

JOE AIELLO
SANGAMON COUNTY CLERK



SANGAMON COUNTY COMPLEX
200 SOUTH NINTH STREET - ROOM 101
SPRINGFIELD, ILLINOIS 62701
TELEPHONE: 217-753-6700/FACSIMILE: 217-535-3233
WEBSITE: www.co.sangamon.il.us

MINUTES

SANGAMON COUNTY BOARD

JANUARY 12, 2010

The Sangamon County Board met in Reconvened Adjourned September Session on January 12, 2010 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:00 p.m. Mr. Montalbano gave the Invocation and Matthew Bane and Matthew Reicher, Eagle Scouts sponsored by the Rochester Christian Church, 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.

PROCLAMATIONS

Dr. Michael Ayers, Chair of the Illinois Committee for Support to the Guard & Reserve, Major General William Enyart, Adjutant General of Illinois, and Colonel Tony Libri were in attendance to present the Seven Seals Award and the Patriotic Employer Award to Chairman VanMeter on behalf of the Sangamon County Board and elected officials. They were presented in recognition of the County's support of area Guardsmen and Reservists. Mr. Ayers stated that Colonel Tony Libri nominated the County Board and Chairman VanMeter to receive this award.

General William Enyart addressed the Board. He explained that the National Guard is really a three legged stool that consists of the soldier or airman, the family, and the employer. Without the support of the families and employers, they cannot do their job. He thanked the County Board for all their support and asked that they continue their support. The Seven Seals Award is awarded for all the services the County does. It represents seven different components consisting of the Air Guard, Army Guard, Army Reserve, Marine Reserve, Navy Reserve, Air Force Reserve, and the Coast Guard Reserve. Chairman VanMeter accepted the award. Colonel Tony Libri presented an American Flag that was flown in Afghanistan on the 4th of July. He stated that they thought enough of Sangamon County and how they treat their soldiers, and thought they deserved what they consider to be a great award.

Mr. Libri stated this is presented in honor of the Veterans present tonight, all that have come before them, and to all that will come. Retired Brigadier General Jay Sheedy was also present and served under General Enyart as the Assistant General for the Air National Guard. He has been working with the administration here to sign a statement of support. This document would be registered with the ESGR nationally. The document says the Sangamon County Board understands the laws that protect the rights of mobilized soldiers, and will make sure all of its supervisors and managers understand that and will abide by the law. It is just a nice way for every employer to say to their soldier employees that they support them. The following Board Members also came forward and were recognized as fellow Veterans: Abe Forsyth, Tom Fraase, Jim Good, Sam Montalbano, Tim Krell, Clyde Bunch, Tim Moore, John O'Neill, and John Davsko.

MINUTES

A motion was made by Mrs. Long, seconded by Mr. Bunch, for approval of the Minutes of December 8, 2009. A voice vote was unanimous.

MOTION CARRIED
MINUTES ADOPTED

CORRESPONDENCE

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

RESOLUTION 1

1. Resolution approving a Federal aid agreement for the Sangamon Valley Trail.

A motion was made by Mr. Montalbano, seconded by Mr. Goleman, to place Resolution 1 on the floor.

Mr. Moss stated that this has been a long awaited project they have been working on for quite some time, and he is glad the funding has finally come through. It is going to be a good thing for the community.

Mr. Moore asked Tim Zahn to explain how the funding works because he has had some questions from people who are concerned about layoffs and the budget and how they can spend this kind of money on a bike path.

Tim Zahn, County Engineer, explained that this is a \$3.59 million estimated project. Of that, \$2.872 million is coming from Federal American Recovery and Reinvestment Act Enhancement funds. Those funds are dedicated to projects such as a bike trail. The funds cannot be used for highway and road projects. The remaining \$718,000 would be the County portion.

Of that \$718,000, they have a grant from the Illinois Department of Natural Resources for \$150,000. That leaves \$568,000 of County funds that would need to go towards this project. In the Highway budget they have three levied funds to work with. There is a County Highway, Bridge and Federal Aid Matching Fund. In the Federal Aid Matching Fund there is \$450,000 set aside for this project. The remaining \$143,600 would come from the County's own engineering service doing the construction engineering. There will be a reimbursement back on that.

Mr. Moore asked if this was already forecast in the budget regardless of other issues that have come up. Mr. Zahrn stated that these funds can only be used towards the construction or engineering of these types of projects.

Mr. Hall stated his biggest issue is the funding. He asked how much the Park District is putting into this. Mr. Zahrn stated that the Park District is not putting any funds into this. Mr. Hall explained that there are much needed projects in Sangamon County he hopes would be a priority over a bike trail. He believes bike trails are needed, but this seems like a waste of money right now.

Mrs. Fulgenzi stated that she is a mother of a marathon runner and tri-athlete, and she is very excited about this bike trail. There will not only be bikers on the trail, but there will be runners and children riding their bikes along with their parents. This bike trail can be a way to spend time with your family and not have to spend a lot of money. They will also not have to fight with cars on the roads.

Mrs. Long stated that she has been very hesitant regarding this. They have invested a lot of money into this project already and it will give them some jobs. They need to look to the future. It seems this is one thing that businesses look at when coming into this town, and she will probably vote in favor of this.

Mr. Fulgenzi stated that they do need to prioritize a lot of things they do, but the problem is there are priorities for every different group of citizens in this County. They need to look at accommodating all the citizens of Sangamon County. This project had great support when it was started over five years ago. This is an implementation of a long range plan for an interconnected network of trails, and they finally have the opportunity to act on this. This trail will stretch from Athens to Macoupin County, and may eventually connect all the way up north and maybe down to Edwardsville. People need to look at the economic impact of bike trails. This may bring people to the area to take in the sites and enjoy the community.

Mr. Goleman stated that Jeff Fulgenzi, former board member, had discussions with him about bike trails. He stated that they had numerous discussions and he thought it was a bad idea and Jeff thought it was a good idea. Mr. Goleman stated that after many discussions he became more convinced that Jeff was right and he was wrong. The County Board made a commitment to develop this bike trail. There are quality of life issues they need to deal with in Sangamon County.

People moving into this community look for things like this. The Farm Bureau did have concerns about this, but they have since become convinced that this bike trail is a good idea. This bike trail will eventually bring revenue to the community. Mr. Goleman urged his colleagues to vote in support of this.

Mr. Moss asked if there is any general funding in this project. Mr. Zahrn stated that the Highway Department does not have any access to the general funds.

Mr. Snell asked what the yearly obligations will be for this project. Mr. Zahrn stated that there will be some mowing and snow plowing issues, but he does not have an estimate of what those costs will be. They will be able to work with the Park District on the maintenance of the trails since it does connect two parks. Mr. Snell stated that there is a huge concern in the farming community. There is no neighborhood watch out there, and he will vote no because of this.

Chairman VanMeter asked who would be responsible for the maintenance. Mr. Zahrn stated that the Illinois Department of Natural Resources will be responsible until the bike trail is constructed and an agreement is reached between IDNR and Sangamon County.

Chairman VanMeter asked for a roll call vote on the adoption of Resolution 1. Upon the roll call vote, there were 23 Yeas – 4 Nays. Those voting nay were: Mr. Hall, Mr. Mendenhall, Mr. Moore, and Mr. Snell.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 2

2. Resolution approving a grant of conservation right and easement.

A motion was made by Mr. Montalbano, seconded by Mr. Stephens, to place Resolution 2 on the floor. A voice vote was unanimous for the adoption of Resolution 2.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 3

3. Resolution establishing Class III truck routes on Old Jacksonville Road.

A motion was made by Mr. Forsyth, seconded by Mr. Montalbano, to place Resolution 3 on the floor. A voice vote was unanimous for the adoption of Resolution 3.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 4

4. Resolution approving an amended agreement for the Stuart Park Connector Trail.

A motion was made by Mrs. Fulgenzi, seconded by Mr. Fulgenzi, to place Resolution 4 on the floor. A voice vote carried for the adoption of Resolution 4.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 5

5. Resolution approving the final plat of Dobrinsky Minor Subdivision.

A motion was made by Mr. Moore, seconded by Mr. Preckwinkle, to place Resolution 5 on the floor. A voice vote was unanimous for the adoption of Resolution 5.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 6

6. Resolution approving the final plat of the redivision of Lot 2 of Clark Minor Subdivision.

A motion was made by Mr. Moore, seconded by Mrs. Musgrave, to place Resolution 6 on the floor. A voice vote was unanimous for the adoption of Resolution 6.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 7

7. Resolution approving the renewal of an insurance contract with CHUBB Federal Insurance Company.

A motion was made by Mr. Stephens, seconded by Mr. Forsyth, to place Resolution 7 on the floor. Mr. Preckwinkle asked what the expenses will be on the insurance. Mr. Stephens explained that this year's premiums went down by \$50,000, which is about a 30% decrease.

Chairman VanMeter asked for a roll call vote on the adoption of Resolution 7. Upon the roll call vote, there were 26 Yeas – 0 Nays. Mr. Hall was not present at the time and did not cast a vote.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 8

8. Resolution approving the execution of a contract between Lakota Group and the Springfield-Sangamon County Regional Planning Commission.

A motion was made by Ms. Dillman, seconded by Mr. Moore, to place Resolution 8 on the floor.

Ms. Dillman explained that this study between Wabash and MacArthur Blvd. is being funded by a \$95,000 Federal HUD Grant that congressman Shimkus obtained. The Regional Planning Commission will be hiring the Lakota Group to conduct the study. She thanked those people involved in this project who have been working on it for about three years. Those involved include: Regional Planning, Congressman Shimkus, the MacArthur Business Association and their President, Cory Jobe, the Aldermen, the County Board, and everyone else who has supported this.

A motion was made by Mr. Goleman, seconded by Mr. Bunch, that the roll call vote for Resolution 7 stand as the roll call vote for Resolution 8. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 9

9. Resolution securing financing for the purchase of election equipment.

A motion was made by Mr. Tjelmeland, seconded by Mrs. Musgrave, to place Resolution 9 on the floor. A motion was made by Mr. Goleman, seconded by Mr. Bunch, that the roll call vote for Resolution 7 stand as the roll call vote for Resolution 9. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 10

10. Resolution approving the amendment of the Alcoholic Beverages Ordinance-Section 5.04.390A.

A motion was made by Mr. Fraase, seconded by Mr. O'Neill, to place Resolution 10 on the floor. A voice vote carried for the adoption of Resolution 10. Mr. Smith voted no.

MOTION CARRIED
RESOLUTION ADOPTED

WAIVER OF TEN-DAY FILING PERIOD

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

MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED

RESOLUTION 11

11. 2009-63 – Ralph Jennings, 4168 Riverside Drive, Springfield – Denying a Rezoning and Granting a Use Variance. County Board Member – Jim Good, District #8.

A motion was made by Mr. Moore, seconded by Mr. Preckwinkle, to place Resolution 11 on the floor. 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 for the adoption of Resolution 11.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 12

12. Resolution authorizing the issuance of Tax Anticipation Warrants.

A motion was made by Mr. Goleman, seconded by Mr. Good, to place Resolution 12 on the floor. A motion was made by Mr. Goleman, seconded by Mr. Bunch, that the roll call vote for Resolution 7 stand as the roll call vote for Resolution 12. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 13

13. Resolution approving a Memorandum of Agreement between the Sheriff and Sangamon County.

A motion was made by Mr. Preckwinkle, seconded by Mr. Sullivan, to place Resolution 13 on the floor.

Mr. Moore explained he read in the paper that the issue on this agreement was over the twelve hour shifts. He asked if this is true. Chairman VanMeter stated that he does not believe that to be accurate. The twelve hour shifts were never a consideration of this contract negotiation. The shifts were an idea the deputies offered last year when they were facing a budget issue as a means of avoiding lay offs at that time. They agreed to enter into this as an experiment and gave the deputies the right to choose whether they wanted to continue this, and they determined it was not working as they had hoped. Mr. Moore asked if it was a measure to try and control overtime costs. Chairman VanMeter stated that it was and it was successful. The cost of it was the hours the deputies had to put in and the difficulties it caused with their families and their outside obligations. Mr. Moore asked why it was published in the paper the way it was. Chairman VanMeter stated that he thinks it was just a misunderstanding.

Mr. Bunch commended the deputies for tightening up their belts and biting the bullet. He applauded them and said he is very proud of them. Chairman VanMeter explained this was just a case of them needing to sit down with the deputies, and explain the situation to them, with the Sheriff's assistance, so they could understand the whole picture. He stated that he thinks they made the right decision for the whole community and their fellow workers.

Mr. Goleman pointed out that Sheriff Williamson and Chief Deputy Campbell were very much involved all throughout this process, and were very concerned about their department and the security of Sangamon County. He gave them a lot of credit for dealing with these very difficult times.

A voice vote was unanimous for the adoption of Resolution 13.

MOTION CARRIED
RESOLUTION ADOPTED

OLD BUSINESS

- A. Resolution 7 – Tabled 12/8/09
2009-59 – Fred Weber, Inc., 3372 West Grand Ave., Springfield – Denying a Conditional Permitted Use. County Board Member – Sam Montalbano, District #13.

A motion was made by Mr. Moore, seconded by Mr. Bunch and Mrs. Long, to take Resolution 7 from the table. A voice vote was unanimous.

Mr. Stumpf stated that he would like to withdraw his previous motion from the last meeting. There were no objections.

Norm Sims, professional staff, stated that the petitioner is requesting a conditional permitted use to allow an asphalt batch plant. The professional staff recommends approval of the requested conditional permitted use. The subject property is located among industrial uses and is located in a heavy industrial area. The proposed use has been in operation for over a year under a temporary use permit, and has been operated and designed so that public health, safety and welfare are protected. Molly Berns, professional staff, stated that the Zoning Board of Appeals recommends denial; however, the existing temporary use permit valid until February 2010 to serve the MacArthur Extension may continue.

A motion was made by Mr. Moore, seconded by Mr. Bunch, to substitute the petition currently on their desks for the one that was originally on the table in December. The critical change to be made to the resolution is that the last full paragraph on page 2 should read: "NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois in session assembled this 8th day of December, 2009 that the request for a conditional permitted use to allow for an asphalt batch plant, said conditional permitted use to expire November 1, 2011, on the above described property, is hereby denied."

A voice vote was unanimous on the amendment of Resolution 7.

Gordon Gates, attorney for the petitioner, addressed the Board. He stated that the County Board seems concerned about the economic development of this County and want to bring in new employers, and new opportunities for current unemployed work forces. This is what it is all about and this answers all of those issues in the affirmative. He stated that he is a little stumped as to why he is getting so much pushback from the County. Fred Weber, Inc. is a very reputable company that has been in business for 80 years, and are members of the Operators 965 and Laborers 477. They have been in town putting together the MacArthur Interchange and have been good citizens and have followed the rules. They have had over 40 union employees here in town buying their lunches here and spending their money in this community. They now have seen there is a demand for what they do. This is what Sangamon County has been asking for. They have chosen to have their batch plant at this site, which was designated by the County as an industrial park. They have asked for a conditional permitted use, which is what anybody would need that has a batch plant in an industrial park. They recognize this location is perfect today, but two years from now it may not be because of changes in the area. They have said they are fine with that and will be gone by November 1, 2011 and will find a better, more suitable, permanent location.

Mr. Moore asked the professional staff to explain why they originally recommended approval of this project. Ms. Berns stated that they look at the current uses in the area, length of time an area has been zoned in that manner, the closeness of residential structures, and what the end use is going to be. It is a point in time that they do that analysis, and they did recommend approval at that time based on what was going on in the area at that time.

Mr. Moore asked Mr. Gates if they are going to relocate somewhere in Sangamon County if this is denied. Mr. Gates explained that petitioners have asked "if they can't get a conditional permitted use in an industrial park, why would they think they could get one anywhere else?" They want to be in this town, and will try to find a different location, but don't know if they can find a better one.

Mr. Preckwinkle asked Mr. Moore if they already have a permitted use in this location and have had issues with it. Mr. Moore stated that is correct. Molly Berns explained that the temporary use permit was approved on August 4, 2008, and it expires at the end of next month for the MacArthur Extension Project. There was a complaint from someone, and it was investigated. They discovered the plant was being operated on two additional contracts. One was for the Montgomery County I-55 project and the other for the I-72 project.

Mr. Moore stated that they exceeded their authority for the permit. Each project is required to have its own permit and go through the Health, Safety and Zoning Committee, and has to run concurrent and end at the same time as the main point of the project. Norm Sims explained that a temporary permit is provided for a use. In this case it was specifically for the IDOT contract on MacArthur. Additional temporary permits would need to be provided by the contract. In this case, it only allowed for one and the company was providing asphalt for contracts other than the one on the temporary permit. This made them non-compliant with the County Code.

Mr. Preckwinkle asked Mr. Gates if they understood there was a problem and if they are here to resolve that. Mr. Gates stated that is correct. There was some confusion by a member of their team. That gentleman believed the permit was a date based temporary permit. When it became obvious to them they were wrong, this is what resulted. They are asking for a permit to do other work. That particular gentleman is no longer with the company because that error was not acceptable to them. The issue has been resolved, and they hope to become a permanent part of the community.

Mr. Goleman asked Mr. Gates if he is still standing by the statement he made that his clients follow the rules. Mr. Gates stated that he is. They follow the rules of how to maintain the batch plant, have kept it in an orderly fashion, and safety rules have been complied with. They violated County rules regarding the special permit. It was a mistake and was not an intentional act. They have done what they can do to fix that. He asked the Board to recognize the mistake was somewhat excusable, and that it is a very confusing situation.

Mr. Sullivan asked if they employ 40 local union employees. Mr. Gates stated that there were 40 union employees at the height of the project. The batch plant would employ at least three full time people. If they get further projects, they would be back up to a full staff.

Mr. Mendenhall asked if they would have any other options to move forward and conduct their business at the current location if this is denied. Norm Sims explained that their option would be to seek a temporary permit for the contracts that are outstanding.

Mr. Moss asked if there would be a problem with them coming back in and submitting for each project they are successful in gaining, if they do this on a temporary basis. Mr. Gates stated that their bid proposals would depend on where the batch plant is. They cannot ask for a temporary permit until they have a contract, and they cannot get a contract until they have a temporary permit. It is a very expensive proposition to put together a bid package. They would be signing a contract before they know if they have a place to put their materials. It just would not work.

Mr. Moss stated that they need an answer as to when the last day is going to be. Mr. Gates stated that is why they picked the date of November 1, 2011. This would allow them to complete some other projects, and would accommodate the objectors. One objector agreed to withdraw their objection if they go with this date.

Mr. Fulgenzi asked if they are still going out and developing contracts. Mr. Gates explained that they are being optimistic.

Mr. Hall asked the professional staff if the County has ever allowed a conditional permitted use with a time limit. Norm Sims stated that he is not aware of anything.

Mr. Hall asked if they are opening themselves up to something else by allowing this. Jim Grohne, Assistant State's Attorney, stated that he is not aware of the County ever granting a conditional permitted use that had a time limit to it. In this case, it is being done at the request of the petitioner. It is not a condition the County is forcing on anyone else. He stated that he is comfortable with the fact that they can do it if it is being requested of them.

Mr. Preckwinkle asked if they would be allowed to have this first occurrence of this permitted use as offered. Mr. Grohne stated that it would be allowed because it is at the request of the petitioner.

Chairman VanMeter asked Mr. Gates if November 1, 2011 would be the end of the operation of this plant. Mr. Gates stated that the conditional permitted use would expire, and they would need to be out of there by then. If this market turns out to be profitable for them, then they would establish a more permanent location for the batch plant.

Mr. Moore asked if the petitioners could come back to the Health, Safety & Zoning Committee and ask for an extension on the MacArthur Extension Project.

Mr. Sims stated that he believes they could. Mr. Moore asked for an approximate time frame on this. Mr. Sims stated he understands the road work is predominantly done and what's left is electrical work related to signals and lights, signage, and safety equipment. Mr. Moore asked if there is anything preventing the petitioners from coming back to the committee to ask for another temporary use somewhere else in the County for another batch plant. Mr. Sims stated there is not. Mr. Sims quoted the County Code in regards to the question of whether they need to have a contract in hand at the time of the request. Section 17.06.060C says "this exemption includes the temporary use of land for the installation, maintenance and operation of batch plants used by contractors in the ordinary course of construction activities. Such temporary use shall be granted only if the contractor obtains written permission from all residents within 1,000 feet of the batch plant. Said temporary use shall not continue past the duration of a single contract for which said batch plant was installed and operated".

Jim Grohne stated that he does not know if Mr. Gates was stating legally they need to have the contract in hand as much as he was saying it is an economic reality. Mr. Gates stated that what was just read says there needs to be a contract. He pointed out that this was the kind of language the gentleman was reading when he made the mistake. Mr. Sims stated the Zoning Board sent a letter much earlier to the company explaining they believed the petitioners were not in compliance, and no response was received.

Mike Horstman, with Sorling, Northrup, Hanna, Cullen & Cochran, addressed the Board. He stated that he is representing the objectors and is the attorney for Legacy Pointe, and is also echoing the sentiments of Calvary and Wanless. Legacy Pointe is in the process of developing about 277 acres directly adjacent to this area. Their concern is strictly in respect to date. They are spending \$52 million on improvements to the site, and will have a 200,000 square foot building up and running by July 1, 2011. They do not want an asphalt plant to still be operating at that time. They have concerns that a temporary conditional permitted use can be extended, and have talked with Mr. Gates to express their opinions. They would like this conditional permitted use to expire in July 2011. A conditional permitted use can only be granted if the use does not negatively affect the adjacent land. They have argued that you cannot put an asphalt batch plant across from property zoned for retail purposes and not have it negatively affect the area. They do not feel the petitioners have met the necessary criteria to meet the qualifications for a conditional permitted use. They do not want their grand opening to be directly across from an asphalt batch plant.

Mr. Preckwinkle asked if there have been any negotiations between them to resolve the date issue. Mr. Horstman stated they expressed their concerns to Mr. Gates, and that is the one sticking point which has not been resolved.

Mrs. Musgrave asked the other objectors if July 1st is their deadline as well. Randy Passwater, with the Wanless Trust, explained their concern is if this petition is enforceable. Mrs. Musgrave asked what their plans are for development in that area. Mr. Passwater explained that they feel their plans are not compatible with an asphalt batch plant at this location.

Dan Shryock, representing Calvary Temple, addressed the Board. He stated that they own 277 acres southeast of this property. They do not have a specific deadline date of July 1st. They want this to be a temporary permit, and their concern is if a conditional permitted use could be extended if it can't be temporary.

Mr. Montalbano pointed out that Calvary will not be building there for three or four years, and there is nothing back there where Fred Weber is located. He asked if there was any way they would agree to the November 11th date. Mr. Horstman explained that the front door of this operation would look directly out over MacArthur onto an asphalt batch plant. It does pose some aesthetic concerns. There are also traffic concerns because there would be a retail business mixing in with industrial traffic from an asphalt batch plant.

Mr. Gates gave his rebuttal. He explained that his clients would be happy to split the difference between July 1st and November 1st. They do not want that to be the issue. This conditional permitted use would be legal. Section 17.58.090 of the Sangamon County Code states "the County Board may provide such restrictions upon the location and operation of a conditional permitted use as may be deemed necessary to promote the general objections of this ordinance". This has been done in this case.

Mrs. Fulgenzi asked if the original contract for the MacArthur Extension was supposed to expire in February 2010. Mr. Gates stated that is correct. Mrs. Fulgenzi asked if the petitioners obtained two more contracts during this period. Mr. Gates stated this is correct. Mrs. Fulgenzi asked when those would expire. Mike Grupe stated that they cannot go back to work on the one in Montgomery County until May, and there will be about five days worth of work left. There is also about three to five days worth of asphalt related work on the other project that will start in the spring. Mr. Gates explained they have bids that will go out this Friday which will last another year or so. Mrs. Fulgenzi asked if they will move this plant somewhere else in the County. Mr. Gates stated they would. Mrs. Fulgenzi asked why they cannot move it at the end of February. Mr. Gates explained that this location is perfect because this is where a lot of development is going to be. They do not feel there is another location in the County that would be more perfect than this industrial park.

Mr. Smith asked how the initial contract and permitting process could have worked if they can't get a permit without a contract and they can't get a contract without a permit. Mr. Gates explained that it happened on a gamble. They bid the job with the assumption they would get a special permit. They would have been required to find another location if this didn't go through, or they would have needed to try and get out of the contract.

Mr. Mendenhall stated that there have been mistakes admitted to by the petitioners, and there have been mistakes made in zoning cases before. The County just expended over \$550,000 to grant a bike path on a hope and a prayer they might entice some economic development and business. This is a viable business in town that is employing 40 people who are spending money in Sangamon County, and they are going to take a risk and run them out of Sangamon County? I don't think so.

Mr. Schweska stated that he would like those who have a problem with this issue to direct him to the businesses banging down their door in this economic recession. They need to provide their people with as many jobs as they can. They need to assure that the people in this community are at work, which is exactly what they did with the Sheriff's Deputies. Their first and only priority right now should be to put this County back to work.

Mr. Krell stated that if the petitioners were so inclined to make Sangamon County their home, they should have found a permanent spot within the time period they have been working here.

Mr. Preckwinkle echoed other comments about promoting free enterprise and competition. It would be a good thing to promote free enterprise and competition; therefore, they should be voting for the proponents.

Mr. Smith stated he does agree with Mr. Preckwinkle up to the point of supporting this project. He stated that he is as pro-economic as anybody on this Board, but his concern is that they are taking a step to something they have never done before. He explained that this objection is not to this business entity, but he is against going down a different path. They could find other ways to accomplish what Fred Weber wants to accomplish.

Mr. Horstman gave his rebuttal. He explained that their chief objective when they begin to develop this property is that they have an environment that is clean, safe and doesn't have the trucks or traffic. They know they are going to be open July 2011 and that date is the biggest sticking point.

Ms. Dillman asked how much money has been invested in the extension. Mr. Grupe stated that there has been a little over \$18 million. Ms. Dillman stated that a lot of money has been invested and she believes the intended use was to develop this property long term. If they have developers who are saying these companies are not happy about looking at an asphalt plant, then they need to look at the money they have already invested.

Chairman VanMeter asked for a roll call vote on the adoption of Resolution 7. Upon the roll call vote, there were 14 Yeas – 13 Nays. Those voting nay were: Mr. Fraase, Mr. Fulgenzi, Mr. Goleman, Mr. Good, Mrs. Long, Mr. Mendenhall, Mr. Montalbano, Mrs. Musgrave, Mr. O’Neill, Mr. Preckwinkle, Mr. Schweska, Mr. Stephens and Mr. Tjelmeland.

Resolution 7 written to “deny a conditional permitted use” was adopted and the conditional permitted use was denied.

MOTION CARRIED
RESOLUTION ADOPTED

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

Appointment of Doris Turner to the Public Officials Stakeholder Group

Appointment of Rosemarie Long to the Public Officials Stakeholder Group

A motion was made by Mrs. Long, seconded by Mr. Bunch, for approval of the appointments. A voice vote was unanimous. A list of appointment nominations was also submitted.

MOTION CARRIED
APPOINTMENTS ADOPTED

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

There were no reports submitted.

COMMITTEE REPORT ON CLAIMS

A motion was made by Mr. Bunch, seconded by Mrs. Long, 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 February 9, 2010 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED