own stores.

Benjamin Beard, residing at 3548 Tuxhorn Road, addressed the County Board. He has several petitions signed by people in the area. He stated he is all for Ken and his wife selling their place but when you have something like this moving next door to you, it is a little bit different. This road is not in good shape. There are several vehicles that come down that road now. He is afraid for every person that comes to visit him when they leave because of Hilltop Road. The traffic does not slow. There have been several rear-endings and people almost getting hit. There is a crosswalk right there for pedestrians, all kinds of vehicles will park down that road, and people walk on the bike path. There are a lot of problems there because of the additional traffic. When Ken had the place, a semi-truck would come in every once in a while and block the road, but that was not a constant problem. There are semi-trucks that deliver to the adjoining warehouses on the east side of the proposed tavern. There are 41 units in that warehouse and all the big ones are on the front. They have people who operate businesses out of there. Several years ago, they tried to put in a gas station and it was turned down. There is just too much traffic. There is a tree service that goes by his house. They go behind that property, dump trees, and split firewood. Dump trucks come out there all the time and there are two different garbage services. The sewage system over there is not set up for commercial use. There is water that stands on the trail right behind this place because water comes down the hill there. He is concerned his property value will go down if they put a tavern next door to him, and he is really against changing the one hundred feet from a residence into ten feet from a residence. Mr. Beard thanked the County Board and prays they will vote this down.

Mr. Kerber gave his rebuttal. He understands Mr. Beard's concerns in what it could be, but that is not what they are. The tavern they are requesting is 500 square feet. To put that in perspective, it is a 20x25 room. It is enough for video gaming. They plan on moving their headquarters over there and only one third of it is going to be retail. They're going to have an office, some storage, fixtures, and will consolidate some of their business.

Mr. Beard gave his rebuttal. He questions the tavern aspect of it. They told him they were going to be open from 7:00 a.m. to 10:00 p.m., but what is to stop them from being open until 1:00 a.m., or even expanding this once they get a tavern in there? They are going to supply another 41 stores out of the warehouse next door to him. They are going to have products going down through there constantly, and that road cannot handle it. They have convenient stores and gambling at some of their locations, and this leaves it wide open. Once it is a tavern, they could be open until 1:00 a.m. later on. They cannot guarantee this by their word right now. Mr. Kerber does not live across the street, he lives about a mile away down Tuxhorn Road. Mr. Beard stated he lives next door, and this is what he is concerned about.

Chairman Van Meter asked for a vote on the adoption of Resolution 3. A voice vote carried. Mr. Smith, Mrs. Douglas-Williams, and Mrs. Small voted Present.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 4

4. 2019-031 – Mary Caroline Hemberger Trust, 2181 McQueen Road, Pleasant Plains – Granting a Variance. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mrs. Hills, 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. 2019-032 – API Solar, 4364 E. State Route 54, Springfield – Granting a Conditional Permitted Use. County Board Member – Lori Williams, District #8.

A motion was made by Mrs. Williams, seconded by Mr. Madonia, 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

RESOLUTION 6

6. Resolution approving Community Resource’s Grant Application for the Community Services Block Grant Program from the Department of Commerce and Economic Opportunity in the amount of \$487,791.

A motion was made by Mrs. Fulgenzi, seconded by Mr. DelGiorno, to place Resolution 6 on the floor. A motion was made by Mr. Preckwinkle that the roll call vote for Resolution 1 stands as the roll call vote for Resolution 6. A voice vote carried. Annette Fulgenzi voted Present.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 7

7. Resolution approving the Department of Public Health’s Grant Application for the Illinois WiseWoman Grant from the Illinois Department of Public Health in the amount of \$125,530.

A motion was made by Mr. Snell, seconded by Mr. Miller, to place Resolution 7 on the floor. A motion was made by Mr. Preckwinkle that the roll call vote for Resolution 1 stands as the roll call vote for Resolution 7. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

WAIVER OF TEN-DAY FILING PERIOD

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

MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED

RESOLUTION 8 – 11

8. Resolution amending Chapter 2.52 of the Sangamon County Code regarding the Merit Commission for County Sheriffs.

A motion was made by Mr. Tjelmeland, seconded by Mrs. Deppe, to place Resolution 8 on the floor. A motion was made by Mr. Bunch, seconded by Mr. Smith, to consolidate Resolutions 8 – 11. Chairman Van Meter asked County Clerk Gray to read Resolutions 9 – 11.

9. Resolution amending Chapter 5.18 of the Sangamon County Code regarding Raffle and Poker Run Licenses.

10. Resolution approving the State's Attorney's request for the procurement of goods and/or services from the Illinois State's Attorney Appellate Prosecutor for the purpose of providing legal services in the amount of \$37,000.
11. Resolution approving the Office of Emergency Management's Grant Application for the Emergency Management Performance Grant Program FY19 in the amount of \$95,121.95.

A voice vote was unanimous on the consolidation. A motion was made by Mr. Preckwinkle that the roll call vote for Resolution 1 stands as the roll call vote for Resolutions 8 – 11, as consolidated. A voice vote carried. Mrs. Small voted Present on Resolution 11.

MOTIONS CARRIED
RESOLUTIONS ADOPTED

RESOLUTION 12

12. Resolution approving an Intergovernmental Agreement between Sangamon County and Capital Township for the Administration of General Assistance.

A motion was made by Mr. Preckwinkle, seconded by Mrs. Williams, to place Resolution 12 on the floor.

Mrs. Small stated she is still uncomfortable with the fact that some were confused about some of the money going to the homeless shelter that was voted down. She would like to make a motion to let this sit for 30 days so they can get in contact with the other townships to make sure they understand what is going on. She thinks they have a right to know that. A motion was made by Mrs. Small, seconded by Mr. DelGiorno, to Table Resolution 12 for 30 days. Upon a roll call vote there were 4 Yeas – 24 Nays. Those voting Yea were: Mr. Bunch, Mr. DelGiorno, Mrs. Douglas Williams, and Mrs. Small. The motion to Table Resolution 12 failed.

Chairman Van Meter asked for a voice vote on the approval of Resolution 12. A voice vote carried. Mr. DelGiorno voted Present.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 13

13. Resolution allowing the Child Advocacy Center to procure goods and/or services from Beth Nestler for the purpose of recruiting Court Appointed Special Advocates for the CASA Program in the amount of \$31,500.

A motion was made by Linda Fulgenzi, seconded by Mr. O'Neill, to place Resolution 13 on the floor. A motion was made by Mr. Preckwinkle that the roll call vote for Resolution 1 stands as the roll call vote for Resolution 13. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

OLD BUSINESS

- A. Resolution 4 – Tabled 09/10/19
2019-028 – Adam & Lacy Ehrman, 7130 Fulton Road, New Berlin – Denying Variances.
County Board Member – Craig Hall, District #7

A motion was made by Mr. Stumpf, seconded by Mrs. Williams and Mr. Bunch to take Resolution 4 from the table. Chairman Van Meter asked the professional staff to give the procedural history of the case.

Trustin Harrison, professional staff, stated the petitioners have requested a variance of Section 17.36.010(A) and Section 17.38.010(B) to allow an accessory structure within the front yard with a front yard setback to be approximately zero feet instead of the required thirty feet; and, a variance of Section 17.42.010(B) to allow an accessory structure to be located approximately ten feet within the proposed right-of-way of forty feet.

Emily Prather, professional staff, stated the Planning Commission recommends denial. While the petition cites a number of circumstances, none of these circumstances are unique to the subject property to warrant granting the requested variances. Upon the site visit, staff determined there were other areas in the 4.6 acre subject property where the accessory structure could be placed to be in compliance with the Zoning Ordinance and not within the proposed right-of-way. The Standards for Variation are not met. Mr. Harrison stated the Zoning Board of Appeals concurs with the staff's recommendation of denial.

Adam Ehrman, residing at 7130 Fulton Road in New Berlin, addressed the County Board. Two minutes is not enough time to fully explain what this means to him and his family. It is also not enough time to explain the complexities of this. Before he ever did a petition for a variance, he did check to see if there was an impact on others. He would not be the type of person to ask for a variance or favor that would negatively impact others. He did his due diligence. He tried to ask everyone he could locally including: Township Supervisors, Road Commissioners, County Board Members, engineers, and Ameren to take a look at this special situation and the topography of the road. They all came to similar conclusions, and some of put it in writing. He never wanted to be the person that caused a negative impact. He had a neighbor ask him why he was not continuing with this shed, and he replied because of a zoning issue. She even asked if she could write a letter for him, but he did not go seeking that. They have a topography situation.

They have a situation where they are trying to be good neighbors. They have neighbors who recently moved to the country and had a pond issue, and his family helped pay for that. His wife also had some health issues recently which they have not discussed with their child, so this is beyond more than what he can explain. He cannot just move it. He has been told he can leave the concrete pad there. If they could just see where it is at compared to other places, they would understand it has no impact on others. He asked if they could please use logic to ask themselves if this actually impacts others. Does it actually impact anything in the future? He is asking them to look at the letters and the packet. He also asked that they use mercy by understanding this is not what he intended, and he did not plan this. He asked that they just use logic in this situation. He thanked the County Board.

Mr. DelGiorno says he understands, from the Zoning Board of Appeals decision at that point in time, a legal opinion had been rendered about where the location of the road right-of-way was. Since their last meeting it was going to go back to legal for review. He asked if that has been done and what the opinion is. Chairman Van Meter stated the answer to his first question is yes. Mr. Harrison, professional staff, stated he believes the question was not where the right-of-way was. What legal was asked to address was if it was more of a liability to the County Board. Mr. DelGiorno stated he believes one of the issues brought up at Zoning Board of Appeals was that the State's Attorney Office repined that it was within the right-of-way, when in fact it is not. He thinks that is an important question that needs to be answered. His understanding, from looking at the aerial on the County's website, is that Mr. Ehrman actually owns an area to the other side of the road, and it is not within the County's right-of-way. The question is if that was a misstatement to the Zoning Board of Appeals regarding the legal situation concerning where the road right-of-way line exists. He knows the County Road Commissioner appeared to not care about this being built where it is. His question was the statement made to ZBA a misstatement of legal opinion and if it has been corrected. Mr. Harrison, professional staff, stated it was not a misstatement. The GIS application is a reference tool. Yes the property does go across the road. Under the guidelines of how they determine a right-of-way, a right-of-way is measured from the center line of the road regardless if the property goes across the road or if it stays on their side. At that point it is 40 feet from the center line of the road. The yellow line you may be referring to on the GIS system is approximately 25 or 30 feet. Chairman Van Meter asked how they determine if it's within the right-of-way. Mr. Harrison stated, to the best of their ability and using the GIS tools they have, they measure from the center line of the road. He also went on site and did the best he could with the topography issues. He measured with the tools they had to determine there is approximately ten feet across what would be considered the right-of-way line or the front property line.

Mr. Hall stated he was here the night of ZBA. He thinks there was some confusion. The confusion was with the property line, utility setback and that the utilities would be placed within the setback lines of the utility. That was not the case. He thinks if the ZBA would have known the facts a little bit clearer, and they are always learning how to do this a little better as they go, he believes the vote would have been different that night. He doesn't think it was intentionally said, but the word property line was said. He is thankful to all those on the County Board who went out and looked at this. He knows it is a hard road to find.

When you look at the information you see the Township Supervisor and the Road Commission are okay with where the building is at, and there are no objectors to this. The question a month ago was if they are setting a legal standard or a stance others could use, and the legal opinion was no. He asked if he is correct. He asked them to educate him on their opinion. He wishes they would have had something in writing on this.

Assistant State's Attorney Joel Benoit stated the issue he was asked to look at is whether the County could be held liable for allowing someone to build a structure in the right-of-way. He had two Assistant State's Attorneys in his office look at this and talked to others, and the answer is no. They are not exposing themselves to more liability if they allow this. The whole procedure is to allow this Board leeway to make exceptions, etc. He did not say anything about setting precedent. That was not the question he was asked to look at. The question was about increased exposure to liability to the Board. That does not mean someone would not sue. Mr. Hall stated there are people who represent that area who have written letters. The objectors are the County and the Zoning Board of Appeals. He asked Mr. Ehrman why he chose this particular spot over other spots when he was asked if there was any other place he could build this. Mr. Ehrman explained this property is unique. There are 157 trees there, and he knows this because his daughter counted them all. It slopes back towards a pond that was having an issue where it kept back flowing because it drains from all the farmland draining into it. The only flat spot to put it, where they didn't have to chop down a huge chunk of trees, was in this one spot. This was the only spot, and if he had ever thought there was an issue he would obviously not have used this spot. The ZBA hearing was a little bit interesting because an attorney said, "So you can't do that," when talking about the line. He has looked on GIS and knows what it says, and he knows where the thing is at. Before he could question about the line, they took a vote. One of the members looked at him and said, "I can't," he voted no and put his microphone down. He knew he couldn't vote for it. He knew the misstatement had taken place. He is just a constituent, he is not the County attorney. He does agree the Zoning Board of Appeals hearing might have looked different. He does not know if it would have passed, but he does not think it would have been 0 to 5. He just knew at the hearing he was not equipped to handle the statement of "you can't". He applauds the County Administrators for spending an entire month investigating to find out if this would set a precedent versus not set a precedent. He would say if you would ever look at a precedent, you have to look at all of the factors to be able to make a determination of whether it is setting a precedent when you make a decision. If you were to actually look where the shed is, it sits up like 10 to 12 feet above the road. His property line goes across the road and then there is a strip of land that is actually the township's land. If they ever were to build a road, they would use that, which is why they sent supportive letters saying this is never going to be a problem out there because they never expand the road out there. There are chickens, goats, and cows that escape and he has to go around because he is not going to run them over. If they ever did decide to build a road, there is already a strip of land, and they would not pull back that 12 to 15 feet of height that is already there.

Mr. Stumpf stated he can appreciate Mr. Ehrman's answer that there was nowhere else on the property he could build. He asked the professional staff to clarify if they did say there were other spots they could have built this. Ms. Prather explained when she and Steve went to visit the site, they noticed there was an area that did not have mature trees and was kind of in front of the house. They believe the shed could be placed there and be in compliance with the setback requirements.

Annette Fulgenzi asked if Mr. Ehrman or his contractor obtained a building permit before he moved forward and found out about this issue. Mr. Ehrman stated the contractor is someone he has known through connections. He simply asked him if he could build a shed. That is how the nightmare started. He came back from vacation and received a letter. There was miscommunication, which he thinks was his contractor's fault, but he does have a recourse. His recourse is that it would destroy that person's ability to work in this community. While he knows he can place blame, he would still be in this same position.

Mr. Krell said that was his concern as well. Mr. Ehrman seems well informed on the setbacks and everything, but kind of ignorant to the fact you need building permits. He thinks Mr. Ehrman messed up in trusting the contractor in thinking he was going to get it done.

Chairman Van Meter asked County Clerk Gray to call the roll. Upon the roll call vote, there were 11 Yeas – 16 Nays – 1 Present. Those voting Nay were: Mr. Bunch, Mrs. Douglas Williams, Mr. Fraase, Mr. Hall, Mr. Melchin, Mr. Mendenhall, Mr. O'Neill, Mr. Preckwinkle, Mr. Ratts, Mrs. Ruzic, Mrs. Scaife, Mrs. Small, Mr. Smith, Mr. Sullivan, Mr. Thomas and Mr. Tjelmeland. Mr. DelGiorno voted Present. Mr. DelGiorno explained that he voted Present because his law office represents the school district where Mr. Ehrman is employed. Chairman Van Meter explained that it would require 22 members voting nay to overturn the Zoning Board of Appeals. Resolution 4 written to deny variances was adopted.

MOTIONS CARRIED

RESOLUTION ADOPTED

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

Appointment of John Hearn to the Sangamon County Water Reclamation District for a term expiring May, 2022.

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

MOTION CARRIED

APPOINTMENTS ADOPTED

The nominations for appointment in November were also submitted.

C. Procurements/Grant Notifications

-State's Attorney – Child Support Grant from IL Department of Healthcare and Family Services-
\$1,959,544.

**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 Mrs. Williams, 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 Mrs. Williams, seconded by Mr. Bunch, to recess the meeting to November 12, 2019 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED

Don Gray
Sangamon County Clerk

