

**JOE AIELLO**  
**SANGAMON COUNTY CLERK**



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## **MINUTES**

### **SANGAMON COUNTY BOARD**

**AUGUST 10, 2010**

The Sangamon County Board met in Reconvened Adjourned June Session on August 10, 2010 in the County Board Chambers. Chairman VanMeter called the meeting to order at 7:05 p.m. Mr. Montalbano gave the Invocation and Jeremy Matticks, Eagle Scout, led the Board in the Pledge of Allegiance.

### **ROLL CALL**

Chairman VanMeter asked the County Clerk to call the roll. There were 25 Present - 4 Absent. Mr. Bunch, Mrs. Douglas Williams, Mr. Good and Mr. Moss were excused.

### **PROCLAMATION**

Jim Stone, Director of Public Health, presented a Proclamation to Jeremy Matticks, Eagle Scout Candidate, for completing his final requirement for Eagle Scout with a leadership service project that resulted in an exercise area for dogs at the Sangamon County Animal Control Center. Jeremy was present and accepted the Proclamation.

## **MINUTES**

A motion was made by Mrs. Long, seconded by Mrs. Turner, for approval of the Minutes of July 13, 2010. A voice vote was unanimous.

**MOTION CARRIED**  
**MINUTES ADOPTED**

## **CORRESPONDENCE**

A motion was made by Mrs. Turner, 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 recognizing “Workforce Development Week” in the State of Illinois.

A motion was made by Mr. Sullivan, seconded by Mr. Tjelmeland, to place Resolution 1 on the floor. Chairman VanMeter asked for a roll call vote for the approval of Resolution 1. Upon a roll call vote, there were 24 Yeas – 0 Nays.

MOTION CARRIED  
RESOLUTION ADOPTED

### **RESOLUTION 2**

2. 2010-27 – James G. Probst, 18862 Van Avenue, Virden – Granting a Variance. County Board Member – Sam Snell, District #6.

A motion was made by Mr. Snell, seconded by Mr. Stephens, to place Resolution 2 on the floor. Chairman VanMeter asked if there was anyone present to speak in favor of or against the petition. There were none. 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 2.

MOTIONS CARRIED  
RESOLUTION ADOPTED

A motion was made by Mr. Smith, seconded by Mr. Moore, to proceed out of the regular order of business to consider Resolutions 5 and 6 next to accommodate members of the audience. A voice vote was unanimous.

### **RESOLUTION 5**

5. 2010-32 – Tricia Sheppard, 113 W. 3<sup>rd</sup> Street, New Berlin – Granting a Variance. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mr. Forsyth, to place Resolution 5 on the floor. Chairman VanMeter asked if there was anyone present to speak in favor of or against the petition. There were none. 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 5.

MOTIONS CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 6**

6. 2010-33 – Dennis M. McEvoy, 5751 Sweeney Drive, Rochester – Granting Variances. County Board Member – Andy Goleman, District #4.

A motion was made by Mr. Goleman, seconded by Mr. Stumpf, to place Resolution 6 on the floor. Chairman VanMeter asked if there was anyone present to speak in favor of or against the petition. There were none. 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 6.

MOTIONS CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 3**

3. 2010-30 – Gary Smith, 1210 East Cottonwood, Springfield – Denying a Use Variance. County Board Member – Clyde Bunch, District #21.

A motion was made by Mr. O’Neill, seconded by Mrs. Musgrave, to place Resolution 3 on the floor. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Molly Berns, professional staff, stated that the petitioner is requesting a use variance to allow for temporary parking of work vehicles and storage of materials and equipment for a contractor’s business. The staff recommends denial of a use variance to allow for a contractor’s office with outside storage. The standards for use variations are not met. There has been a commercial trend along the 11<sup>th</sup> Street corridor; however, the trend of development in the immediate area of the subject property has remained stable residential. There do not appear to be any special circumstances limiting the use of the property. There is no benefit to the community to continue to allow this use on this and adjacent parcels, which is currently a detriment to this residential neighborhood. Additionally, outdoor storage of contractor’s equipment is not aesthetically pleasing to the adjacent property owners. The use alters the character of the area and creates a negative impact to this neighborhood.

Cyndi Knowles, professional staff, stated that Zoning Board of Appeals concurs with the staff report and recommends denial.

Bill Bermel, residing at 3110 S 13<sup>th</sup> Street, Springfield, addressed the Board. He explained that he lives one block east of the petitioner and is speaking on behalf of some people in the neighborhood. This area is residential and was a quiet neighborhood until Mr. Smith moved in. He runs a roofing business out of his house and the area is zoned residential. He even has a swimming pool in his front driveway with no fence around it. His trucks tear up the neighborhood. One neighbor had to put up a fence because of the trucks going into their yard. He took this area that used to be beautiful with trees, and made a race track out of it for four wheelers. Now it's a nice mud field with weeds growing on it. They just have problems with running a business there. There are plenty of places on Stevenson Drive and 11<sup>th</sup> Street he could go that are all zoned for businesses.

A voice vote was unanimous for the adoption of Resolution 3. Resolution 3 written to "deny a use variance" was adopted and the use variance was denied.

MOTION CARRIED  
RESOLUTION ADOPTED

#### **RESOLUTION 4**

4. 2010-31 – Kevin & Vickie Vogel, 2797 Dye Road, Illiopolis – Denying a Variance.  
County Board Member – David Mendenhall, District #3

A motion was made by Mr. Mendenhall, seconded by Mr. Krell, to place Resolution 4 on the floor. Chairman VanMeter asked the professional staff to give the procedural history of the case.

Molly Berns, professional staff, stated that the petitioners are requesting a variance of Section 17.44.010C to allow a privacy fence to be six feet six inches instead of the required six feet maximum. The staff recommends denial of the requested variance to allow a privacy fence to be six feet six inches instead of the required six feet. There are no unique circumstances related to the property, and there does not appear to be special circumstances as to why a six foot fence could not be constructed. Additionally, the fence does not appear to be in character with the area and is not aesthetically appealing to the neighboring property owners.

Cyndi Knowles, professional staff, stated that the Zoning Board of Appeals concurs with the staff report and recommends denial by a three-to-two vote.

Kevin Vogel, residing at 2797 Dye Road in Illiopolis, addressed the Board. He explained that they want a six feet six inch fence, and this could not be approved without a variance because it is approximately six inches higher than the neighbor to the north. This is because the grade of the yard is about six inches higher than the neighbors. He stated that when he applied for the permit he explained to Cyndi Knowles from the Zoning Office exactly how he wanted to build the fence so the gates would work properly. She said it would not be problem as long as the dirt came up to the bottom of the fence. He stated that he did build the fence exactly how he explained it to the Zoning Office. They said they would recommend approval for a variance because it was well built and it looked great.

About a week before coming in before the Zoning Board of Appeals, he received a notice from the Zoning Office that they are recommending denial. It stated the fence is causing an unpleasing view to the adjoining neighbors and is not in character with the area. He has taken pictures of 14 different styles of fence trying to figure out what the character of the neighborhood is, and everybody is different because there are several different types of fences. The Zoning Office also stated he started without obtaining a building permit, but last month the Zoning Board of Appeals established that was an error on the Zoning Office's part, and they realized that a permit was obtained before starting. He explained that he does have pictures of his fence and the neighbor's fence. The neighbor who is opposing this said he does like the looks of his new fence and may even take his own fence down and use his fence as the fence between the two yards.

Dennis Hilderbrand, residing at 2845 S. Dye Road in Illiopolis, addressed the Board. He explained that there are several reasons why he would like this variance denied and why he should be made to take the fence down to the proper level. The petitioner was told during the construction of the fence to stop building the way he was and to build it at the right height. The dirt is bleeding out from underneath the fence and into his yard and the neighbors behind him. He put wood chips and different kinds of stuff in the dirt that is pouring out. He was told by the Zoning Office several times to stop working on it and to stop doing it that way, but he did not listen to them. This sets a bad example to let him do this. This should be taken down to the right level so it does not make his fence look like it was built short.

Mr. Goleman asked the professional staff if they originally said it would not be a problem as long as the dirt was at the bottom of the fence. Cyndi Knowles stated that he had a couple of dips in his yard and was told he could fill the dips in, but she did not tell him he could fill in his entire yard.

Mr. Stumpf asked the professional staff if they did actually try to stop this project several times. Mrs. Knowles stated that they did have conversations before and after but not during construction.

Mr. Smith stated that in the photographs it appears the posts extend higher than the top rail of the fence. He asked if it is still this way. Mr. Vogel stated that it is. Mr. Smith asked if the six feet six inch measurements are to the top of the post or to the top rail. Mr. Vogel stated that he guesses it would be to the top of the top rail. Mr. Smith stated that it appears the adjoining fence is actually higher than the top rail of the fence. He asked if this is accurate. Mrs. Knowles stated that it was to the top rail. Molly Berns stated that when the Regional Planning staff went out to make the site visit to determine whether or not the request made the standards for variation, they evidenced and confirmed that the petitioner's fence was above the neighbor's fence, including the post. Mrs. Knowles stated that the picture Mr. Smith is looking at is at the very front of the property and at that point the fence is six feet. The issue with the six feet six inch fence is at the back of the property.

Mr. Montalbano asked the petitioner if he was really told many times he could not put the fence up the way he did.

Mr. Vogel stated that he was never told he could not put the fence up the way he did until after the fence was completed and when he was bringing in dirt to level off the yard so the gates would work. This is not obstructing any flow of water or pushing water onto anybody's yard. The style of the fence looks better in straight lines. If it was staggered there would have been an issue of it being too tall on one side of the post or the other. Mr. Montalbano asked when they told him it was wrong. Mr. Vogel explained that Cyndi from the office told him when he stopped in the office to let them know it was done. They said someone had already called them and said it was finished. Apparently they came out before the dirt was in, but after the fence was finished.

Mr. Fulgenzi stated that it appears the fence looks great. He asked if it is six feet six inches of the fence from the bottom of the board to the top or from the yard to the top of the board. He asked if they are allowed to grade their yard. Cyndi Knowles explained that the six feet six inches is from the yard to the top rail of the fence. He does have some boards lying underneath the fence which puts the panels up higher. Mr. Fulgenzi stated that it looks like the fence is well built.

Mr. Hall asked how he could not know this was supposed to be six feet in height. Mr. Vogel stated that it is six feet from the bottom rail to the top rail of the fence, but the dirt was added to level it out so the gates would work. Mr. Hall asked when the dirt was put in. Mr. Vogel stated that it was put in after the fence was constructed.

Mr. Moore asked the professional staff what happens in their office when a complaint comes in. He asked if they just make stuff up as they go along or if they have rules to follow. He asked if they look at just that property or at everybody else in the neighborhood when they go out to investigate a property. Mrs. Knowles explained that they just look at the one property. The inspector goes out, when they receive a complaint, and looks to verify the complaint is valid and he takes pictures. They then notify the property owner in writing and sometimes offer ways to correct it or ask them to contact their department to discuss the matter. If they hear from them they work to correct the matter, but if they do not hear from the property owner they will take further action.

Mr. Moore asked if they do actually measure the fence under the standards required and go out and verify that the property owner is doing what is required. Mrs. Knowles stated that is correct. She explained that they did receive this complaint and in the process the petitioner did come in to file a petition. Mr. Moore reminded the County Board this is the only zoning case in that neighborhood regarding fences.

Mr. Forsyth asked if the upright boards are six feet or six feet six inches. Mr. Vogel stated that they are six feet.

Mr. Stephens asked if the yard is graded upwards. Mr. Vogel explained that it might slightly go up towards the fence because when he was doing this the building inspector came out and he was asked to stop working on the fence. He stated that he still has not received anything saying he cannot adjust the grade of his yard. Mr. Mendenhall told him to quit doing anything until the matters were solved.

Mr. Stephens asked how the upward grade keeps the gates level. Mr. Vogel explained that he leveled from his house and when it went out 15 feet, it dropped approximately 6 inches. The dirt was brought in and put under the fence. There were boards under there and Zoning said it was not acceptable, so it was removed. There is dirt compacted underneath to get it all leveled. The gates are heavy and wheels are needed on them to keep them from sinking.

Mr. Krell asked if the fence is blocking any view of anything in the surrounding area. Mr. Vogel stated that the only thing he sees it blocking is the view to his yard.

Mrs. Fulgenzi asked if a fence is measured from the existing grade or from the adjusted grade after fill. Mrs. Knowles stated that it measured from the existing grade, and in this case it was measured from the outside. When they tried to measure from the inside the petitioner would not let them in yard.

Mr. Fulgenzi stated that it seems they do not have a problem with the height of the fence, but they do have a problem with when he graded the yard. It seems they would not have an issue if he had graded the yard before the fence was built there. There is no statute against him leveling out his yard as long as it does not cause undue water problems on his neighbor.

Mrs. Musgrave asked Mr. Hilderbrand if it is true he would like to take his fence down and use the petitioner's fence as a barrier between the two yards. Mr. Hilderbrand stated that is not true, and he did have his fence up first. When he did put his fence up, Mr. Vogel called the Zoning Office on him at different times to have them come out over issues they said were not an issue. When the fence was put up, there were boards that mysteriously kept ripping off. They had to lean over the fence, bend the nails over and held the boards at the bottom with screws. The screws were sticking out about 1/8 inch and he called and complained about that. He explained they did back out every screw that was sticking out a little bit too far. They have done everything asked of them by the Zoning Office. The dirt and wood chips he has put in to fill it are flowing into the neighbor's yards.

Mr. Fulgenzi asked if there is a water problem on their side of the fence because of the yard being graded. Mr. Hilderbrand stated that there is not, but the dirt and wood chips are flowing over into his yard now. Mr. Fulgenzi asked if there would be no problem if he had clay compacted under his fence so the wood chips didn't flow there. Mr. Hilderbrand stated that it would make his fence look stupid because it looks like he didn't know what he was doing when he built his fence. Property values go down when one thing looks different than the other.

Mr. Krell asked if there is supposed to be an easement between the fences. Mrs. Knowles explained that fences can actually butt right up to the property lines.

Mr. Vogel gave his rebuttal. He clarified that he did not tell the building inspector he could not enter his yard, but just told him he could not take pictures. The neighbor's fence had danger tape on it for six to nine months before his fence was put up. The screws that were sticking out from Mr. Hilderbrand's fence were approximately 3/4 of inch. He did not want anyone tripping and getting hurt.

Mr. Hilderbrand gave his rebuttal. He stated that the screws were not sticking through  $\frac{3}{4}$  of an inch. They put up danger tape, do not trespass signs, and stay away from fence signs because his lawyer advised him to do so because Mr. Vogel was just trying to find a way to sue him.

Mr. Montalbano asked if he would have to take the fence down if this is denied. Jim Grohne, Assistant State's Attorney, stated that this would be at the Board's wish. If it is their wish a lawsuit is instituted to require the fence to come down, then he will do it.

Mr. Fulgenzi stated that there are no statutes saying he cannot grade his yard as long as there are no drainage issues. Molly Berns explained that when someone is required to get a building permit to build a fence and the Zoning Office goes through the initial and final inspection, that permit is at the grade at that point in time. They base compliance of the regulations on what the grade is at that time and not what the grade becomes at a later time. Mr. Fulgenzi asked if the ordinance specifies the grade. Ms. Berns stated that Section 17.44.010C, 2<sup>nd</sup> sentence, says a clearance of 3 inches above grade shall be allowed for the installation purposes and shall not count in determining the height of the fence. It does not contemplate future variations of the grade.

Mr. Forsyth asked if the dips in the yard are the problem from the straight line from his house to the back side of his lot. Ms. Knowles stated that the dips were just some little minor low areas and was not all the way down the property line.

Mr. Smith stated that this really seems to be a grading issue. If he had graded his yard first and then constructed the fence there would not be an issue. There were other issues where people truly were trying to be defiant against their rules and regulations. He does not believe a couple inches appear to be truly defying their ordinance or harming the neighborhood. This seems like a time for reasonable accommodation and a time for a variance of their rule. The fact that two neighbors are being childish doesn't mean they should get into that with them.

Mrs. Musgrave asked if it is the inspector's job to take pictures of the yard. Mrs. Knowles stated that it is.

Chairman VanMeter explained that  $\frac{3}{4}$  of the members voting no is required to reverse the ruling of the Zoning Board of Appeals and grant the variance. He asked for a roll call vote on the adoption of Resolution 4. Upon the roll call vote, there were 14 Yeas – 10 Nays. Those voting no were: Ms. Dillman, Mr. Fulgenzi, Mr. Krell, Mr. Mendenhall, Mr. O'Neill, Mr. Preckwinkle, Mr. Schweska, Mr. Smith, Mr. Tjelmeland, and Mrs. Turner. Resolution 4 written to "deny a variance" was adopted and the variance was denied.

**MOTION CARRIED  
RESOLUTION ADOPTED**

**RESOLUTION 7**

7. Resolution identifying acquisition contracts for project management engineering.

A motion was made by Mrs. Long, seconded by Ms. Dillman, to place Resolution 7 on the floor. A voice vote was unanimous for the adoption of Resolution 7.

MOTION CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 8**

8. Resolution approving an agreement between Sangamon County and Ed Fromkin & Associates, Inc.

A motion was made by Mr. Mendenhall, seconded by Mrs. Turner, to place Resolution 8 on the floor. A voice vote was unanimous for the adoption of Resolution 8.

MOTION CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 9**

9. Resolution authorizing the issuance and sale by the County of its Economic Development Revenue Bonds (Young Men's Christian Association of Springfield).

A motion was made by Mr. Goleman, seconded by Mr. Fraase, to place Resolution 9 on the floor. Mr. Goleman pointed out that this is a good cause, and they are lending their name to the folks at the YMCA and have done this in the past. This is an important project for all of their communities.

Mr. Preckwinkle commended the YMCA for serving their community so well for so long. In their long term vision, they understood there is a need on the southwest side of town. They have done an excellent job with their members in finding funding and have partnered with Memorial Medical Facility for part of this facility. This will be a spectacular facility.

Mrs. Turner expressed her support for this also, but she hopes the leadership of the YMCA will honor their promise to continue to provide all of the services they are currently providing at the downtown location. While the population is shifting and going west, there is still a need in Central and East Springfield.

Mr. Moore concurred with Mrs. Turner. He stated that he and his family are members there, and they are looking forward to spending many more years going to that facility as well as the new West facility.

A voice vote was unanimous for the adoption of Resolution 9.

MOTION CARRIED  
RESOLUTION ADOPTED

### **WAIVER OF TEN-DAY FILING PERIOD**

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

MOTION CARRIED  
TEN-DAY FILING PERIOD WAIVED

### **RESOLUTION 10**

10. Resolution requiring the County Board to place a proposition on the November, 2010 general election ballot authorizing a sales tax for school facility purposes.

A motion was made by Mr. Goleman, seconded by Mrs. Turner, to place Resolution 10 on the floor.

Mr. Goleman addressed the Board. Last week the Finance Committee met with the consultation of the State's Attorney and the County Clerk who informed them the petitions were in order for the sales tax referendum to be put on the ballot at the November election. In the State of Illinois, in their decision making process, passed a law which essentially put many counties right in the middle of this situation they are dealing with this evening. They are happy to deal with that. The language reads: "Shall Sangamon County, Illinois be authorized to impose a retailer's occupation tax and a service occupation tax (commonly referred to as a "sales tax") at a rate of 1% to be used exclusively for school facility purposes?." If this resolution is passed tonight it will then go on the ballot at the November 2<sup>nd</sup> election to be voted upon by the citizens of this community. He clarified that if this tax is passed by the majority of citizens of Sangamon County, the duty will fall upon the County Board to set that rate. The rate could be 1%, ¾%, ½%, ¼% or 0%, based upon the discussions this Board could have. They believe, by putting this on the ballot, they are fully in compliance with the statute. As they raise their hands and take their constitutional duty as a Board Member in Sangamon County, they must uphold the Constitution, which is what they are clearly doing with this. He also clarified that by approving this resolution; it does not mean it's a Board endorsement of the referendum. Members of the Board can openly support this resolution or oppose it if they wish. By adopting this resolution they are simply doing their constitutional duty to uphold the Constitution of the State of Illinois which clearly states they are to uphold the laws of the State of Illinois and follow the statute. They need to let the citizens decide if they want to impose the sales tax and after that the County Board will determine what that rate will be.

Mrs. Fulgenzi asked if the verbiage of the resolution of the Board's doing or if the petitioners asked for the 1% instead of saying not to exceed 1%.

Mr. Goleman stated that the petitioners, which is an overwhelming majority of the school districts, asked for a specific rate of 1% to be used exclusively for the school facility purposes; however, the State's Attorney advised that up to 1% could be used. They have worked with the schools and they have requested it be 1%, so that is what they agreed upon.

Mrs. Turner asked if the 1% is what they agreed upon to go on the ballot. Mr. Goleman stated that is correct.

Mr. Smith asked Jim Grohne, Assistant State's Attorney, if even though the language in this paragraph that will go on the ballot says a rate of 1%, they have full discretion of what they can apply. Mr. Grohne explained that it makes no difference which of the two variations of the language is placed on the ballot for the referendum. If the referendum is approved by the voters, in either case, this Board can set the tax at any rate it wants up to 1%.

Mr. Moore asked Mr. Grohne if there is any other governing bodies or entities he knows of within the State that the Legislature has designated this sort of privilege of forcing a referendum on the ballot through the County Board. Mr. Grohne stated that there are many provisions for placing a referendum on the ballot, but this is the only one he knows of that is directory or mandatory. Mr. Moore asked what the ramifications would be if they decided to vote against it. Mr. Grohne stated that there could be possible legal action instituted towards the County to require the County Clerk to place the matter on the ballot.

Mr. Montalbano asked if a park board could do the same thing as a school board by making them do this. Mr. Grohne stated that they could not. This is a specific statutory provision. Chairman VanMeter clarified that it is only available to the school boards.

Mr. Hall stated that the word "shall" on here is a very strong word. He asked if this word means they must do this. Mr. Grohne stated that they are required to do this. Mr. Hall stated that he hopes the people really weigh out their vote. His concern is that people will travel to different counties to shop and they will then lose money.

Mr. Fulgenzi commented that it seems the schools need to say they will try and do a better job at getting the kids to read. Some of the schools in this county are doing a great job and some are struggling. He stated that they say it is their goal, but he wishes they would be more forceful in their language by saying "if we are able to give better schools to our children this will help their performance in the classroom"; otherwise, he does not understand it.

Mr. Schweska stated that he understands Mr. Fulgenzi's comments about tying a performance basis to this. He would understand that if this was pay for teachers, textbooks or materials involving the direct application for learning for these students, but they are talking about structure here. They have tied so many things towards grades for these children. There have been wonderful classes such as language arts, history, and P.E. that have fell by the wayside when some children have flourished there. These buildings are falling down around them and they need this money. They are coming to us for help and we are here splitting hairs and saying "well you can't read well enough so I don't know if you deserve a new building". That is not the way this country should behave towards people who need help.

He stated that he does not understand why they are even debating this and they should just move on at this point.

Mr. Krell acknowledged that the school boards do have the right to put this on the ballot, but most of life is in timing. In today's economic times this is pretty poor timing.

Mrs. Fulgenzi stated she has a concern that all of the voters realize it is the duty of the County Board to realize how much up to 1% can and should be given to the schools, considering all of the other issues brought to them requesting money that only get their funds through sales tax. If they do put a full 1% on the sales tax they will be at 9%, which puts them in 2<sup>nd</sup> place as far as sales tax in the State. The Board would have to weigh the fact that the police, senior citizens and infrastructures also need money, and they most likely will not be able to get it. This would push them up to equal Chicago. The Board would have to take a hard look at this even knowing that the citizens are saying they can impose up to 1%. It needs to be stressed that they need to look at all of the issues and not just the schools when they consider raising the County sales tax to 9%.

Mr. Goleman stated that he is proud of their school systems. He thinks they are very fortunate to have the schools in this county. They do the very best they can possibly do with the resources available to them, but there are challenges out there. One of the challenges they face is with revenue. It is unfortunate the State of Illinois cannot meet those requirements they had to fund our education system. This is an opportunity provided for educational purposes for the schools to petition to them to put on the ballot a question the voters will decide. This is their duty and responsibility if all those requirements have been met with the petitioning process. These requirements have been met. When the voters decide this, they will be back in the process and they will then address that process with another referendum question, and they will have to decide what that levy is. He understands they have concerns and problems. We all have concerns with funding issues. This is a very difficult economic time they are facing right now. As a former school board member, they do very well with what they have and they can be proud of the people they have. This is an instrument derived from the State of Illinois to let the voters decide if they chose to do that or not. By putting this on the ballot, they are doing their responsibility as board members to fulfill that statute.

Chairman VanMeter asked Mr. Grohne if the language they are proposing to place on the ballot is the language that appears in the statute. Mr. Grohne stated that it is. Chairman VanMeter asked if they are obligated under State law to use the language in the statute for the referendum question. Mr. Grohne stated that they are not required to use that exact language. The statute says the questions shall be in substantially that form. Chairman VanMeter asked if they originally drafted the referendum question contained in the resolution in that form. Mr. Grohne stated that they did not. The language was at a rate not to exceed 1%. Chairman VanMeter asked if the school districts request them to place the referendum on the ballot in exactly the form in which they passed their individual resolutions. Mr. Grohne stated that he believes the school districts requested that the County phrase the language as it currently reads in this resolution. Chairman VanMeter asked for clarification if they are submitting the language to the voters in exactly the language requested, even though they are not obligated to do that. Mr. Grohne stated that is correct.

Chairman VanMeter asked for a roll call vote on the adoption of Resolution 10. Upon the roll call vote, there were 23 Yeas – 1 Nay. Mr. Moore vote no.

MOTION CARRIED  
RESOLUTION ADOPTED

### **RESOLUTION 11**

11. Resolution placing a proposition on the November, 2010 general election ballot seeking direction from voters on the role of the County Board in implementing the proposed sales tax for school facility purposes.

A motion was made by Mr. Goleman, seconded by Mrs. Turner, to place Resolution 11 on the floor. Mr. Goleman explained that this would be the second referendum question put before the voters if approved this evening. This question will be voted as such: “If a majority of the voters in Sangamon County authorize an additional sales tax for school facility purposes, shall the Sangamon County Board weigh the impact on other community services, public safety, public health and public infrastructure before determining the final rate of the tax to be levied?”. Mr. Goleman stated that he would use Chairman VanMeter’s term when he said “thoughtful people in interest groups throughout this County of ours have suggested that if in fact Referendum 1 passes for the approval of the 1% sales tax they should stay out of the process and immediately vote to put on the 1% sales tax”. The statute clearly says if the 1% sales tax is approved by the majority of the voters in Sangamon County, the County Board then has to make the determination what that number will be. This advisory question simply asks the voters if they want the County in the process or not. His interpretation of this would be that if Referendum 1 passes and Referendum 2 does not pass that would tell him that the voters are saying stay out of the process and to immediately implement the 1% sales tax. If Referendum 1 passes and 2 passes that would tell him the voters in Sangamon County would like for them to examine and determine what impact this would have on other community services. This is clearly an advisory referendum, but would give direction to them on how to proceed after the election.

Mr. Schweska stated that there is a statute stating they will be involved in this process. They already have on this ballot at this point a special election for a United States Senator as well as a full election for a United States Senator. At this point, he feels they are just creating voter confusion. They keep adding things when they already know they are going to be involved in this process. They are adding unnecessary waste at this point. This is a waste of their time. They will be involved in this process whether people like it or not. He stated that he is happy to be involved in this process because they are the elected representatives of their county.

Chairman VanMeter asked for a roll call vote for the adoption of Resolution 11. Upon the roll call vote, there were 21 Yeas – 3 Nays. Those voting nay were: Mrs. Fulgenzi, Mr. Hall and Mr. Schweska.

MOTION CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 12**

12. Resolution authorizing the structure and implementation of three public forums on the proposed sales tax for school facility needs.

A motion was made by Mr. Goleman, seconded by Mrs. Turner, to place Resolution 12 on the floor. Mr. Goleman explained that this resolution will set three public forums on the proposed sales tax for informational purposes. They are looking at having the first meeting here in the County Board Chambers. Two other additional meetings will follow in October with one being at the Sangamon County Farm Bureau Auditorium in Springfield and the other at the Sangamon County Fairgrounds in New Berlin.

Chairman VanMeter asked if the intent of these forums is to extend an invitation to any interested parties to comment on public record of this issue. Mr. Goleman stated that is correct. He asked if the invitations would be sent out broadly to any member of the community who wishes to speak. Mr. Goleman stated that is correct.

Mrs. Turner stated that you can use the Public Health merger as reason why they should have these public forums. Having the opportunity for individuals to comment really led them in the direction that created a very successful end product. They are moving in the right direction by having these forums.

A voice vote was unanimous for the adoption of Resolution 12.

MOTION CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 13**

13. Resolution setting forth budget polices for the preparation of the FY2011 Sangamon County Budget.

A motion was made by Mr. Goleman, seconded by Mrs. Long, to place Resolution 13 on the floor. Mr. Goleman explained that at this time it is customary they adopt these budget policies. It is their intention to have the target budgets sent out next week to the department heads and elected officials.

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

MOTION CARRIED  
RESOLUTION ADOPTED

**RESOLUTION 14**

14. Resolution placing a proposition on the November, 2010 general election ballot calling for the creation of a Citizens' Efficiency Commission to identify opportunities for improved cooperation, coordination and reduction of duplicative services among local governments in Sangamon County.

A motion was made by Mr. Goleman, seconded by Mrs. Turner, to place Resolution 14 on the floor. Mr. Goleman explained that this is the third referendum question to be on the November 2<sup>nd</sup> ballot if approved tonight. They have heard from citizens throughout Sangamon County that they should look at some sort of efficiency study to see if there are duplications of services and consolidations and/or eliminations of governmental bodies. This commission would be made up of citizens of this community who would not be elected officials or would not work for one of the taxing bodies. All taxing bodies, except special taxing bodies, would have interest in this and would be able to appoint individuals. This would also be advisory, but would certainly give the opportunity for an independent group to look at all different types of taxing bodies in Sangamon County and see if there is an opportunity for some duplication. The commission could come up with some suggestions and make those recommendations to the actual taxing bodies. It would be up to that taxing body to decide if they would like to put a referendum on the ballot or proceed as they choose. This is advisory only and there is no pay, but it does give them a chance to look farther down the road.

Mrs. Turner explained that she supports the resolution especially given the current fiscal condition of all the taxing bodies in the County. It is in their best interest to look, in a very independent way, how they can save money. Unless the commission is truly a broad representation of the community in terms of geography and economic racial and cultural diversity, they are not going to get a good end product. She stated that she has no doubt they will look to and ensure that all of those things are taken into consideration with the County's representatives, but she is not so sure about all the other entities making their recommendations.

A motion was made by Mrs. Turner, seconded by Goleman, to amend Resolution 14. Mrs. Turner stated that on Page 2 after the seventh whereas she would like them to consider adding the following: "Whereas, at least one appointment from the City of Springfield and at least one appointment from Sangamon County shall be a member of a racial minority, as recognized by the U.S. Census Bureau".

Mr. Fulgenzi concurred with the amendment and stated he would like to at least urge the other taxing bodies to look at the adoption of racial quotas.

Chairman VanMeter explained that this resolution does charge all of the appointing bodies to take that into consideration, but Mrs. Turner's amendment makes a particular requirement with respect to the two taxing bodies that have the largest number of representatives.

A voice vote was unanimous on the amendment.

Mr. Goleman stated that on Page 2 it refers to “Two citizens appointed collectively by village boards in Sangamon County”. He clarified that they do have two cities in Sangamon County, one of which is the City of Auburn, who would be in consideration for this too.

Chairman VanMeter asked for a roll call vote on the adoption of Resolution 14, as amended. Upon a roll call vote, there were 24 yeas – 0 Nays.

MOTIONS CARRIED  
RESOLUTION ADOPTED

### OLD BUSINESS

- A. Resolution 2 – Tabled 6/8/10  
2009-64 – James Ley/Ley Metals Recycling, 3000 Peoria Road, Springfield – Granting a Variance. County Board Member – Jim Good, District #8.

A motion was made by Mr. Moore, seconded by Mrs. Long, to take Resolution 2 from the table. A voice vote was unanimous.

Mr. Moore explained that after discussing this case with both the owners of Ley Metals and Mr. Good of District #8, they have been asked to postpone their vote until next month so they can all be here before this body. A motion was made by Mr. Moore, seconded by Mrs. Long, to re-table Resolution 2. A voice vote was unanimous.

MOTIONS CARRIED  
RESOLUTION TABLED

- B. Resolution 4 – Tabled 7/13/10  
2010-24 – Neil L. Dodson, 324 South Livingston, Springfield – Granting a Rezoning. County Board Member – Doris Turner, District #19.

A motion was made by Mr. Moore, seconded by Mrs. Long, to take Resolution 4 from the table. A voice vote was unanimous.

Chairman VanMeter asked if the petitioner is present. Mr. Moore stated that they are.

Chairman VanMeter asked the professional staff to give the procedural history of the case. Molly Berns, professional staff, stated that the petitioner is requesting a rezoning from “B-3” general business district & “R-2” single family & two family residence district to “RM-4” manufactured home district. The staff recommends denial of the requested “RM-4” zoning. There does not appear to be a significant trend in the area towards mobile homes and this block is primarily single family residential; however, the property is currently zoned “B-3” and is not currently being used as such. The property was rezoned to “B-3” in 1975 and is considered to have been spot zoning, which is inconsistent with positive planning principals. Such intense commercial zoning is not appropriate in this residential neighborhood.

It is the position of staff that although RM-4 zoning is not appropriate, the request is a positive down zoning from the current "B-3" zoning. Cyndi Knowles, professional staff, stated that the Zoning Board of Appeals does not concur with the staff report and recommends approval of the rezoning.

A voice vote was unanimous for the adoption of Resolution 4.

MOTION CARRIED  
RESOLUTION ADOPTED

### **NEW BUSINESS**

Chairman VanMeter announced that the dedication of the new Public Health and Community Services building has been scheduled for August 22, 2010 from 2:00 p.m. to 4:00 p.m. Staffs of the building will be providing explanations to the public about the activities that take place in various areas of the building and board members will act as tour conductors for the public attending. He asked that board members arrive about one half hour before. Mr. Goleman asked if this was an open house. Chairman VanMeter stated that it is an open house for the public, dedication of the building and tour for the public.

Chairman VanMeter stated that the committee meetings and Zoning Board of Appeals meeting regularly scheduled for September 16, 2010 will be rescheduled to Thursday, September 23, 2010.

Chairman VanMeter stated that every member of the Board and one guest are cordially extended an invitation to attend the Illinois Symphony Concert on Saturday, September 25, 2010 at 8:00 p.m. He encouraged everyone to attend.

#### A. Resolutions

There were no new resolutions.

#### B. Appointments

Appointment of Jeff Vose to the Regional Office of Education for a term expiring July, 2011.

Chairman VanMeter stated that his nomination has been layed upon the table for the required 30 days and it is now appropriate for the Board to vote on that nomination.

Jeff Vose addressed the Board. He thanked the County Board for allowing him to speak and thanked Helen Tolan for the opportunity to possibly serve as the next Regional Superintendent of Sangamon County. He stated he has been employed by her for the last five years in the capacity of Administrator, Educational Consultant, and Assistant Regional Superintendent of Schools; therefore, he has the proper qualification and training to be able to perform the duties of the office.

If appointed he has three immediate goals to focus on for that office. First would be on student performance. He believes it is their job to capture as many state and federal dollars they can to assist districts with instructional strategies and initiatives to help their students perform at the highest level possible. The second goal is for their staff to focus on offering the best professional development and opportunities for school teachers and administrators in the areas of technology, early intervention and school improvement activities for all grade levels. The third goal is to streamline all the data, records and documents for those specific delivery systems. This would lead the office towards a more paperless and virtual format and make it more efficient for the users. He stated that he would like to continue the successful programs Helen Tolan has implemented in the office.

Mr. Goleman asked Mr. Vose for more information about his background in education. Mr. Vose explained that he has a Bachelors Degree in political science speech communication from the University of Illinois in Champaign and a Special Education Degree in teaching from Southern Illinois University in Edwardsville that is in learning disabilities and behavior disorders and educable mentally handicapped. He also has his Type 75 Administrative Certificate from the University of Illinois in Springfield. He has taught in Champaign, Alton, Springfield High School and Jefferson Middle School, and served at DNR as their administrator for education programs.

Mr. Montalbano stated that he feels Mr. Vose is ready for this job, and his background is excellent.

Mrs. Fulgenzi stated she is sad to see Helen Tolan go, but is glad to see Mr. Vose be nominated for this position.

Chairman VanMeter stated that there has been a good deal of comment lately about the level of performance in the county schools. In Grades 3 – 8, on a statewide basis, about 80% of the children perform at grade level. He asked if this is the statewide statistics. Mr. Vose stated that the majority of schools in Sangamon County are above that mark. The school districts are exceptional, but there are some who have more challenges than others. Chairman VanMeter asked if it reasonable to expect that all of the school districts in this community could eventually achieve that 80% statewide standard. Mr. Vose stated he believes they could do that over a period of time.

Mr. Schweska stated that Helen Tolan was actually his guidance counselor when he transferred from a class of 17 in 8<sup>th</sup> grade at St. Cabrini to a class of 572 at Lanphier High School, and she has meant the world to him and this County. As far as he is concerned her word is gospel, so if Mr. Vose is her word he is welcome.

A voice vote carried for the appointment of Jeff Vose. Mrs. Turner voted no.

Appointment of Tamara Skube to the Citizens Advisory Board on Animal Control for a term expiring June, 2011.

Appointment of Lou Fremgen to the Citizens Advisory Board on Animal Control for a term expiring June, 2011.

Appointment of Harold Maples to the Springfield Metro Sanitary District for a term expiring May, 2013.

Appointment of Paul Harmon to the Deputy Merit Commission for a term expiring January, 2015.

A motion was made by Mrs. Long, seconded by Mrs. Turner, for approval of the appointments. A voice vote was unanimous.

MOTION CARRIED  
APPOINTMENTS ADOPTED

The nominations for the September, 2010 appointments were also submitted.

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

Auditor Paul Palazzolo was present to submit the proof of publication for the Quarterly Financial Report. A motion was made by Mrs. Turner, seconded by Mrs. Long, to place reports on file with the County Clerk. A voice vote was unanimous.

MOTION CARRIED  
REPORTS FILED

**RECESS**

A motion was made by Mrs. Long, seconded by Mrs. Turner, to recess the meeting to September 14, 2010 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED  
MEETING RECESSED