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MINUTES

SANGAMON COUNTY BOARD

FEBRUARY 10, 2009

The Sangamon County Board met in Reconvened Adjourned September Session on February 10, 2009 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:00 p.m. Mr. Montalbano gave the Invocation and Mr. O'Neill led the Board in the Pledge of Allegiance.

ROLL CALL

Chairman VanMeter asked the Clerk to call the roll. There were 28 Present – 1 Absent. Mrs. Turner was excused.

MINUTES

A motion was made by Mrs. Long, seconded by Mr. Bunch, for approval of the Minutes of January 12, 2009. A voice vote was unanimous.

MOTION CARRIED
MINUTES ADOPTED

CORRESPONDENCE

A motion was made by Mr. Bunch, seconded by Mrs. Long, to place any Correspondence on file with the County Clerk. There was no correspondence to file.

RESOLUTION 1

1. Resolution awarding the low bids for County aggregate contracts.

A motion was made by Mr. Montalbano, seconded by Mrs. Dillman, for the adoption of Resolution 1. Upon a roll call vote, there were 27 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTIONS 2- 4

2. Resolution awarding the low bids for Township aggregate contracts.

A motion was made by Mr. Fulgenzi, seconded by Mr. Tjelmeland, for the adoption of Resolution 2. A motion was made by Mr. Bunch, seconded by Mr. Smith, to consolidate Resolutions 2 – 4. Chairman VanMeter asked the Clerk to read Resolutions 3 and 4.

3. Resolution approving an agreement with Applied Research Associates, Inc. for a pavement management system.
4. Resolution approving a stipulated agreement with the Illinois Commerce Commission.

A voice vote was unanimous on the consolidation. A motion was made by Mr. Goleman, seconded by Mr. Snell, that the roll call vote for Resolution 1 stand as the roll call vote for Resolutions 2 – 4, as consolidated. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTIONS ADOPTED

RESOLUTION 5

5. 2009-01 – Anthony & Rachel Jachino, 6421 Westwind Drive, Springfield- Granting a Variance. County Board Member – Tom Fraase, District #1.

A motion was made by Mr. Fraase, seconded by Mr. Preckwinkle, for the adoption of Resolution 5. 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 on the motion to adopt Resolution 5.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 6

6. 2009-02 – Michael L. Hoyle, 12,700 Block of Edgewater Way, New Berlin-Granting Variances. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mr. Forsyth, for the adoption of Resolution 6. 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 on the motion to adopt Resolution 6.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 7

7. 2009-03 – Ted R. & Julie Mies, 8876 Waverly Road, Loami – Granting Variances. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mr. Moss, for the adoption of Resolution 7. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Norm Sims stated that the petitioners are requesting variances to allow three parcels less than 40 acres and to allow the lot depth to exceed 2 ½ times the lot width for two parcels. Randy Armstrong stated that the petitioner wants to retain the farmland, sell off the existing house and create two building sites. Mr. Sims stated that the staff recommends approval. The standards for variation are met and they see this as appropriate because the tillable land is being preserved, and each owner will have non-easement based access. Given the size of this tract, division of this property would be in line with the trend in this area. Mr. Armstrong stated that the Zoning Board of Appeals concurs with the staff report and recommends approval.

Ted & Julie Mies, petitioners at 8876 Waverly Road in Loami, addressed the Board. Mr. Mies explained that they had an opportunity to purchase a piece of land adjacent to what his grandmother had purchased. There is an additional piece of property on this piece of ground with a house and some timber ground with a creek running through it. When they purchased it at an auction, they were under the understanding they would try to sell off the existing house and non-tillable timber ground, but would retain the tillable ground to farm and pass it on to their kids. They have asked for four different tracts of land. One would be to sell the existing house site; another site would be the tillable ground, which they would like to keep in agricultural production to farm on it; another would be where they would build a house for themselves; and the fourth would be sold to a potential buyer who enjoys hunting and recreation and who could build a home on it.

Mrs. Musgrave asked how long they have owned this property. Mr. and Mrs. Mies stated that they purchased it on November 13th.

Mr. Kamper asked if tracts three and four would have a driveway going onto Waverly Road. Mr. Mies stated that they would. Mr. Kamper asked what the distance would be. Mr. Mies stated that he has not measured it, but the entire distance is ½ mile to the very end of the property. It is around a couple thousand feet. This is right off of Sangamon County Highway 10, which is an 80,000 pound road, and it is a very nice road the County has built.

Pat Sheehan, Attorney at 1214 S. 8th Street in Springfield, addressed the Board. He stated that he is representing the objector, Stephanie Jacobs. She has owned the property directly north of the Mies property for 31 years. At the heart of this petition are the May 2001 changes to the Sangamon County Zoning Code. Measures were enacted to restrict the exact type of division they are talking about here. It was quite prevalent back at that time. Agricultural tracts were being carved up into as many smaller tracts as possible and re-sold. The minimum tract size was increased from 5 acres to 40 acres, and the flag lot technique was severely restricted. They want to create a separate tract for the existing farmhouse and sell one additional flag lot. Under the exceptions to that 2001 ordinance, they can carve out the existing farmhouse without any zoning relief at all. All they would need to do is get a plat officer approved survey. They can build their house anywhere on that remaining property. Two of the things they want to do, they can do without any zoning relief at all. All the Board would be denying would be the one tract. He explained that the standards for variation have to be met in this case, and he does not believe they were. There is a reasonable use of this property under the current regulations. In this case there would be one tax parcel that would become four tax parcels and then they could build on all four of them.

Mr. Goleman asked Mr. Sheehan if it is his opinion that the petitioner's presentation shows they meet the requirements of the Land Use Regulations from 2001. Mr. Sheehan explained what they proposed to do cannot be done without a variance. Mr. Goleman asked if these are flag lots. Mr. Sheehan stated that there is the length which exceeds 2 ½ times the width. Mr. Goleman asked for clarification from the professional staff if these are flag lots. Norm Sims explained that the definition of a flag lot, under County Ordinance, says the front portion of that would not be a buildable lot. In this case, the width of the lot is 150 feet, which meets the minimum requirement for width for a buildable lot. Mr. Sims stated that in their opinion these would not technically be flag lots under the Land Subdivision Ordinance.

Mr. Hall stated that he is Mr. Mies' cousin and he farms with their family. He explained that the zoning law in 2001 was to control where they thought growth should be. Any way you look at this, it would be taking prime farm ground out of production. The problem with this is they went to the effort to create zoning laws to help neighbors become better neighbors. This is a good example of why they created those laws, and now they are trying to change things because of variances. They are supposed to look at things individually.

Mr. Hall asked Stephanie Jacobs if the petitioners have tried to approach her with any types of improvements or anything they could come to terms on. Mrs. Jacobs explained that they do not have a problem with the petitioners building a house on the property, but she does have a problem with the flag lot. In her opinion, it is a flag lot because it is a long narrow drive right along her property line about 14 feet from her driveway. They also do not have a problem with them selling the existing house and acreage or with farming their ground, but they do not need this zoning variance to do that.

They have issues with the possibility of four additional wells being put on the property because they had a drought in 2007, and all four of her wells went dry. They are trying to preserve the rustic character of this area. If this is compromised, then it would not be regained. She explained that she has talked with the petitioners to reconsider doing this. There is an abandoned coal mine out there, so they just do not know what the ramifications would be if they build there.

Mr. Moore asked the professional staff to briefly explain which issues of the objectors are germane to zoning and which are just concerns the property owners would have to deal with on their own if the zoning is granted. Norm Sims explained that their concerns would not necessarily be pertinent to the zoning, but would be pertinent to the ability to build on the lot. Mr. Moore asked, if zoning was granted, if the petitioners would have to go through another process to build on the property. Mr. Sims stated that they would. Parts of the parcels are in the floodplain, so they would have to build in an area that is not, or get a permit to build there. That permit would probably not be approved. These issues would not typically be zoning issues.

Mr. Fulgenzi asked if the objectors are objecting to the narrow driveway in close proximity to their house. Mrs. Jacobson stated she is objecting to that and that there will be a precedent set with this variance if it is granted. There will be other people coming forward asking for this same thing if they start making exceptions to the zoning law. Mr. Fulgenzi stated that if one lot was sectioned off and lots two and three were combined, then they could still put the driveway in the same place they are calling a flag lot. There is nothing in the rules saying they can't build a driveway in the exact same place they would be putting it at some point in the future. Randy Armstrong explained that they would be able to build the driveway in the same place. If they wanted to sell the existing house and build on the remaining property, they would still need a variance to allow the one parcel. Mr. Fulgenzi explained that they cannot control where they put the driveway, but the subject should be whether they should allow them to sell the fourth parcel. At some point they need to change some of the rules they have and allow for variations to the rules, or all of Sangamon County would still be farm land.

Mr. Bunch asked for clarification if this would actually be a flag lot that would be jeopardizing her property. Chairman VanMeter explained to Mr. Bunch that it would be his determination at this point by the information they have been given.

Mr. Smith asked what the acreage of lots three and four are. Mr. Armstrong stated that there is a minimum of five acres, but there could be more.

Mr. Moss asked Mrs. Jacobs if she built her house or bought an older home when she moved to that area. Mrs. Jacobs stated that they did build their house. Mr. Moss asked if they have seen much of this type of development in this area. Mrs. Jacobs said there is none.

Mr. Mendenhall stated that he would like to preserve this unique agricultural farmland, and would also like to encourage development where it needs to be.

He asked Mrs. Jacobs if this was left agricultural and they determined the road could be built in the same place, if they do understand that road could be carrying a hog truck and the well would be used to water those several hundred heads of hog. At some point, maybe they need to be careful what they ask for. He asked Mrs. Jacobs if she would be standing before them tonight if the petitioners had this different type of request. Mr. Sheehan stated that he could not speak for what she would object to, but the big distinction is that if these variations are granted they will have four separate tax parcels. Mr. Mendenhall asked if this would be acceptable to the objectors if they did leave this as agricultural, and Mr. Mies had to decide what the most economical return on his farm land investment would be. Mrs. Jacobs stated that she would like to preserve the timber in the back. Mr. Mendenhall suggested that maybe she should have bought the property.

Mr. Smith asked Mrs. Jacobs what the size of her parcel of ground is and what the use of it was before she bought it. Mrs. Jacobs stated that she has 95 acres and it was just farm ground.

Mr. Kamper clarified that the Board would not be setting a legal precedent and would still be able to retain the right to speak on any future request for variances like these. They are not forcing their own hand in the future if they make this decision one way or the other. It sounds like some people here would like to wish that the 2001 law had been written differently, but it does allow for this.

Mr. Hall explained that the argument for Sangamon County is whether this is good zoning and whether this ground is prime land for agricultural use. This is up for them to decide. There is a farmer in another area that is having his home auctioned off because neighbors did not want livestock in their area. To quote Abraham Lincoln, "the strength of Illinois is in our soil and our wealth is in our intelligent development". This zoning request is not ideal for what they want in the area because this is an agricultural area and is not a subdivision.

Mr. Stumpf asked the professional staff if this would be passed if it were under the LESA System. Norm Sims stated that they cannot speculate on that. Chairman VanMeter stated that this would be a very hard question for the staff to answer because they have not done the evaluation. Mr. Sims stated that the question would be what would be included for purposes of variance in the LESA score. He stated that his guess would be if you looked at the back parcels, they would not score for agricultural and he would not know how the front parcel would score. Mr. Stumpf suggested they look at something in the future for some kind of addition to this where people that live in the

areas would have a better way of looking at this. This is so close one way or another and that would have been most helpful in this case. Chairman VanMeter suggested he ask this question at a better time when the staff could go through their calculations and give a hypothetical answer.

Mr. Mendenhall asked Mrs. Jacobs if she would be willing to buy the timber property if this goes through. Mrs. Jacobs stated that she would be willing if they could agree on a price.

Mr. Mies gave his rebuttal. He explained that their main intention is not to build a subdivision, but to sell one tract for someone else to build a house on and to build a house for themselves on one tract. They were told they did need a variance to sell the old house and have permission to build their own house, so they have asked for these four things because of those variances. Those tracts are at least 15 acres in size and the ground is not suitable for livestock because it is just timber ground. It is good for recreation such as hunting and fishing. There are some spots for raising cattle, but it is not prime cattle ground.

Mr. Moss asked if they would have bought the property anyway if they had known it wasn't feasible to get it parceled off in this manner. Mr. Mies stated that they would not have bought it if they had known.

Mr. Mendenhall asked if they would be willing to re-submit and leave off one tract or talk with Mrs. Jacobs about buying one piece. Mr. Mies stated that they have tried talking with her and had not gotten back to her on a price. Mr. Mendenhall stated that they should keep in mind this may not pass and they will not have a developable lot. Mr. Mies stated that they would be willing if they could just sell the lot off just as timber lot.

A motion was made by Mr. Mendenhall, seconded by Mrs. Long, to Table Resolution 7 to see if all parties can work out an agreement. Upon a roll call vote, there were 2 Yeas – 25 Nays. Mrs. Long and Mr. Mendenhall voted yes. The motion to Table was denied.

Mr. Goleman stated that he was Chairman of the Land Use Advisory Committee in 2001 and they spent a lot of time and effort on this. The professional staff did say this proposal meets their criteria from what they decided on in 2001. It may not be a perfect situation, but it does meet the criteria they spent months and months talking about in 2001. If they need to make some changes to the land use advisory policies then they need to do that at some point. He stated to the Board that what they came up with meets the criteria in this case.

Mr. Sheehan gave his rebuttal. He explained that they are not trying to control where they can build their house and not trying to control the carving out of the existing farmhouse. They are objecting to the fact that these variances would create four separate tax parcels forever. Each one of them could be built on and re-sold, and that is what the May 2001 regulations were designed to limit. If the variances are denied, they can still

carve out the farmhouse and build their house where they want and put their driveway where they want. That would be a reasonable use of their land and is in harmony with the objectives of the May 2001 changes.

Mr. Snell asked if there actually could be four different homes built on there. Randy Armstrong stated that there would be four tracts created. They could not build on the tract with the existing house. The two lots that are described as flag lots could be built on. He does not intend to build on the farm land, but it could be built on.

The farm land would be a separate tract and there are the two lots in the rear. This created three potential building sites. The requested variance was to create four parcels less than 40 acres so the three parcels without the house on them could be built on.

Mr. Fulgenzi asked what the total acreage is. Mr. Armstrong stated that it is about 100 acres. He stated that he thinks, as a County Board, they would want more tax parcels at a higher value throughout the County, and have them in areas where they are on good roads. This goes hand in hand with the Ordinance from 2001.

Chairman VanMeter asked for a roll call vote on the motion to adopt Resolution 7. Upon the roll call vote, there were 10 Yeas – 17 Nays. Those voting Nay were: Mr. Bunch, Mr. Davsko, Mrs. Dillman, Mrs. Douglas Williams, Mr. Forsyth, Mr. Fraase, Mrs. Fulgenzi, Mr. Hall, Mr. Krell, Mr. Montalbano, Mr. Moss, Mrs. Musgrave, Mr. O’Neill, Mr. Preckwinkle, Mr. Stephens, Mr. Sullivan, and Mr. Tjelmeland.

Resolution 7 written “to grant variances” was denied.

MOTIONS CARRIED
RESOLUTION DENIED

RESOLUTION 8

8. 2009-05 – Michael & Bonita Mory, 5201 Leach Road, Rochester – Granting a Use Variance. County Board Member – Andy Goleman, District #4.

A motion was made by Mr. Goleman, seconded by Mr. Moss, for the adoption of Resolution 8. 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 on the motion to adopt Resolution 8.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 9

9. 2009-06 – Mark Pointer, 1886 S. Spring Creek Road, Pleasant Plains, Granting Variances. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mr. Sullivan, for the adoption of Resolution 9. A motion was made by Mr. Moore to waive the reading of the professional staff's report. There were no objections. A voice vote carried on the motion to adopt Resolution 9. Mr. Snell and Mr. Goleman voted no.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTIONS 10 - 13

10. Resolution approving the implementation plan proposed in conjunction with the Sangamon County Employee FY2009 Voluntary Severance Plan.

A motion was made by Mr. Goleman, seconded by Mr. Stephens, for the adoption of Resolution 10. Mr. Goleman stated that with the implementation of the VSP Plan, there was a lot of work by the County Administrator and Finance Committee. He introduced Paul Palazzolo, Auditor, to give the details of the plan.

Mr. Palazzolo also acknowledged Dave Connor, Deputy Auditor, Brian McFadden, County Administrator, and Charlie Stratton, Human Resources Director, and the Finance Committee and Directors who have worked hard to help develop the numbers they are submitting for approval tonight. The last time they offered the plan there were 35 employees who took advantage of the opportunity. This resulted in about \$900,000 in savings every year. The plan they are submitting tonight will save the County approximately \$1,428,000 for every fiscal year starting in 2010, with 45 employees taking advantage of this plan. Some employees taking advantage of this will not be replaced and some will be replaced at 60% of the current occupant's salary. With the Board's approval, this will work as it did before.

Chairman VanMeter stated that the plan will typically cost the County a little money in its first year. He asked Mr. Palazzolo what his projection is for this plan. Mr. Palazzolo explained that it does cost dollars for the employees' payouts, but even in the current FY2009 there will be a savings of \$23,316. Chairman VanMeter stated that he thinks this is extraordinary and the staff that worked on it really deserves the thanks of the Board and taxpayers of Sangamon County.

A motion was made by Mr. Bunch, seconded by Mr. Preckwinkle, to consolidate Resolutions 10 – 13. Chairman VanMeter asked the Clerk to read Resolutions 11, 12 and 13.

11. Resolution approving budget amendments to the FY2009 Budget.

12. Resolution allowing a study of radio communications by the Sangamon County Emergency Telephone Systems Board.

13. Resolution approving a loan to Dal Acres Kennels as agreed in the Community Services Block Grant Micro Loan Program.

A voice vote was unanimous on the consolidation of Resolutions 10, 11 and 13.

A motion was made by Mr. Mendenhall, seconded by Mr. Good, to Table Resolution 12. A voice vote was unanimous.

**MOTION CARRIED
RESOLUTION 12 TABLED**

A voice vote was unanimous on the adoption of Resolutions 10, 11 and 13, as consolidated.

**MOTIONS CARRIED
RESOLUTIONS 10, 11 and 13 ADOPTED**

WAIVER OF TEN-DAY FILING PERIOD

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

**MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED**

RESOLUTION 14

14. Resolution amending the Sangamon County Animal Control Fee Schedule-Chapter 6.04.120 of the Sangamon County Code.

A motion was made by Mrs. Musgrave, seconded by Mr. Tjelmeland, for the adoption of Resolution 14. A voice vote carried. Mr. Hall voted no.

**MOTION CARRIED
RESOLUTION ADOPTED**

RESOLUTION 15

15. Resolution amending Chapter 5.30 of the Sangamon County Code regarding the Ordinance Violation Hearing Department.

A motion was made by Mr. O'Neill, seconded by Mr. Goleman, for the adoption of Resolution 15.

Frank Lesko, Clerk of the Hearing Department, addressed the Board on this issue.

He announced that the Hearing Department is up and working and ready for business here in Sangamon County. They are going to set up two hearing dates which will probably be the first and third Thursday of each month. They will be hearings on animal violations, smoking violations, public health violations, and zoning violations.

Mr. Goleman asked Mr. Lesko to explain some of the activities they did to help combine some of this information. Mr. Lesko explained that he went out on the road and went through the Midwest of Illinois. He went to McLean County, Tazewell County, Peoria County, City of Peoria, City of Bloomington, and the City of Urbana and did talk with some hearing departments. Sangamon County is really taking the lead on this, and the other counties are anxious to see what kind of hearing department Sangamon County puts together.

Tazewell County's Hearing Department kind of mirrors what they want to do, but on a smaller basis. Sangamon County is taking broad steps to include many of the municipalities around Springfield and have that department open to have the hearings heard. Chairman VanMeter asked where they are located. Mr. Lesko stated that they are located in Room 22 of the Juvenile Probation Office on the third floor of the County Building.

Mr. Moore commended Mr. Lesko on his first major project since he started here. Mr. Lesko stated that it is very much an honor to be here and to know Sangamon County is taking the lead on something like this. This is what Sangamon County stands for and they always do take care of their constituents. This will make it almost impossible for anyone who is assessed a fine to get away without paying it.

OLD BUSINESS

There was no old business.

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

Chairman VanMeter stated that one new vacancy has been posted and there is another nomination for the Board's consideration at next month's meeting.

Appointment of George Perkins to the Chatham Fire Protection District for a term expiring May 2009.

A motion was made by Mr. Stephens, seconded by Mrs. Long, for approval of the appointment. A voice vote was unanimous.

MOTION CARRIED
APPOINTMENTS ADOPTED

**REPORTS OF COUNTY OFFICIALS, REPORTS OF STANDING
COMMITTEES, REPORTS OF SPECIAL COMMITTEES**

Jim Stone, Director of Public Health, addressed the Board regarding amendments to the State Smoking Ban. He stated that the Governor has now signed the new legislation. This means the law does have a due process, and they will be able to enforce this throughout the incorporated and unincorporated areas of the County. There are still some rules and regulations that still need to be passed, but this will be forthcoming really soon.

They have asked the State for the language to use on the tickets that will be issued for smoking citations. The biggest change is that it will go from the main enforcement being the Public Health Department to the main enforcement being the local law enforcement. The State Law mandates that local law enforcement actually enforce this law along with certified health departments. They have always had to go with local law enforcement after hours for safety purposes. They believe the uniformed, gun toting law enforcement will make people take this law much more seriously, and it will have a better impact on what the intent of the original legislation was.

COMMITTEE REPORT ON CLAIMS

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

MOTION CARRIED
REPORT FILED

RECESS

A motion was made by Mrs. Long, seconded by Mr. Bunch, to recess the meeting to March 10, 2009 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED