

Bonnie J. Hester, District 1
Junior Watkins, District 2
Lynn Scott Pearson, District 3
Andrew Rand, District 4
Bud Sous, District 5
G. Allen Mayer, District 6
James C. Dillon, District 7
Phillip Salzer, District 8
Michael Phelan, District 9



Thomas H. O'Neill, Chairperson
R. Steve Sonnemaker, County Clerk

Timothy D. Riggerbach, District 10
Merle Widmer, District 11
Robert Baietto, District 12
Vice Chairperson William R. Prather, District 13
Brian Elsasser, District 14
Carol Trumpe, District 15
Brad Harding, District 16
Chairperson Thomas O'Neill, District 17
Patricia Hidden, District 18

Peoria County Board REGULAR MEETING Thursday, April 09, 2009 6:00 PM

County Courthouse • 324 Main Street • County Board Room 403 • Peoria, Illinois 61602
Voice: (309) 672-6056 • Fax: (309) 672-6054 • TDD: (309) 672-6073
www.peoriacounty.org/countyboard

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL BY THE COUNTY CLERK

Attendance was taken with the Roll Call-Pro voting system, and the following members of the Board were present: Baietto, Dillon, Elsasser, Harding, Hester, Hidden, Mayer, O'Neill, Pearson, Phelan, Prather, Rand, Riggerbach, Salzer, Sous, Trumpe, Watkins and Widmer.

I. APPROVAL OF MINUTES

Approval of March 12, 2009 County Board Meeting Minutes

Baietto moved for approval of the minutes and Watkins seconded. The minutes were approved by a unanimous roll call vote of 18 ayes.

II. PROCLAMATIONS & PRESENTATIONS

- A proclamation from your Chairmain recognizing April as Child Abuse Prevention Month.
- A proclamation from your Chairman recognizing the "*Employees of the Month*".
- A proclamation from your Chairman commending Scott Sorrel for serving as "*Interim Budget Director*" from 2006 - 2007.
- A proclamation from your Chairman recognizing May 3 - 9, 2009, as "*National Correctional Officers Recognition Week*".



Elsasser left the meeting.

- A proclamation from your Chairman recognizing May 10 - 16, 2009, as "*National Police Week*".
- A proclamation from your Chairman recognizing May 3 - 9, 2009 as "*National County Government Week*".

Elsasser returned to the meeting.

- A recognition of "*Friends of Clonmel Marching Band of Tipperary, Ireland*" visit to the Peoria area in July 2009.

III. CONSENT AGENDA

The Chairman removed the Tri-County Regional Planning Commission appointments from the Consent Agenda.

C1. IDOT Motor Fuel Tax Audit 2002-2004

C2. The Treasurer Report consisting of the Bank and CD's Portfolio for the month of February 2009, and the Revenue & Expenditure Reports for the month of January 2009.

C3. A resolution (item 1) from your Tax/EDC Committee recommending that the Chairman of the Peoria County Board be authorized and directed to execute deeds of conveyance of the County's interest to the highest bidder and be authorized to cancel the appropriate certificates of Purchase. This resolution shall be effective ninety days from April 9, 2009 and any transaction between the parties involved not occurring within this period shall be null and void.

C4. Appointments

Pearson moved to approve the Consent Agenda and Prather seconded. Hidden asked that the Greater Peoria Sanitary and Sewage District appointment be removed from the Consent Agenda. The Consent Agenda without the Tri-County Regional Planning Commission and Greater Peoria Sanitary and Sewage District appointments was approved by a unanimous roll call vote of 18 ayes.

Greater Peoria Sanitary and Sewage District Appointment

Hidden said that she was concerned about the appointment of Matt Jones to the Greater Peoria Sanitary and Sewage District Board because he did not attend a lot of Care and Treatment Board meetings when he was a member. She stated that there is nothing personal in her objection, but she feels when someone is appointed to a board, they need to attend meetings. Mayer asked that Mr. Jones be allowed to address the Board. Mr. Jones said that he did not want to minimize the meetings he did miss, although he thinks his attendance was above average. He explained at the time he was on the Care and



Treatment Board, he had a legal practice; he is no longer a member of that firm. With his current employer, conflicts with court appearances will not be a problem. Also, the days on which the Care and Treatment Board met changed, which made scheduling other matters a problem. This will not be the case with the Sanitary District which has a regular meeting day. He said that if in one year the Board is not satisfied with his attendance, he will go to the Chairman, and the Board can find someone who will do the job better. Phelan commended the Chairman for nominating Mr. Jones. He feels that Mr. Jones will bring a level of expertise to the Board that has been lacking. Baietto stated he believes Mr. Jones will do a good job at the Sanitary District.

Mayer moved to approve Mr. Jones' appointment to the Greater Peoria Sanitary and Sewage District Board and Riggerbach seconded. The appointment was approved by a unanimous roll call vote of 18 ayes.

IV. CITIZENS' REMARKS

Peg Pendell, 3523 N. Knoxville Avenue, addressed the Board with regard to the Board of Review. Ms. Pendell said that she bought a house seven years ago, and within three years her taxes went up about fifty percent. That is a problem because she is on Social Security. She appealed to the Board of Review based in part on the refinancing of her mortgage. She has not had a hearing yet; most of the time when she has gone to the office, no one has been there. She needs some action on her appeal.

Clifford Stamm, 913 N. Norwood, addressed the Board with regard to the Babu rezoning. Mr. Babu wants to make some changes that have not been presented to the Limestone Township Planning Commission, the Zoning Board of Appeals or the Land Use Committee. He is going to abide by the rules and not say what these things are. He believes that all these Committees have been deceived on this project. He asked that this matter be sent back to the Zoning Board. Mr. Stamm stated that he is representing his in-laws who live on Creek Road, and who have been too ill to attend the meetings.

Pearson left the meeting.

Gary Kantner, Acting Fire Chief, Limestone Township Fire Protection District, 6105 W. Plank Road, also addressed the Board with regard to the Babu rezoning. Mr. Kanter said that he has been working with the petitioners since October, 2008. If the project is done correctly, it will be a big asset to the community. If it is done poorly, it will be a great liability. There have been some big issues with water supply and access. They have been trying to get agreements in writing, which they do not have yet. It is a pretty big project for the District, and he is not quite sure what is going to happen yet.

Pearson returned to the meeting.

John Redlingshafer, 124 S.W. Adams, addressed the Board with regard to the Babu rezoning. He noted that he represents Limestone Township, the Limestone Township Road District and the Limestone Township Fire Protection District. The Limestone Township Planning Commission approved this petition with several stipulations. His clients' collective goal is to protect the interests of current and future residents. If this



means that these petitions need to be referred back to the Zoning Board of Appeals to make sure that we get the whole story, he would hope that would be done.

Dillon left and returned to the meeting.

Brian Monge, 228 W. Morningside Drive, addressed the Board with regard to the Board of Review. The list he handed out to the Board shows houses he purchased which are in good shape and which were not distress sales. He took the list to the Board of Review thinking that fair market value had been demonstrated. The Board does not have to explain its results, and he does not feel right about that. He thinks there needs to be some accountability.

Phelan left and returned to the meeting.

Tom Wilcoxon, ASI-Modulex, 711 N. Park Street, addressed the Board with regard to the interior sign bid on the Board's agenda last month. ASI-Modulex is nationally recognized for its products and services, and they have done a lot of work in Peoria. He hopes that they will have the opportunity to work with the County in the future.

Mayer asked the State's Attorney how this matter can be brought back before the Facilities Committee or the Board. Mr. Atkins said that he thinks the bid presented last month is dead, and that the project will need to be re-bid. Mayer asked if the rules could be suspended and the bids considered if they are still within the deadline of the bid documents. Mr. Atkins replied yes, so long as the matter is properly noticed.

Harding left and returned to the meeting.

Baietto asked what the problems were with the first bid. Mr. Urich replied it involved the certifications.

Karrie E. Alms, P.O. Box 641, thanked the Board for allowing the Citizens for Responsible Spending to participate in the Town Hall meetings. Phelan thanked her for her participation.

V. ZONING ORDINANCE AND RESOLUTIONS

Trumpe moved to suspend the rules on Case Nos. W01-09 and W02-09, and Elsasser seconded. She explained that at its March meeting, the Board referred these cases back to the Land Use Committee. However, the cases did not get put on the Committee's agenda so the Board's rules must be suspended in order to hear them. The motion to suspend the rules passed by a unanimous roll call vote of 18 ayes.

- 1. Case W01-09, Robert Shane: A resolution from your Land Use Committee recommending approval of a waiver of compliance from Section 20-5-14.B.2 of the Subdivision Ordinance which requires all new minor subdivisions to have a public water supply. The property is located in Jubilee Township.**



Trumpe moved to approve the resolution and Elsasser seconded. Trumpe noted that three test wells have shown an adequate supply of water. The resolution passed by a roll call vote of 16 ayes and 2 nays, with Pearson and Phelan voting nay.

2. Case W02-09, Robert Shane: A resolution from your Land Use Committee recommending approval of a waiver of compliance from Section 20-4-3.B.2.a of the Subdivision Ordinance which requires 30 feet of road frontage for lots less than 10 acres in size.

Trumpe moved to approve the resolution and Elsasser seconded. Trumpe noted that the arrangement of lots was done to conserve farm land. Dillon stated that he went out to the property, and thanked her for obtaining the letters from the Road Commissioner and the Fire Department. He is comfortable with this waiver now and will vote for it. Phelan asked Mr. Wahl to address his department's recommendation of denial. Mr. Wahl stated that the private road is a concern because of access for emergency vehicles. His department normally has this concern about private roads. The other concern was the inconsistency with the Land Use Plan. Sous asked about the width of the road, and whether it will be cul-de-sac or "T." Trumpe replied the width is 18', maybe 20', which is acceptable to the Road Commissioner and Fire Chief. The Fire Chief also said that either a cul-de-sac or "T" is fine with him. The resolution passed by a roll call vote of 16 ayes and 2 nays, with Pearson and Phelan voting nay.

Trumpe moved to reinstate the Board's rules and Baietto seconded. The motion passed by a unanimous voice vote.

3. ZBA Case #010-09-U, Sprouse. A Special Use request as required in Section 24-6-4.C.1.e of the Zoning Ordinance. This section allows for a special use for a mobile home, when all towing apparatus, wheels, tongue, and hitch are permanently removed and the structure is attached to a permanent foundation and assessed as real property. This parcel is located in Hallock Township. The Zoning Board of Appeals recommends approval and the Land Use Committee concurred.

Trumpe moved to approve the Ordinance and Elsasser seconded. The petitioners' home was destroyed by fire, and they need somewhere to live while they build their new home. Widmer asked what will happen if the new home is not built and also asked who will inspect the quality of the mobile home. Mr. Wahl replied that the State regulates mobile home construction. He further stated that once the special use is granted, the petitioners have the right to have it until the new home is built. The Ordinance passed by a unanimous roll call vote of 18 ayes.

4. ZBA Case #064-08-Z, Ratna & Prakash Babu. A Rezoning request from "A-2" Agricultural to "R-3" Multi-family Residential. The property is located in Limestone Township. The Zoning Board of Appeals recommends approval. The Land Use Committee recommendation to the County Board is to refer Case 064-08-Z back to the ZBA for further fact finding.

Trumpe moved to approve the Ordinance and Pearson seconded. Trumpe explained that the purpose of the request is to build multi-family housing for persons 50 plus



years of age. There have been concerns with regard to dormant mines and sewage disposal. The Land Use Committee has asked that additional soil and/or subsidence analysis be completed and submitted to the Zoning Board for review. The Committee has further asked that specific sewage line design be submitted to the Zoning Board for review. Elsasser said that the most appropriate thing to do is send this case and Case No. 065-08-Z back to the ZBA. Trumpe asked for a clarification with regard to the motion since the item as stated includes the Committee's recommendation to refer these cases back to the Zoning Board. Mr. Atkins explained that the recommendation being voted on is actually the Zoning Board's recommendation for approval. The Committee's recommendation is a local rule that does not exist in state law. Trumpe moved to refer Case No. 064-08-Z back to the Zoning Board of Appeals for further fact finding and Hidden seconded.

(The Clerk noted that she had exited the voting system by mistake. In order to advance the software to Item No. 4 on the agenda, roll call had to be taken again).

Phelan asked Mr. Wahl for his recommendation on the referral. Mr. Wahl said that his Department had already recommended approval, but does not comment on what the Board wants to do procedurally. Phelan then asked to hear from the Petitioners. The Chairman stated that the Petitioners had five minutes to speak. Mr. Babu stated that the Board's decision ten years ago to approve the temple was historic. He explained that the current project is phase two. They want to create new infrastructure for the temple because they are being perceived as a burden to the current infrastructure. They are also sensitive that the Township is resentful it has to maintain the road that takes the temple traffic, the temple being a non-tax paying entity, but that is no different than a church. Nevertheless, since they do not live in the township, members live throughout the county, there is resentment. Neighbors think that the temple has created too much traffic. The property in question has been a playground for unauthorized ATVs and hunters for decades. They have been working with the Sheriff on these issues. The Chair announced that the five minutes had elapsed and asked if any member wished to extend the time. Widmer stated that he did. Mr. Babu noted that erosion will be controlled better than it is today. These will also be high end condos. With regard to the mineshafts, most of the township sits on underground mines. There is a big difference between a shaft, which is the vertical opening leading to the mine, and an underground mine. However, the proposed area is outside of the mine area.

Pearson asked for a clarification of the local governments' concerns. Mr. Redlingshafer stated that his clients at no point have been resentful. The problem is we don't know what's underground. His clients want their concerns addressed in writing. They have proposed an agreement which has not been signed. Phelan asked that those on the Land Use Committee who advocate so strongly for all petitioners who come before this county, would advocate as well for this petitioner to get this done and approved. He is bewildered because this petition fits into the Land Use Plan, the Strategic Plan, it is near a population center, it has public water and sewer, and the Sanitary District has determined that capacity exists. He does not understand why this is not being voted on tonight and approved. It was said earlier tonight that nothing was needed in writing because those petitioners were good people. He thinks that the Board should take these people at their word too.



Trumpe asked that Mrs. Babu be allowed to speak. The Chair stated she would have three minutes to speak. Mrs. Babu asked that the Board focus on the facts. There is a need across the country for empty nester and elderly housing. This is a worthy development benefiting everyone. It is the highest and best of use of land which has been vacant for decades. Ultimately, it will divert traffic away from Prairie Lane and contribute to school district taxes without adding any children to the schools. With so many positive aspects of the project, one wonders what the real reasons are for the objections, particularly when the Township is organizing and orchestrating the opposition after approving the rezoning. They changed their plans three times to address objections. There is something that does not meet the eye. Pearson thanked Mr. Phelan for his comments because she cannot understand what the problems are either. She hopes that everything necessary will be signed so that this project can move forward because we need more senior housing. Pearson moved the previous question.

The Clerk clarified that the motion is to refer this case back to the ZBA. The motion to refer passed by a roll call vote of 13 ayes and 5 nays, with Dillon, Hester, Pearson, Phelan and Sous voting nay.

5. ZBA Case #065-08-Z, Hindu Temple of Central Illinois. A Rezoning request from "A-2" Agricultural to "R-3" Multi-family Residential. The property is located in Limestone Township. The Zoning Board of Appeals recommends approval. The Land Use Committee recommendation to the County Board is to refer Case 065-08-Z back to the ZBA for further fact finding.

Trumpe moved to approve the Ordinance and Hester seconded. Trumpe then moved to refer Case No. 065-08-Z back to the Zoning Board of Appeals and Elsasser seconded. Trumpe asked that the County pay the re-publication fees. The motion to refer was approved by a roll call vote of 12 ayes and 6 nays, with Dillon, Hester, Pearson, Phelan, Sous and Widmer voting nay.

Salzer left the meeting.

6. Case W03-09, Byron & Joyce Rinkenberger: A resolution from your Land Use Committee recommending approval of a waiver of compliance from Section 20-5-14.B.2 of the Subdivision Ordinance. This section requires all new minor subdivisions to have a public water supply. The parcel is zoned "R-R" Rural Residential. The property is located in Jubilee Township.

Trumpe moved to approve the resolution and Elsasser seconded. The resolution passed by a roll call vote of 15 ayes and 2 nays, with Pearson and Phelan voting nay.

Salzer returned to the meeting.

7. Case W04-09, Jim Buckley: A resolution from your Land Use Committee recommending approval of a waiver of compliance from Section 20-5-14.B.2 of the Subdivision Ordinance. This section requires all new minor subdivisions to have a public water supply. The property is located in Princeville Township.



Trumpe moved to approve the resolution and Elsasser seconded. The resolution passed by a roll call vote of 16 ayes and 2 nays, with Pearson and Phelan voting nay.

8. A resolution from your Judicial Committee recommending approval to increase the Law Library fee from \$10 to \$13 to be collected by the Circuit Clerk of Peoria on civil court case filings, effective June 1, 2009; pursuant to 55 ILCS 5/5-39001.

Baietto moved to approve the resolution and Sous seconded. The resolution passed by a unanimous roll call vote of 18 ayes.

9. A resolution from your Finance Legislative Study Committee recommending approval for the County Administrator to execute a contract with The Ferguson Group, LLC, Washington, DC, for Federal Representation Service to Peoria County Government, for the remainder of 2009 with a monthly retainer of \$5,000 plus expenses.

Riggenbach moved to approve the resolution and Dillon seconded. Riggenbach explained that this will be a benefit to the county by giving the county another set of eyes. Baietto noted that county departments are being asked to make budget cuts if the economy does not recover. He further said he thinks lobbyists are part of the problem in the political arena, and he cannot support this. Pearson asked where NACO fits into this picture, and how much the county pays in dues. Mr. Urich replied that NACO does not advocate on behalf of individual counties and that the annual dues are \$3,900.00. Pearson also said that she thinks the contract term should be for a year to give it a fair chance, but noted she was not sure how she was going to vote. Mr. Urich replied it would be better to have it on a calendar year basis to coincide with the county's fiscal year.

Phelan left and returned to the meeting.

Mayer stated given everything that is going on in Washington, D.C., the county cannot afford to not have someone helping in this process. With the understanding that the county will be doing another RFP at the end of the year, he will be voting for this because it is important to have someone in Washington, D.C., right now. It is also his understanding that Congressman Shock knows about this contract and does not object. Widmer stated that he will be voting no. It appears there is an attitude that there is a lot of money to be had, and if we do not get our share, someone else will. He was appalled to see the list of earmarks that Congressman Shock has put in for this community. Are we going to ask for money for infrastructure, or for things like Grand View Drive and garages for museums? Riggenbach replied that some of the things we are asking for are things that the Board has approved such as a mental health court and stormwater management. He is very proud of the efforts made by this Board in that the county is not asking for unnecessary things. If we can get some assistance from Washington, then we should do it. Widmer noted that the county has been talking about mental health and stormwater for years, but what have we done? We meet with our elected officials and tell them the county's needs; a lobbyist is just another addition to pay for, to say the same things.



Elsasser said that he has been on the Board for ten years, and this discussion has come up many times. The thing he is most proud of is that the fund balances have increased from about Twelve Million Dollars to Forty-five Million Dollars. That was done by saving money, cutting back and becoming more efficient. This is an intriguing proposal, and probably has a lot of merit, but he feels it is Congressman Shock's job to lobby for the county. The resolution passed by a roll call vote of 12 ayes and 6 nays, with Baietto, Elsasser, Hidden, Pearson, Salzer and Widmer voting nay.

- 10.** A resolution from your Management Services Committee recommending approval of the lowest responsible bid of Human Capital Development, Peoria, IL, for Microcomputer Training, and that orders be issued for the items as funding has been appropriated.

Phelan moved to approve the resolution and Sous seconded. The resolution passed by a unanimous roll call vote of 18 ayes.

- 11.** A resolution from your Management Services Committee recommending approval to authorize the County Administrator to execute necessary documents to approve and establish Deferred Compensation (457) Loan Benefit Program for Peoria County Employees.

Phelan moved to approve the resolution and Sous seconded. The resolution passed by a unanimous roll call vote of 18 ayes.

VI. UNFINISHED BUSINESS

Rand noted he is concerned about the process of how people present their cases to the Board of Review. Tonight the Board heard about personal hardships as a result of this process. It is incredibly important for the Board to understand how this process works. He was hoping for a paper from management giving the facts of this situation so that the Board can help explain the process to other people. Mayer replied that the Tax Committee had two important hearings in this regard, and he has followed up with Mr. Urich and the State's Attorney's Office. By the next committee meeting, he should have memos from the State's Attorney's Office on what this Board and the Board of Review can and cannot do. The Board can weigh-in to a certain extent with regard to policy, but cannot weigh-in on individual cases. A question came up at the least hearing as to qualifications for the Board of Review; you must prove your qualifications and pass an exam given by the Department of Revenue. The next exam is April 23rd in Springfield at 10:00 a.m.; details are on the Department's website. Riggerbach stated he believes there is confusion with regard to the sales price versus the appraised value, and that issue needs clarification

Baietto noted the Board has been waiting for these answers for years; they're told it's in the state guidelines. He wants to see the state guideline that says if you tear a house down, the assessment stays the same. Widmer stated that when he was growing there was a thing called common sense; he has not seen a lot of common sense.



VII. MISCELLANEOUS

Pearson asked everyone to take a Spring Celebration schedule.

Phelan congratulated Riggenschach on his election to the City Council and wished him the best. He noted that they met six years ago, and during that time they have become very good friends. He knows that Riggenschach will do a very good job. The Chairman said that Riggenschach has been a great asset to the Board, and he will also be a great asset in getting the City and County together. Riggenschach noted this will be his last meeting and thanked everyone for making this an incredible experience for him. He feels privileged to have been a part of this group. He challenged the Board to keep the faith and keep the dialogue the way it has been, because Peoria County makes the residents of Central Illinois proud.

The Chairman congratulated the Museum Group on getting the referendum passed.

VIII. ANNOUNCEMENTS

Salzer announced that the Alzheimer's Association is having a fundraiser on Friday, April 24th. The donation for a sandwich and chips is \$5.00, and they will deliver.

IX. ADJOURNMENT

Pearson moved to adjourn and Prather seconded. The meeting was adjourned by unanimous consensus.