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## **MINUTES**

### **SANGAMON COUNTY BOARD**

**FEBRUARY 8, 2011**

The Sangamon County Board met in Reconvened Adjourned September Session on February 8, 2011 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:00 p.m. Mr. Smith gave the Invocation and Mr. Fulgenzi 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. Mr. Preckwinkle was excused.

### **PROCLAMATIONS**

Mr. Moore presented a Proclamation to Joseph Maddox, celebrating his 60<sup>th</sup> year as a practicing attorney in Springfield. Mr. Maddox accepted the Proclamation and stated “he is honored and humbled”.

Mrs. Turner presented a Proclamation to Rosie Washington in recognition of her quilting talent and for creating a historical quilt for the African American Heritage Museum & Black Veteran Archives in Hammond, Louisiana. Mrs. Washington and her husband were present to accept the Proclamation. She thanked God for the gift she has been given. She stated “this is not the end, but the beginning”.

Mr. Fraase addressed the Board to recognize County Highway employees for the work they did during the recent snow storm. Those employees recognized and present were: Brian Davis, Assistant County Engineer, Bob Salmon, Highway Maintainer, Hoyt Hampton, Mechanic, and Sam Johnson, Heavy Equipment Operator. Mr. Fraase stated that he was told Brian Davis did not go to sleep one night and really gave his all to the County.

Chairman VanMeter stated that they plowed through the first level three snow emergency ever declared in Sangamon County, which was an incredible effort. Mr. Fraase stated that there were 36 employees, 544 hours of over-time, 650 tons of salt, and 4,423 gallons of fuel used. These guys really do a great job. Mr. Fraase thanked them for their efforts.

Mr. Fulgenzi commended the employees of the Building and Grounds Department for keeping the sidewalks and area cleared around the building during the storm. Building and Grounds employees, Bud Ford and Craig Fanning, were present. Mr. Ford stated that they rely on four individuals to maintain this building and the Public Health building. Another employee Patty Meyer, who could not be present tonight, worked all night long during the storm. They kept the sidewalks cleared, and if you came into the building the next day, you had to see how clear the sidewalks were compared to any others in the city.

**MINUTES**

A motion was made by Mrs. Turner, seconded by Mr. Montalbano, for approval of the minutes of January 11, 2011. A voice vote was unanimous.

MOTION CARRIED  
MINUTES ADOPTED

**CORRESPONDENCE**

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

**RESOLUTION 1**

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

A motion was made by Mr. Fraase, seconded by Mr. Montalbano, to place Resolution 1 on the floor. Chairman VanMeter asked for a roll call vote. Upon the roll call vote, there were 27 Yeas – 0 Nays for the adoption of Resolution 1.

MOTION CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 2**

2. 2011-001 – Georgianna Kirbach, 4055 W. Jefferson, Springfield – Granting a Conditional Permitted Use and Variances. County Board Member – Tom Fraase, District #1.

A motion was made by Mr. Fraase, seconded by Mrs. Fulgenzi, to place Resolution 2 on the floor. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Norm Sims, professional staff, stated the petitioner is requesting a variance of the lot depth to exceed two and one-half ( $2\frac{1}{2}$ ) times the lot width for one parcel, a variance to allow two principle uses on the property, and a conditional permitted use to allow for an existing auto body and paint shop to move to a new building once it is constructed. The Planning Commission staff recommended approval of the requested variance of the lot depth to exceed  $2\frac{1}{2}$  times the lot width for one parcel as it is necessary to divide the mini storage facility from the auto body paint shop. The standards for variation are met. They recommend approval of the requested variance to allow two uses on one parcel. The petitioner is requesting construction of an additional building to house the existing auto body shop and to allow a used auto sales business that is internet based only. Staff recommends approval of this variance with the restriction that all vehicles be stored inside and the auto sales business is strictly internet based with no option of an open used car sales lot. Staff recommends approval of the requested conditional permitted use to allow for the existing auto body and paint shop to expand to the new building once constructed. In 2006, a conditional permitted use for the same use was requested and granted for the existing 40' x 60' structure. Allowing the same use on the entire parcel with construction of another building, with the stipulation that all storage is inside, seems appropriate since there are similar commercial uses nearby and there are no residences in close proximity. Mrs. Berns stated that the Zoning Board of Appeals concurs with the staff report and recommends approval of the variances and conditional permitted use.

Tressa Hartman, residing at 2325 Berkley in Springfield, addressed the Board. She stated that she opened Phoenix Collision five years ago with her brother Matthew Milkint. They have seen a steady growth over the years, but have realized some challenges recently. They have grown out of the space, and also need to improve the property and building they reside in. They have talked with the owner of the property and have come to a purchase price agreement, and just need to ensure they will have the ability to perform auto body and paint work anywhere on the 1.25 acres they plan to purchase. They also want to ensure they will be able to rent out the other bays of the building to help offset the cost if and when a second building is built. Also, they need approval for the lot depth to be  $2\frac{1}{2}$  times greater than the width.

Mr. Moore asked the professional staff to explain if the two uses will apply to the entire three acre parcel. Mrs. Berns explained that it will not apply to the entire three acre parcel. The petitioner was required to apply for variances to allow the three acre parcel to be divided, so it was necessary to publish the legal for the entire three acres; however, the petitions and exhibits submitted with the petition, and the testimony obtained on the record at the Zoning Board of Appeals, makes it clear the requested conditional permitted use to allow for an auto body shop with a paint shop and the additional use, for a total of two uses, is limited to the most eastern 150 feet of the three acre parcel. This totals about 1.44 acres, subject to the final plat of survey. Staff will monitor the submittal of the final survey to ensure compliance with the intent of any zoning relief granted by this County Board.

Mr. Fraase asked the professional staff if they know of any complaints on this property in the last five years. Mrs. Berns stated that she does not have that list with her, but to her knowledge there does not appear to be any significant complaints.

Gordon Gates, Attorney for Ed Midden and his wife, addressed the Board. He stated that the Middens own and live on the property directly across the street to the south. In 2006, when there was an original request to allow a conditional permitted use for an auto body shop on this property, there was much debate and contention. At the time, it was decided by this body to limit that use to a very small 60x40 foot area of this entire property. They do not see that there is any change that has occurred to necessitate or that would justify greatly expanding this from a 2,400 square foot area to 1 ½ acres. The biggest issue for his client is that one of the conditions specifically imposed on this request was that there would be no outside storage. This was the rule the first time they did this in 2006. Unfortunately, there has been and there currently is outside storage. There is what appear to be an abandoned vehicle and a giant pile of auto body parts, such as fenders, piled in the back. This is exactly what his client was concerned about back in 2006. He does not know why they would assume their decision tonight, regarding no outside storage, would be any more obeyed than it was in 2006. They certainly do not want this to become a salvage yard, which is what body shops tend to progress into.

Mr. Moore asked the professional staff what has changed in the Zoning office since 2006 in terms of enforcement. Mrs. Berns explained that they have hired a compliance officer who is responsible for investigating complaints that come into the office and informing the property owner and responsible party that they are violating County ordinance. If the Board seeks to provide this zoning relief to the petitioner, it will stipulate inside storage. If the compliance officer finds there is a violation of that, the property owner will be informed, and they will have to comply or they will be given a notice of abatement and will proceed to the hearing process.

Mr. Bunch clarified that they do have a Health Department, and they could be called when people are in violation of such things. Those opposing this tonight should be aware of this.

Mr. Schweska asked Mr. Fraase if there have been any phone calls made to him regarding the problem of outside storage. Mr. Fraase stated that he did talk to Mr. Midden just last weekend, and he stated there was some outside storage, but there was nothing before that. Mr. Schweska asked if the phone call was made after the permitted use was approved by the Zoning Board. Mr. Fraase stated it was.

Mr. Goleman asked Mr. Gates if he thinks the reason for some outside storage now is that the petitioners ran out of space, and are here tonight for this reason. Mr. Gates stated that he does not know, but the rule is there is to be no outside storage, and there has been.

Mrs. Hartman gave her rebuttal. She addressed the comment that all auto body shops become a salvage yard. In five years they have not become a salvage yard and have taken great care to be neighborly. They do understand there is a residence across the street and have attempted to reach out to him very early on to let him know they wanted to make sure all of this went well.

She explained that they have their bumpers recycled, instead of throwing them into the landfills. There is a recycler that comes around, but not everyday or every week. They have bumpers stacked along the back side of the building that you would literally have to drive back into the lot and around the building to see. There are times when they have to wait several days for an insurance company to send someone out to pick up a vehicle, and they don't always come during business hours. She does not feel one vehicle and a few bumpers constitute a salvage yard.

Mr. Boyster asked how many people they currently employ and if they would be hiring more people when they expand. Mrs. Hartman stated that they currently employ three people on a regular basis and have a seasonal employee, and they absolutely hope to hire more people.

Chairman VanMeter asked for a roll call vote on the adoption of Resolution 2. Upon the roll call vote, there were 27 Yeas – 0 Nays.

MOTION CARRIED  
RESOLUTION ADOPTED

### **RESOLUTION 3**

3. 2011-002 – Linda K. Friend, 1563 Tozer Road, Springfield – Granting a Conditional Permitted Use. County Board Member – John Fulgenzi, District #17.

A motion was made by Mr. Fulgenzi, seconded by Mr. Krell, to place Resolution 3 on the floor. A motion was made by Mr. Moore to waive the reading of the professional staff's report since no one present wishes to speak for or against the petition. There were no objections. A voice vote was unanimous for the adoption of Resolution 3.

MOTIONS CARRIED  
RESOLUTION ADOPTED

### **RESOLUTION 4**

4. 2011-004 – Weihmeir Family, LP, 386 Koke Mill Road, Springfield – Denying a Rezoning and Granting a Use Variance. County Board Member – Abe Forsyth, District #27.

A motion was made by Mr. Forsyth, seconded by Mr. Ratts, to place Resolution 4 on the floor. A motion was made by Mr. Moore to waive the reading of the professional staff's report since no one present wishes to speak for or against the petition. There were no objections. A voice vote was unanimous for the adoption of Resolution 4.

MOTION CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 5**

5. Resolution approving a contract with Community Resources and Lincoln Land Community College.

A motion was made by Mr. Smith, seconded by Mr. Schweska, to place Resolution 5 on the floor. A motion was made by Mr. Goleman, seconded by Mr. Stumpf, that the roll call vote for Resolution 1 stand as the roll call vote for Resolution 5. A voice vote was unanimous.

MOTIONS CARRIED  
RESOLUTION ADOPTED

**WAIVER OF TEN-DAY FILING PERIOD**

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

MOTION CARRIED  
TEN-DAY FILING PERIOD WAIVED

**RESOLUTION 6**

6. Resolution authorizing the County to enter into an intergovernmental agreement with the Springfield Metro Sanitary District and to create the Sangamon County Sewer Rebate Benefit Board.

A motion was made by Mr. Stumpf, seconded by Mrs. Musgrave, to place Resolution 6 on the floor. A motion was made by Mr. Goleman, seconded by Mr. Hall, to amend Resolution 6. The amendments read as follows: In the second paragraph add “for a term of three years” after the word “agreement”. In the seventh paragraph delete “with one being a member of the County Board”. In the ninth paragraph add “for a term of three years” after the word “agreement” in the third line.

Mr. Goleman explained the purpose of the amendments is that there will be a sunset of three years on the terms, and he thought it would be appropriate that there should not be a member of the County Board on this. Chairman VanMeter asked if at the conclusion of the three year time period, the Board would review the program to determine if it’s best to move forward. Mr. Goleman stated that is correct.

Mr. Hall asked how much the members of this board would get paid. Mr. Goleman stated the Chairman would get \$325 per meeting and the other two would get \$300.

A voice vote was unanimous on the amendment of Resolution 6.

A motion was made by Mr. Goleman, seconded by Mr. O'Neill and Mrs. Turner, that the roll call vote for Resolution 1 stand as the roll call vote for Resolution 6, as amended. A voice vote carried. Mr. Hall and Mr. Boyster asked to be recorded as voting no on Resolution 6.

#### MOTIONS CARRIED

#### RESOLUTION ADOPTED

### OLD BUSINESS

- A. Resolution 4 – Tabled 11/9/10  
2010-40 – Illinois National Bank Land Trust #04-407, 13487 BAB Road, Auburn – Granting a Rezoning and Variance. County Board Member – Sam Snell, District #6.

Chairman VanMeter stated that Resolution 4 will remain tabled and has only one month left to remain tabled.

### NEW BUSINESS

- A. Resolutions

There were no new resolutions.

- B. Appointments

Paul Palazzolo, Auditor, addressed the Board regarding the Workplace Safety Board. The County has been working hard to address issues of workman's comp. About four years ago, they instituted an agreement with Medical Case Management Services, with the Board's support, to address issues of workman's comp after an injury has occurred. The Illinois Public Risk Fund, service provider for their cases, has provided them with the following information. The claims history from 2007 through 2010 showed a definite decrease in the frequency of claims, down 42%, but an increase in severity on a per claim basis. This Board will look at ways to prevent injuries and address and institute policies through the committees on the County Board to make sure there is safety in the workplace. They will look at why injuries occurred and will address policies that will hopefully prevent future injuries of a similar nature. They still have work to do, but have been successful so far.

Chairman VanMeter explained that membership of this board is patterned after the very successful Board of Managers for health insurance. There would be employees and County Board members appointed to this board to work collaboratively to address safety issues in Sangamon County. Mr. VanMeter explained that this appointment is outside the normal procedures of nominating and appointing members to boards and commissions. The Auditor requested they expedite the formation of this board so they can prepare for some of the things coming this spring. Mr. Palazzolo concurred.

A motion was made by Mr. Montalbano, seconded by Mrs. Turner, to suspend the rules to allow them to create this board. There were no objections.

Mr. Boyster asked if the members would be paid. Mr. Palazzolo stated there would be no compensation for members of this board.

Mr. Goleman commended Auditor Palazzolo for being on top of this and for understanding that this is an important issue for everyone.

A voice vote was unanimous for approval of the appointments.

Chairman VanMeter stated that the appointment nominations for consideration at the next meeting have been submitted.

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

A motion was made by Mr. Montalbano, seconded by Mrs. Turner, 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 Mr. Montalbano, seconded by Mrs. Turner, to recess the meeting to March 8, 2011 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED  
MEETING RECESSED