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MINUTES

SANGAMON COUNTY BOARD

OCTOBER 14, 2014

The Sangamon County Board met in Reconvened Adjourned September Session on October 14, 2014 in the County Board Chambers. Chairman Van Meter called the meeting to order at 7:02 p.m. Mr. Smith gave the Invocation and Mrs. Ruzic led the County Board in the Pledge of Allegiance.

ROLL CALL

Chairman Van Meter asked the County Clerk to call the roll. There were 29 Present – 0 Absent.

PROCLAMATIONS

Mr. Ratts and Mrs. Fulgenzi, on behalf of the Community Resource Committee, presented a Proclamation in recognition of the importance of personal finance education in Sangamon County. Mrs. Fulgenzi invited some community leaders that have showed great fiscal responsibility to members of the community who have asked for assistance. Representatives from the Office of the Illinois Comptroller, Bank of Springfield, UCB Bank, PNC Bank and Woodforest Bank were present to accept the Proclamation. Mrs. Fulgenzi stated all of the oversight committee has signed their names to this Proclamation because they all truly believe in the program the financial institutions have dedicated to Sangamon County. Mr. Ratts recognized Sharmin Doering and presented her with the Proclamation. Mrs. Doering thanked all of the financial institutions for the assistance they have provided.

Mr. Goleman presented a Proclamation in recognition of National Community Planning Month. Norm Sims, Jeff Fulgenzi and Amy Uden from the Springfield-Sangamon County Regional Planning Commission were present to accept the Proclamation.

PUBLIC SPEAKERS – FRIENDS OF SANGAMON COUNTY ANIMAL CONTROL

Jill Egizii, at 1645 W. Laurel in Leland Grove, addressed the County Board. She spoke regarding the work of the Animal Control staff. Many of you know the facility as The Pound, which has a very negative connotation. Director Jim Stone has worked diligently toward a new brand for The Pound. They now refer to it as The Shelter. If you came on any given day from 10:30 a.m. to 4:30 p.m. and on Saturday from 10:30 a.m. to 12:30 p.m., you would find a kennel staff that works incredibly hard to provide care for cats and dogs and sometimes chickens, guinea pigs, owls raccoons, hawks, possums and deer just to name a few. Some of these animals are either owner surrendered, abandoned, running at large, taken from owners for cruelty, nuisance wildlife or injured animals that need care. There are a lot of people you will find there. They have the front office staff that handles paperwork for all of the above, deal with the public on a regular basis, field phone calls and work closely with kennel staff to attempt to maintain a high standard of efficiency in their daily work duties. There are animal control officers that may get a call day or night to pick up animals that are injured or deceased, take an animal due to an owner who refuses to feed or water an animal or who simply forgets to remove a choke collar that has grown into a dog's neck. Last, but not least, there is a group of volunteers known as Friends of Sangamon County Animal Control. This group is not-for-profit and is a recognized 501C3. They handle offsite adoptions, with locations including the downtown Farmers Market, Scheels and Pet Smart just to name a few. They also have several fundraisers each year, with 100% of the money raised being allocated to the animals at SCAC.

The most important thing Friends of Sangamon County Animal Control is trusted with is the walking of dogs and care of cats and kittens. These animals have no human contact, with the exception of kennel staff feeding and watering them, tending to them if they have vet needs and cleaning their kennels. There are times when the facility is full. Even though the kennel staff is dedicated to the health and welfare of these animals there is not enough time in a day for them to have one on one contact with every animal. Friends of Sangamon County Animal Control play an extremely important role in keeping the animals socialized so they are desirable as adoptable animals to the residents of Sangamon County and Central Illinois. The volunteers get to know each and every animal's good traits and flaws. Tonight she is speaking for every animal whose bark or meow cannot be heard here tonight. Coming to the shelter isn't even an option for some people to look for their dogs when they are missing. Maybe they are moving and they just can't take their animal with them. At SCAC they are given necessary vet care, fed, watered, kept comfortable and exercised by SCAC volunteers. But, on Sundays and holidays the volunteers have not been allowed to walk the dogs or care for the cats. Don't you wonder if animals recognize time? She can assure them when she went to walk dogs at 10:30 a.m. this morning, they were aware they had been there for three days with nobody paying attention to them. Many of the dogs at SCAC have been housebroken or have been housebroken by default simply because they are in shelter kennels. Walking by volunteers ends at 12:15 p.m. on Saturday. What happens when a dog is asked to hold it from Saturday at Noon to Monday morning at 10:30 a.m.? And if it's a holiday and the facility is closed, the animals are asked to wait yet another day for exercise and meaningful human contact.

Think about a dog that has been on a couch or in easy chair on someone's lap that has been taken in and out for potty breaks, and now is in a shelter waiting for his forever home. Does that animal worry about soiling his kennel because he has been trained not to do so? Of course he does. Do they crave a gentle pat over those two or three days they are alone? Of course they do. Imagine that is your dog. She asked the County Board to consider extending dog walking hours to Sundays and holidays to promote the health and welfare of each and every dog and to increase revenue for SCAC by creating socialized happy animals. Another item is a safety issue. She asked that they consider putting glass in the kennel doors and in the hallway that goes out into the garage. It is accessed by the staff, the public and volunteers. Board member Hall was there two weeks ago looking through the kennel while taking a tour and she opened up a door into him. So, he knows exactly what she is talking about. The doors have no windows, so it is impossible to know who is coming and going. It is imperative that they know who is on the other side of the door. She asked them to consider this immediately to address this safety concern. There are many things that can be considered at no cost to the county by simply utilizing volunteer staff available at SCAC. They could be trained to help answer phones, create a more streamlined and efficient adoption process, act as a pet concierge to potential adopters and to exercise the dogs. She encouraged them to come tour the facility, meet the employees and learn what they do.

Kay Morris, at 3104 Kensington Drive in Springfield, addressed the County Board. She thanked the County Board for allowing them to speak on this issue. She stated that there are volunteers in the audience and Director Jim Stone is also present. Without his support and the board's support they would not have had 65 dogs and 57 cats adopted at Sangamon County Animal Control in September. She presented the board with a handout of a mission statement from the Friends of Sangamon County Animal Control. This mission statement was put together in 2011 by a small group of volunteers that decided they wanted to do something for adoptable pets at Sangamon County Animal Control. They enhance the lives and eliminate, the best they can, euthanasia. She stated that she is the newly elected president of Friends of Sangamon County Animal Control. She has a board of 9 other volunteer members. Their efforts are mainly directed towards fundraising. The money goes to the animals. They help offset adoption fees and help with medical and dental assistance. The other important issue is with transport. If they have a dog in residence quite a while they have a volunteer that will find these dogs homes. Green Dodge gives them a free van, and they have drivers who transport these animals to other sites. The focus of their work is walking and talking to the dogs, socializing with the cats, brushing them and just sitting with them on the grounds at Animal Control. It is great therapy. Her main focus is with community outreach. Education is a big part when they go offsite. The public talks to them. They mistake them for the APL. But, now people are paying attention because of their offsite community outreach and Facebook. They are really doing a good job. She also asked them all to come out and tour the facility. She stated that Director Stone has an open door for them and that has been very important for a volunteer group.

MINUTES

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, for approval of the minutes of September 9, 2014. A voice vote was unanimous.

MOTION CARRIED
MINUTES ADOPTED

CORRESPONDENCE

A motion was made by Mr. Bunch, seconded by Mr. Montalbano, to place correspondence on file with the County Clerk. A voice vote was unanimous. There was none filed.

RESOLUTION 1

1. Resolution approving the purchase of three Ford Explorers from the State of Illinois Joint Purchasing Contract.

A motion was made by Mr. Fraase, seconded by Mr. Ratts, to place Resolution 1 on the floor. Chairman Van Meter asked for a roll call vote. There were 28 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 2

2. 2014-034 – Gary Hamilton, in the 4200 block of Hogan Road, Auburn – Granting Variances. County Board Member – Sam Snell, District #6.

A motion was made by Mr. Snell, seconded by Mrs. Musgrave, to place Resolution 2 on the floor. A motion was made by Mr. Stumpf to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous for the adoption of Resolution 2.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 3

3. 2014-035 – Doug Schmidgall, 5626 North Walnut Street Road, Springfield – Granting Variances and a Conditional Permitted Use. County Board Member – Mike Sullivan, District #11.

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

Cyndi Knowles, professional staff, stated the petitioner is requesting a variance to allow two principal uses on one parcel, a variance to allow zero feet of road frontage instead of the required 150 feet, a variance to allow for an off-premise sign and a conditional permitted use to allow an outdoor gun range in conjunction with firearm safety classes and occasional sales of firearms. Molly Berns, professional staff, stated staff recommends approval of the requested conditional permitted use to allow an outdoor gun range. To the extent that providing a location for gun safety classes is a community benefit, the remote nature of the subject property is suited to the proposed use and protects the health, safety and welfare of area residents. The petition states there will be one 16 hour class each month, which will cover two to three days per month. Furthermore, the petition states that students will be shooting to the south into the Sangamon River Valley at designated targets, and the bluff the students will be shooting from has a 90-foot drop. There is a distance of 5,000 feet before the land begins an uphill grade of approximately 90 feet. Recommend approval of the requested variances. The standards for variation are met. The subject property is already a landlocked parcel of record with zero feet of road frontage. The signage is for directional purposes, which is justified given the remote location of the proposed use. If the variance is granted, staff recommends the sign not to exceed the size and height of the current sign. Ms. Knowles stated the Zoning Board of Appeals concurs and recommends approval.

Doug Schmidgall, petitioner, residing at 5200 N. Walnut Street Road in Springfield, addressed the County Board. He explained that he and his wife would like to hold conceal and carry classes out of their home and sell occasional firearms. They are a mom and pop store and would not have truckloads of firearms coming in. The range would not be open to the public, but only to their students who come there. He and his wife are both basic pistol and rifle instructors and range safety officers. They are able to conduct a class anywhere in the United States as a range safety officer. They have letters from family who all own part of the property. There is a discrepancy on the back page of the handout they received that says his brother David owns part of the property, but he does not. Mr. Schmidgall stated it was sold to him when his father's will was settled. His sister Carolyn also does not own any of the property. It was sold to his mother last spring. Those two do not have to give their permission because they do not own the property. The first picture shows the location of the targets they shoot at, overlooking the bluff. The next page shows a picture to the east. Obviously they would not be shooting towards their house. The next page shows a picture to the north and the next shows a picture to the east. The next is behind the targets overlooking the bluff. It is safe, and there are no problems or concerns. The next page is a picture of the tractor. If you look you will see there is a dead tree to the back by the property, which Mr. Tice is here to represent. The last picture is from the other end of the property looking back to show the steep grade.

Mr. Montalbano asked about the subject of safety and if they have any plan in place to handle accidents. Mr. Schmidgall stated at each class they ask if there is a person who has paramedic training. If not, his wife has been through some. At the beginning of each class they discuss the procedure on who does what and when it is done. When they call the police they will notify them there has been an accident. They won't tell them it's a shooting accident because they don't want everybody showing up trying to start an accident that really hasn't happened. They want the ambulances there first. They do have rules in place.

Also, no one is allowed to load their gun until they are square with their target, standing up and he tells them it is okay. They can walk up there with a magazine in one hand and the weapon in the other, but they do not load the guns until they are up there and looking in the right direction. They try to be as safe as they possibly can.

Mr. Fraase asked if it is his property in the photo with the big cornfield. Mr. Schmidgall stated that it is his all the way as far as you can see.

Mrs. Fulgenzi asked how many students they have at one time. Mr. Schmidgall stated they have not been very busy lately. He had as many as 35, but they had four instructors on site that day. Their classes usually average about six to ten. They allow five shooters at a time. They don't all shoot at the same time. They will line up ten people across. One, three, five and seven will stay there and two, four and six will take a step back so they are not standing on top of each other. The rest of the students are standing back there watching and nobody in the back is touching their firearm or live ammunition. Only the students on the front line would be shooting. When they are done, they will rotate. When they are all completely done, they are allowed to go home and the next ten students will stand up. There will only be five students shooting at one time.

Jerry Tice, at 101 W. Douglas in Petersburg, addressed the County Board. He is an attorney representing Beverly Warner and Karen Baker who both own farmland immediately to the north of the quarter section where Mr. Schmidgall intends to operate this gun range in conjunction with his conceal and carry classes. The location indicated on his application for the conditional permitted use indicates this gun range will be located approximately one quarter mile south of the property owned by Warner and Baker. They attended the Zoning Board of Appeals, and the recommendation that came out of that board was limited to authorizing the conditional permitted use for the gun range only in conjunction with the classes. He was there and has listened to the tape of the audio of the meeting and motion twice now. Most recently, he listened to it when he received this proposed resolution late this afternoon. He found missing from it the final phrase of this resolution which says "and occasional sales of firearms on the above described property is hereby approved". That was not in the Zoning Board of Appeals recommendation. His clients object to gun sales on this adjoining property. They don't like having the gun range there, but he did tell them it is an authorized conditional permitted use on Mr. Schmidgall's property if otherwise authorized by the zoning officers and this board. They have asked that there be conditions placed upon that gun range. The Zoning Board of Appeals has placed those conditions on there. There can only be one class per month, up to 16 hours per month and for no more than three or four days. The application on the conditional permitted use asks for occasional gun sales. Mr. Schmidgall advised the Zoning Board of Appeals he would conduct that from his residence on the property sometime between 2:00 p.m. on Tuesdays through Fridays from 5:00 to 9:00 p.m. and on Saturdays from 10:00 a.m. to 5:00 p.m., and those people would occasionally use the gun range. His people object to that. He was told by the Zoning Board of Appeals that the gun sales are a home occupation. It does not meet the definition of a home occupation as you have defined it in your zoning ordinance. Home occupations are authorized in A, R-1, R-2 and R-3. Home occupations cannot have any sales except clearly incidental sales associated with them.

Gun sales are total sales. They object to this and ask that you not recommend, as a part of this, occasional gun sales.

Mr. Stumpf asked the professional staff to give their opinion on the conditional permitted use to allow an outdoor gun range in conjunction with firearm safety classes and the occasional sale of firearms, which they had talked about going through with positively at the Zoning Board of Appeals. He is saying some verbiage is missing so he would like their opinion on that. Chairman Van Meter asked Mr. Tice to first clarify if his clients don't object to the gun range, but to the sale of firearms.

Mr. Tice explained that they did initially object to the gun range. He told them with certain conditions attached to it, which he believes Mr. Schmidgall has agreed to; he was pretty certain that would be granted by the Zoning Board of Appeals and County Board with those restrictions he has enumerated. He noticed in the pictures of the targets that they are not fixed targets. They are portable and can be moved to any place. One of the conditions is all firing has to be to the south away from the Warner/Baker property where they have a tenant who raises cattle. And, it is only a quarter mile away. Mr. Schmidgall has agreed to that, but these are portable targets and can be moved to any place. He thinks one other condition that needs to be imposed here, and he doesn't think Mr. Schmidgall would object to this, is the gun range needs to be stayed, located or maintained where it is shown on his application that it will exist. That is virtually nearby his residence and approximately a quarter mile away from his client's property. If those conditions are given as part of the approval for the conditional permitted use they won't object to the gun range, but they do object to the gun sales. If he has gun sales on Tuesday through Friday and Saturday people will come to the house, buy a gun and try it out at the gun range. The next thing you know, you have more firing at the gun range and not by people in a class for conceal and carry, but by people buying rifles and other types of guns. That firing would be occurring more often than what the restrictions allow, which were approved by the Zoning Board of Appeals and were what Mr. Schmidgall has requested. In addition, conceal and carry is only for handguns and not for rifles. The gun sales include rifles and other weapons. That would mean the gun range would be used for other weapons other than handguns for the conceal and carry class. Shotguns and rifles are specifically excluded by statute from the conceal and carry authorization in this state. So they have objections to the gun sales. They have objections to the phrase included in this proposed resolution which says all occasional sales of firearms will be authorized. That is not what the Zoning Board of Appeals recommended, and they think it is not appropriate. He does not think the zoning ordinance even talks about gun sales, except to the extent of home occupations. By definition, home occupations exclude sales of items unless they are clearly incidental to the occupation. That is the words right out of your definition of home occupation. Gun sales don't fit in home occupation, they don't fit in the conditional permitted use, and are not even listed on your uses permitted in agriculture zoned districts. It is not there. If you want it there, you will need legislation and will need to adopt an amendment to the zoning ordinance.

Chairman Van Meter asked Mr. Tice for clarification if their first objection is that there should be a permanency requirement for the location of the targets, and the second objection is that gun sales should not be allowed. Mr. Tice stated that is correct. Chairman Van Meter stated he thinks Mr. Stumpf's question is if the professional staff would respond to that. Mr. Stumpf stated he would like to check with the State's Attorney to see if they have met the requirements from the Zoning Board of Appeals and that they meet this obligation. Chairman Van Meter asked the professional staff to address the issue that the language on the document they have is not appropriately reflecting the action of the Zoning Board of Appeals.

Cyndi Knowles stated the understanding her office has is that paperwork is done by the home occupation and the firearm is delivered to the person who has the home occupation taking in the paperwork. They then deliver the firearm to the person that has purchased it. That is what their home occupation covers. Chairman Van Meter asked the professional staff to address the other issue of the permanent location of the targets. Molly Berns explained that the Zoning Board of Appeals and Page 3-2 of the resolution, adopted the following: request for a variance to allow two principal uses on one parcel, a variance to allow zero feet of the road frontage instead of the required 150 feet, and a conditional permitted use to allow an outdoor gun range, with all shooting to be done to the south, in conjunction with the firearm safety classes for no more than 16 hours for 2 to 3 days per month and occasional sales of firearms. This means the occasional sales of firearms in fact is linked to the outdoor gun range. It was the intent of the Zoning Board of Appeals under this language that the outdoor gun range would be granted for 16 hours for 2 to 3 days per month, and if someone was there to buy a firearm and was going to test it the gun range could also be used for that. It was very clear in testimony that the shooting would have to be done to the south because of the configuration of the parcel, the drop off, the topography, shooting into a field and all of those kinds of things that would best protect the health, safety and welfare of area residents. From an enforcement standpoint, if there is a violation the zoning office would be enforcing what she just said. So the targets would have to go to the south. Given the configuration of the driveway and property owners' house to the north of it, the only good location to shoot is to the south because of the nature and the size of the 168-acre parcel south of the house. Chairman Van Meter asked if she feels there is sufficient clarity in the authorization that the shooting must be to the south. Mrs. Berns stated she does. Chairman Van Meter stated the opponents object that it isn't sufficiently clear. He asked if the professional staff feel it is sufficiently clear and are certain the shooting will be to the south. Mrs. Berns stated they do. If he wants to remain in compliance and not be cited for being out of compliance, the shooting would have to be to the south.

Chairman Van Meter asked Mrs. Berns to address the issue that the resolution doesn't reflect the discussion or direction of the Zoning Board of Appeals. She stated she believes it does. You have a ruling from the zoning administrator that, given the nature of the sale of the firearms in the parcel, it is considered to be a home occupation. The State's Attorney's office could obviously clarify this a little more. At that point in time the appropriate remedy would be to appeal the zoning administrator's decision. The actual gun sales are actually not a part of this resolution. That's a separate action.

It is very clear, based on testimony at that meeting, that the Zoning Board of Appeals understood they would use the gun range occasionally to test a firearm on a very limited basis. She believes the resolution does encompass the intent of the Zoning Board in sending this forward.

Mr. Tice suggested they listen to the CD he has listened to. He has listened to it twice. He has listened to the motion made at the conclusion of the testimony on this matter before the Zoning Board of Appeals, and that motion did not include the phrase "and occasional sales of firearms on the above described property is hereby approved". During the testimony before the Zoning Board of Appeals there was testimony about the sale of guns. Mr. Schmidgall did say "I would like to sell guns from my residence in conjunction with operating my conceal and carry classes on my property". When he was asked who is going to use those guns on the gun range, he said "well somebody may want to go try out a gun at my gun range". He is going to sell guns from his house. He is going to sell rifles, shotguns and other long range weapons besides pistols and handguns. Those will be used on that gun range. There is no way to mistake, once you listen to this, he doesn't know how they can determine if he is correct or if the zoning administrator is correct. He has listened to it twice now. He suggested the zoning administrator's office listen to it. They haven't typed up the minutes to the Zoning Board of Appeals hearing yet. He understands why this happened, and he has feelings for Cyndi Knowles because of her tragedy, but he doesn't know how they can determine whether he is correct or the zoning administrator is correct until they listen to this. He suggested they do that.

Mr. Tice discussed the home occupation issue. Home occupation, as defined in the zoning ordinance, doesn't define what activities are included within the phrase "home occupation". One way home occupation is described or otherwise defined is to require restrictions on the use of the occupation. One of those restrictions is: there shall be no sales in connection with such home occupation except those clearly incidental to the home occupation. You just heard the zoning office tell you they understand the sale won't take place at the home. The person is going to come to the home, look at the rifle and then go order it. It is then going to be delivered by Mr. Schmidgall or someone from his family to that buyer's home. He does not know whether that will happen or not, but to him that is a sale conducted at the home just as it would be done at a store in a business district someplace. Gun sales by their very definition, as to the occupation or activity Mr. Schmidgall is going to have from his house on this premises, is trying to be defined and fit into this hole called home occupation. People are coming to his house, are looking at guns that he has on inventory, and they are going to try and make a sale. There is nothing wrong with that, but it does not meet the definition of home occupation. It is not included as a permitted use in the agricultural district. If gun sales are going to be included in the meaning of home occupation, by interpretation, then you allow home occupations, not only in the agricultural district, but in R-1, R-2 and R-3. It is very vague in the zoning ordinance. R-1 is residential, R-2 is even more densely populated and R-3 is multi-residential and multi-population. You need to take a look at that. For the time being he suggested they not include in the ordinance the last phrase "and occasional sales of firearms on the above described property is hereby approved". You can table it and listen to the tape to see who is correct. He thinks they need to go back and listen to it to see if he is wrong or if the zoning administration is wrong.

If they don't want to do that, then they have no objections as long as the conditions are put in there about firing to the south, 16 hours for two to three days a month, one class a month and the targets and the gun range activity are limited to the location as identified on Mr. Schmidgall's application. He thinks he would agree to that. You have temporary targets that could be moved here, and this would be one way they stay at one location and don't get moved closer to his client's property.

Mr. Stumpf stated that Mr. Tice did not talk about gun sales at the very end. He asked Mr. Tice if they would go along with the gun sales. Mr. Tice stated they would not. Mr. Stumpf asked for the State's Attorney's opinion on whether they meet the home occupation and the obligations from the Zoning Board of Appeals as the professional staff stated. Do they need to revert back or do they need to remove language? Dwayne Gab, Assistant State's Attorney, stated he has talked to the professional staff about this prior to today. He does believe it is all properly before the County Board. In regards to the recommendation in relationship to the stationary versus movable targets, he can of course move those stationary targets, but he could also put permanent targets where he is not supposed to. He thinks the resolution is crafted to address those terms in regards to where the targets are. Whether they are stationary or put in concrete driven 20 feet in to the ground, he thinks the restriction is appropriate. He hates to see resolutions approved by the Zoning Board of Appeals and then re-crafted at a county board hearing. If the County Board feels stationary targets versus permanent targets is an issue and the resolution should be re-drafted, then his suggestion would be to table it. He has found in the past that attempting to re-draft a resolution in the middle of a County Board meeting is difficult. Chairman Van Meter stated the board's view on that is completely in accord with the State's Attorneys. Mr. Gab stated he thinks this is properly before the County Board and he thinks the resolution, as drafted, is appropriately before the County Board.

Mr. Ratts asked the petitioner if he is aware there is a three-day waiting period to get their firearms. Mr. Schmidgall confirmed he is aware of that.

Mr. Krell asked Mr. Tice if his clients realize, if they are against gun sales, that there is a man named Mr. Oglesby to the north of their property that has gun sales. It has been there for years. He asked if they were opposed to that. Mr. Tice stated they are aware of that. He does not know if it has been there. It may have been there before the zoning ordinance came into effect. That is why they don't think there is a need for additional gun sales in the neighborhood. Mr. Krell stated that stationary targets do not move. Movable targets like deer and birds, when you hunt, they do move. Mr. Schmidgall, living out there in the country, could have any host of hunters out there at any given time during hunting season shooting at movable targets. He thinks that would be more hazardous than his stationary targets. Mr. Tice stated that may be, but hunting is not something that is prohibited in the zoning ordinance. Mr. Krell stated that his clients are worried about the safety of their cattle. Mr. Tice stated that is true and that is why they want the gun range facing to the south. That is why the conditions have to be there. Mr. Tice suggested the State's Attorney listen to this before any opinion is rendered that says the ordinance or resolution, as it appears before you now, correctly states what the motion was before the Zoning Board of Appeals.

Mr. DelGiorno asked Mr. Tice, for the sake of argument, if they assume the sale of guns is incidental to the business of the range, if he would be willing to say the sale of the only handguns that are qualified under the conceal and carry statute are the types of guns that could be sold. They would be the only kind that is incidental to the activity taking place on the property. He asked if it would be acceptable to his clients if they could only sell handguns. Mr. Tice stated that he believes Mr. Schmidgall indicated in his presentation something that was not indicated before the Zoning Board of Appeals. He stated the gun sales would only be in relationship to people who were in his class. He has not talked to his clients about that so he does not have any authority whether they would be okay with that or not. If that is the case, then you should understand that those gun sales would be restricted to the time he holds the classes when the people are there. Otherwise, you have open gun sales of handguns. They would be going beyond the very definition of home occupation in order to have gun sales as provided in the zoning ordinance. They are free to do whatever they wish, but if they wish to restrict the sales just to handguns only to people taking the classes and only during the classes, he supposes Beverly Warner and Karen Baker may be okay with that. They wouldn't be happy with it, but it is better than what is being requested now by this resolution.

Mr. Goleman stated he thinks Mr. Tice has explained the rationale of this. The way he understands this is what is presented in front of them tonight to vote upon is not what was on the record at the Zoning Board of Appeals. He asked Mr. Tice if that is correct. Mr. Tice stated that is correct. It was not on the motion. Mr. Goleman asked Mr. Tice if he is saying that CD clearly reflects that. Mr. Tice stated he is representing to them that this CD does not contain the language in the motion that appears as the last line of the proposed resolution. Mr. Goleman stated he wants Mr. Schmidgall to get what he wants, but he wants to make sure they are accurate in what they are doing. There is a disagreement between Mr. Tice and his clients and the professional staff. He thinks that needs to be clearly understood before they move on with this. He thinks they can do that if they table it and go back and enter the record. He thinks Mr. Schmidgall can get what he wants, but is not sure about the sale of guns based upon what is in the ordinance right now. They could be here all night debating this, and he thinks they need to move on.

A motion was made by Mr. Goleman, seconded by Mr. Montalbano and Mr. Smith, to recommit the resolution back to the Zoning Board of Appeals. Upon a roll call vote, there were 25 Yeas – 3 Nays. Mr. Krell, Mr. Stumpf and Mr. Sullivan voted no.

MOTIONS CARRIED

RESOLUTION RECOMMITTED BACK TO ZONING BOARD OF APPEALS

RESOLUTION 4

4. 2014-037 – John & Deborah Staff, in the 200 block of West Browning Road, Springfield – Granting Variances. County Board Member – John Fulgenzi, District #17.

A motion was made by Mr. Fulgenzi, seconded by Mr. O'Neill, to place Resolution 4 on the floor. A motion was made by Mr. Stumpf to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous for the adoption of Resolution 4.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 5

5. 2014-038 – Mark Walker, 3975 Leach Road, Rochester – Granting a Variance and a Conditional Permitted Use. County Board Member – Sarah Musgrave, District #9.

A motion was made by Mrs. Musgrave, seconded by Mr. Tjelmeland, to place Resolution 5 on the floor. A motion was made by Mr. Stumpf to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous for the adoption of Resolution 5.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 6

6. 2014-039 – Anthony Curtis, 1103 W. Calhoun Avenue, Springfield – Granting a Use Variance. County Board Member – Catie Sheehan, District #28.

A motion was made by Mrs. Sheehan, seconded by Mrs. Deppe, to place Resolution 6 on the floor. A motion was made by Mr. Stumpf to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous for the adoption of Resolution 6.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 7

7. 2014-041 – Congita W. Farquhar, in the 11,750-12,250 blocks of Old Jacksonville Road, New Berlin – Granting Variances. County Board Member – Craig Hall, District #7.

A motion was made by Mr. Hall, seconded by Mr. Sullivan, to place Resolution 7 on the floor. A motion was made by Mr. Stumpf to waive the reading of the professional staff's report. There were no objections. A voice vote was unanimous for the adoption of Resolution 7.

MOTIONS CARRIED
RESOLUTION ADOPTED

RESOLUTION 8

8. Resolution amending Section 6.04.102 of the Sangamon County Code regarding the Citizen's Advisory Committee on Animal Control.

A motion was made by Mrs. Hills, seconded by Mr. Bunch, to place Resolution 8 on the floor. Mr. DelGiorno commended Mrs. Hills and Mrs. Musgrave for the work they have done on this. He understands, from many discussions they have shared with him, the problems with getting the Citizen's Advisory Committee reconstituted so they can revitalize its professional phase for the assistance of the Sangamon County Animal Control office. He commended them and recommends that his colleagues pass this resolution.

Mr. Bunch also commended the work they do at the animal shelter. He sits as chairman of the Workman's Comp. Committee and their job is to oversee what they can do to make things safer for the workers and keep the county from getting raises on their insurance. The only problem he sees is that most of the injuries out there are created by the volunteers. That is where the biggest bulk of complaints come from when he has his committee meetings with Mr. Palazzolo. It seems like they have volunteers that get hurt or bit every month. He does commend their work, but they do need to be very careful or their insurance is really going to explode. They just recently got a nice award for their work in trying to make the employees and volunteers safer. He just wishes there was somehow they could see that these people wear the proper equipment when they are handling these animals. He truly believes they are trying to do a good job for the county, but they need to be very careful.

Mr. DelGiorno clarified that there are two different issues being discussed here. The resolution before them concerns the Citizen's Advisory Board for Animal Control. There had been several issues in the news about a member appointed who had not been properly vetted and should never have been on this advisory board in the first place. This is the proper means by which, in consultation with the State's Attorney's office, to reconstitute this board and appoint the appropriate professionals, representatives of local government, and concerned stakeholders such as Friends of Sangamon County Animal Control or other individuals or institutions. The issue Mr. Bunch has raised is a concern primarily about the volunteers that go out and help from Friends of Sangamon County Animal Control. That is not an issue before them tonight. But if that is an issue that needs to be addressed, perhaps it is a conversation that needs to be started. He just wanted to make everyone aware that those are two different issues. Chairman Van Meter stated he thinks Mr. Bunch was trying to say this demonstrates the need for this committee. While they welcome the volunteers, and they have done wonderful things for improving the effectiveness of the animal shelter, they need an effective committee to oversee the animal shelter. Mr. Bunch stated it is their job on the advisory committee to meet with workman's comp. people once a month. He is very proud of the people out there and the job they do. There has got to be some safety things there where they can prevent any big lawsuits. He is not out there, but he knows they get a lot of dog bites.

Mr. Bunch stated that he is not knocking them, but there needs to be someone out there overseeing them to make sure they are wearing the right equipment to cut down on the accidents so it will be less costly to the county. Chairman Van Meter agreed that they need an effective board to actively manage, and that is the issue Sarah and Lisa have been trying to address.

A voice vote carried for the adoption of Resolution 8. Mr. Snell voted present.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 9

9. Resolution supporting the implementation of the final version of the Regional Strategic Plan for Sangamon County.

A motion was made by Mr. Goleman, seconded by Mr. Montalbano and Mr. Bunch, to place Resolution 9 on the floor. Mr. Goleman introduced Jeff Fulgenzi and Amy Uden to give a presentation on the Regional Strategic Plan.

Jeff Fulgenzi addressed the County Board. He stated the Regional Planning Commission has been involved in this planning process for a number of years and are pleased to have a plan that has now been adopted by the Regional Planning Commission. Planning matters and it is important because they know change will occur. They have witnessed positive and negative change. The question for them is to see how they will collectively manage this change together.

Amy Uden addressed the County Board. She stated that change will occur in the next 20 to 30 years and so on. They have already seen, in the last two decades for example, that there is a slowing rate of population growth in the county. That slowing growth leads to tighter budgets. As you are all familiar with, this requires a new way of thinking. This strategic plan outlines a vision for a vital cycle of regional growth. It emphasizes the fact they need to keep what they have that is good, but grow with intention with design, work together while they do that and put structures in place that help build their capacity to do so.

Mr. Fulgenzi stated there is a planning process and it took a number of years to get to this point. They pulled together local experts on subject matters. They pulled together local officials, community members, students and unique tools to oversee the process. They worked together collectively. They are a community of interest and are all in this lifeboat together. The Regional Leadership Council of Sangamon County is a group they are proud to help staff. It is a group of mayors and village presidents from Sangamon County who came together to work along with the Chairman of the County Board. Brian attends a good number of those meetings as well. They are working together recognizing that dollars are short at both the state and federal level. They recognize that by working together they can accomplish more.

They have by-laws and meet regularly. He encouraged everyone to attend the next meeting on the 29th. He does know that a number of County Board members do attend, and they are proud of that. They pull together the local experts to study a number of different things. Mr. Fulgenzi showed them a number of plans they have been involved in since he has been there for the past six or seven years. They have seen a number of them being implemented throughout the region. They operated under the Open Meetings Act and posted all their information. Everyone that wanted the opportunity did have the opportunity to participate in the study groups, the on-line surveys and written surveys. They use unique planning tools. He commented on one of the on-line surveys and pointed out the typical areas they study in a comp plan. This is not the plan of the Regional Planning Commission. They help facilitate the plan by the people and for the people. Throughout this they are fairly engaged in the process.

Ms. Uden stated they have worked to develop the bulk of the plan document, which is a series of strategies and actions that local leaders can take to help achieve that vision for the region. This plan outlines strategies and actions for what that vital cycle actually looks like in applicable and obtainable steps. Each strategy parallels part of that vital cycle. Under heritage and culture, they have several examples such as using new technologies to document and promote heritage on their region. An example they have is in the Enos Park neighborhood. They are doing a great job right now using unique innovative tools to help people better understand and utilize the historical resources they have there. Expanding this type of thing to a regional level is one great example. Another area is in transportation. All of these aspects of regional growth start to work together and start to create this cycle of growth and improvement. Other examples, in terms of economic development, include becoming a development ready community. They like to highlight the MacArthur Boulevard Plan and its role in attracting Hy-Vee to that region. It has been a huge asset and resource for that corridor. Without that plan in place it is unlikely that Hy-Vee would have ended up there. Becoming development ready and having plans in place is very important to the future of the region.

Mr. Fulgenzi stated it is important to create and to implement the plan. He is proud to say they helped develop the Sherman Plan, and were proud when 1,000 people showed up when the County Market opened. It is important to plan for these amenities. They recognize, in the planning process, they have a long way to go in a number of areas. This is a college town. They have Benedictine University, UIS, Lincoln Land, Robert Morris, St. John's School of Nursing and other opportunities for training. One must ask what amenities they are providing to those young students, and how are they going to attract and retain them. It is important to plan, implement and provide the resources for what the next generation wants.

Ms. Uden stated that agriculture and rural communities are hit very heavily in this plan. They think this is important because it is a component of some plans in the past in this region that hasn't been fully developed. They looked into role of agriculture in this vital cycle and are working to make sure that is included in the strategies and actions and how they all tie together with the economic development.

The next step is going to be applying these strategies and actions, which are so comprehensive, to particular geographies. In passing this resolution, you are expressing support for putting together a committee to make a land use map for the unincorporated portions of the county. This plan outlines some land use principles to help in that process. A couple examples of those are: preserving agricultural farmland, encouraging residential, commercial and industrial growth near already developed areas of the region, protecting structures of historic significance and minimizing infrastructure burdens on local government. The plan document they are approving tonight also lays a foundation for this land use map.

Mr. Fulgenzi highlighted the importance of strategies and actions. They understand where they have been, where they are now and where they want to be in the future with all available information and incorporate strategies and actions to implement those plans. Land use is a critical component that is used to utilize long range plans in forming decisions in the zoning process. It is a guide for you and for the constituents in your districts. It is also a guide for the regional business owners who may want to locate here. They want to know that their investment is protected.

Ms. Uden stated another highlight is taking a look at the connecting corridors. There are some key gateways in and out of those municipalities out in the county. The plan highlights areas that can be corridors which bring communities together to create a distinctive look and feel for the region.

Mr. Fulgenzi stated next is to understand the plan and implementation. It is up to everyone to implement what is coming forward. They took great strides to identify potential partners to help implement and identify funding strategies. It is critically important how you plan, when you plan, where you put the road and how you develop in and around an area. It can spur economic development, but if you don't pay attention to the vital cycle it may harm economic development.

Ms. Uden concluded the overview of what is in the plan document and what it means to this region. The next steps from here would be the resolution before them tonight supporting the plan through County Board adoption. You can further review the plan that was presented to each member a couple months back. There are also electronic copies on line. Then they should start pursuing those implementation actions that have the County Board identified as a key implementer. Also, they should continue to support regional efforts. The Regional Leadership Council meets on October 29th, and they would be very glad to have any of them in attendance. And they should continue to support planning, especially with National Community Planning Month going on.

Mr. Fulgenzi closed by saying it was nearly 10 years to the day that he stood before them with his resignation from the County Board. In his comments he indicated a passion for this community and a passion for doing things that are important and that they think are right. It would not be for his generation or his parents' generation, but for his children and his children's children. His quote at the time was "I have a mindset that we don't inherit the earth from our ancestors rather we gift it to our children and grandchildren".

His question tonight is how can they all work together with our regional partners, with the Efficiency Commission, with the Regional Leadership Council and all the concerned citizens to ensure they are using best practices and implement the best possible plans available?

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 Mr. Bunch, seconded by Mr. Montalbano, to waive the ten-day filing period. A voice vote was unanimous.

MOTION CARRIED
TEN-DAY FILING PERIOD WAIVED

RESOLUTION 10

10. Resolution opposing expansion of the federal definition of “Waters of the United States” to include non-navigable ditches and stormwater flows in communities.

A motion was made by Mr. Fraase, seconded by Mr. Tjelmeland, to place Resolution 10 on the floor. A motion was made by Mr. Goleman that the roll call vote for Resolution 1 stand as the roll call vote for Resolution 10. A voice vote was unanimous.

MOTIONS CARRIED
RESOLUTION ADOPTED

NEW BUSINESS

A. Resolutions

There were no new resolutions.

B. Appointments

Appointment of Mark Sprehe to the Workforce Investment Board for a term expiring November, 2017.

Appointment of Bert Barlow to the Workforce Investment Board for a term expiring November, 2016.

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

MOTION CARRIED
APPOINTMENTS ADOPTED

The nominations for appointment were also 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 Mr. Bunch, to place the reports on file with the County Clerk. A voice vote was unanimous.

MOTION CARRIED
REPORTS FILED

RECESS

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, to recess the meeting to November 12, 2014 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED

Joe Aiello
Sangamon County Clerk