

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

Stephen M. Morris, 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, September 10, 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, Morris, O'Neill, Pearson, Phelan, Rand, Salzer, Trumpe, Watkins and Widmer, with Mayer, Prather and Sous absent.

I. APPROVAL OF MINUTES

Approval of August 13, 2009 County Board Minutes
Approval of August 13, 2009 County Board Executive Session Minutes

Baietto moved for approval of the minutes and Salzer seconded. The minutes were approved by a unanimous roll call vote of 15 ayes.

II. PROCLAMATIONS & PRESENTATIONS

- A presentation to Officer Alan Lentz for his act of bravery in responding to the need of a citizen.
- A proclamation recognizing the efforts of Gina Gray to enhance the County Courthouse by donating "Photography by Gina Gray." The Clerk noted that Ms. Gray could not be at this evening's meeting, so this proclamation will be presented next month.
- A proclamation recognizing September 2009 as National Preparedness Month.



III. CONSENT AGENDA

- C1.** The Treasurer report consisting of the Bank and CD's Portfolio for the month of July 2009. Revenue & Expenditure Reports for the month of June 2009.
- C2.** A resolution (item 1-29) 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 September 10, 2009 and any transaction between the parties involved not occurring within this period shall be null and void.
- C3.** Approval of bond for Terry Deppert, Commissioner, Pekin & LaMarsh Drainage and Levee District
- C4.** Approval of bond for Nancy Gardner, Greater Peoria Sanitary & Sewage Disposal District
- C5.** Appointments

Baietto moved to approve the Consent Agenda and Elsasser seconded. The Consent Agenda was approved by a unanimous roll call vote of 15 ayes.

IV. CITIZENS' REMARKS

Gary E. Stevenson, 3315 W. Starr Street, addressed the Board with regard to burned out houses. Mr. Stevenson submitted photographs to the Board. The house he is concerned about is located at 3125 West Fremont; it has been burned out for over two years. It is not boarded up and nothing gets mowed unless the neighbors do it. The house behind him at 3316 Humboldt is also burned out. There are probably three more burned out houses in the area. He has been to zoning and everyone he can think of to get something done. He was told by the end of the summer something would be done. The State's Attorney's Office says it will probably be another two or three months now. He asked how long due process takes and asked the Board for action.

Widmer said that he spoke to Mr. Stevenson's father four years ago about this house and told him that he would try to get something done before Mr. Stevenson's father died. He is very disappointed that nothing more has been done, but the County is moving forward. It is a slow process. Often the owners change, and when that happens, the process starts over. Hidden noted that this is her district, and they will keep working on these houses.

Elsasser noted that the County's Finance/Legislative Study Committee and Planning and Zoning Department have been very aggressive in trying to get legislation passed. The biggest obstacles have been the realtors' lobby and State Bar Association. It's been very frustrating.



V. ZONING ORDINANCE AND RESOLUTIONS

1. Case 042-09-U, Edward & Phyllis Jones. A special use request as required in section 24-8-1.E of the Zoning Ordinance, to allow a non-conforming use or structure to be deemed in conformity, also allows that use of structure to continue to and expand as a lawfully existing use or structure. The Zoning Board of Appeals recommends approval with restrictions and the Land Use Committee concurs.

Trumpe moved to approve the ordinance and Elsasser seconded.

Pearson left and returned to the meeting.

Trumpe noted that this property was a residence when the area was re-zoned to commercial. The Petitioners did not know their property was non-conforming until they applied for a building permit to add a garage. The ordinance passed by a unanimous roll call vote of 15 ayes. (Salzer noted for the record that he meant to vote aye.)

Dillon left and returned to the meeting.

2. Case 043-09-U, David & Dawn Alwan. A special use request as required in section 24-6-4.C.1.a of the Zoning Ordinance, which allows a special use when a proposed land split does not meet the 25 acre minimum lot size or the (1) one dwelling unit per 25 contiguous acres density requirement in an A-2 Agricultural District. The parcel is located in Jubilee Township. The Zoning Board of Appeals recommends approval with restrictions and the Land Use Committee concurs.

Trumpe moved to approve the ordinance and Elsasser seconded. Trumpe stated that the site is 50% timber and 50% small grasses; no tillable acreage will be taken out of production. The ordinance passed by a roll call vote of 14 ayes and one nay, with Pearson voting nay.

3. Case 044-09-S, Peoria County. A text amendment to section 24-5-7 (Variances) of the Zoning Ordinance. The Zoning Board of Appeals recommends approval and the Land Use Committee concurs.

Trumpe moved to approve the ordinance and Hidden seconded. The ordinance passed by a unanimous roll call vote of 15 ayes.

4. A resolution from your Tax/EDC Committee recommending approval of a GAP Loan for Rock Solid Concrete Products, Inc., Peoria, IL, in the amount of up to \$23,400 to be amortized for 1.56 years, at a fixed rate of 3% below the prime per year as described in the attached documentation.

Pearson moved to approve the resolution and Watkins seconded. Dillon asked Sally Hanley to repeat the answer she gave in Committee in response to his question as to why this is not a vehicle loan. Ms. Hanley stated that the lending partners who represent Peoria County are of the opinion that this equipment is a construction, on-site piece of equipment and is directly related to the construction occurring on the site. It also has a



longer life than the traditional vehicle. Widmer asked Ms. Hanley for the business' operating address. Ms. Hanley replied that the building which is going to be improved is 1918 South Griswold. The loan is for the piece of equipment and building improvements to secure the equipment. Widmer stated that he visited this site, and the building is vacant and in bad repair. Ms. Hanley replied that is part of the improvements. Widmer said that no one is operating at this location. Mr. Gulley said that for years the business has operated out of his home at 1303 Arago, but the business is now too large for a residence. All equipment is parked at and all mail is received at 1918 South Griswold. Widmer asked Ms. Hanley if she received a financial statement. She said she did, and the owners are going to sign personally. The resolution passed by a unanimous roll call vote of 15 ayes.

5. A resolution from your Tax/EDC Committee recommending approval to enact a tax to collect up to *five percent (5%) of the gross rental receipts upon all persons engaged in the business of renting, leasing, or letting rooms* in a hotel located in the *unincorporated* portions of the County as described per the attached resolution.

Harding moved to approve the resolution and Dillon seconded. Elsasser said that he is not in favor of raising taxes, especially when only two businesses are involved. Just two months a special use was approved for a bed and breakfast which was built after a fire, and he would hate now to hit them with a tax. He will not vote for the tax. Pearson said she agreed with Elsasser. She voted for the tax in Committee because she wanted it to come before the full Board. She is against this tax because it is only for two businesses, and she does not think it is fair. Widmer said he is also against the tax. Morris stated that he voted against the tax in Committee. If taxes are going to be raised, the Board should call it a tax and not a revenue enhancement or user fee. The Board should allow the VSP to take its course and then make tough decisions before citizens of Peoria County and visitors to Peoria County are asked for more money. This is not the right time or the right measure. Hidden said she cannot vote the tax. The amount which will be collected will be a drop in the bucket compared to the deficit.

Harding said that his constituents weighed in and said they felt the Board is acting like Springfield and Washington, trying to solve its problems with taxes. He will be voting no. Phelan said that the County Board needs to take the reins and make policy without raising taxes and fees. It sends the wrong message to the other elected officials and to county employees, but most of all to their constituents. The Board should reduce spending and not make their constituents bear the burden. The resolution failed to pass on a unanimous roll call vote 15 nays. (Hidden, Pearson, Rand and Salzer all noted for the record that they meant to vote nay.)

6. A resolution from your Judicial Committee recommending approval to enact a fee of thirty dollars (*\$30.00*) to be paid by the defendant on every conviction or court ordered supervisions for all felonies, Class A, Class B, and Class C misdemeanors, petty offenses, and business offenses, effective October 1, 2009, for the purposes of offsetting the expenses associated with the operation of the Children's Advocacy Center.

Baietto moved to approve the resolution and Hidden seconded. The Chairman stated he saw no hands and called for the vote; Rand then asked Mr. Urich for background on the



CAC. Mr. Urich replied that the State's Attorney's Office received a state grant to manage staffing and operations at the CAC. He noted that the Center is a homelike setting for police and victim witness counselors to talk to children who have been victims of or witnesses to sexual abuse. It is run by the State's Attorney's Office; facility related costs are handled by County Administration. The grant is in jeopardy of being eliminated, and this fee would replace those monies. Phelan asked about the County's policy with regard to positions when a grant is eliminated. Mr. Urich replied that in general the policy is that if the grant goes away, the positions go away. However, in this case, there is another funding stream available, which is before the Board. This is a policy decision for the Board to make. Phelan asked for an example of the County funding a position when the grant was eliminated. Mr. Urich said the only similar example occurred recently with an access to counsel grant for two paralegals in the Public Defender's Office.

Baietto raised a point of order because several Board members had already cast their votes before discussion and asked Mr. Atkins for his advice. Mr. Atkins said that it would be improper to continue discussion if members have already voted. He recommended that the Clerk cancel the votes cast and that discussion continue; the Clerk canceled the votes cast on Item No. 6.

Trumpe asked if the fee would be for staff or material goods. Mr. Urich replied that any capital investments will come from the County's capital budget. It is not known how much money this fee will generate. He noted that even if the County collects the fee on every conviction, the defendant may not be able to pay. Trumpe asked about the costs of collection. Mr. Atkins said there would be no added costs to collect this fee because the County already has a collections process for criminal and traffic fines and fees in place. Phelan said he would like this issue to go through the budget process, and if the Judicial Committee and Administration think these positions are warranted, then we can find the money to do so. But he said he is not in favor of raising fees, especially when it is not known how much money will be generated. Widmer asked how much money will be generated. Mr. Urich replied that on convictions alone, if everyone pays, the estimate is \$200,000.00 per year. But not everyone who is convicted is going to have the ability to pay. Mr. Atkins said he does not believe a judge has discretion as to whether the fee should be imposed, but would have discretion whether to order collection. If a defendant does not pay, a judge can order a jail sentence as punishment, but to enter that order the defendant must have the ability to pay and willfully not pay. Based on current collections, he believes about 60% of the fees would be collected in a one year period, and 80% would be collected in a 3-5 year period. Widmer said he looks at this fee differently because it will be assessed on criminal convictions.

Rand said that the Child Advocacy Center was established to provide health, psycho-social and prosecutorial services to child victims of one of the most horrible crimes that occurs, rape. If we think a minute about the successful care of the victim, the stabilization of that circumstance through health professionals and the investigative and prosecutorial duties the County has, we might be able to absorb a little common sense into the situation. He suggested that this conversation be deferred and go back to the Judicial Committee to have a more robust conversation about how we make sure that all of those things that need funding from the judicial budgets can be met in the County's needs prioritization. He said this is a powerfully important function of the County.



Pearson said that the Advocacy Center is one of the best things the County has done. There has to be some way that the County can keep this program because these children have been hurt and bounced from place to place. This is a place where they feel safe and can talk and hopefully where we help them. Harding noted he visited the Advocacy Center, and he also thinks it is one of the most important things the County does. Morris moved to refer the resolution back to the Judicial Committee and Rand seconded. The motion to refer passed by a roll call vote of 14 ayes and one nay, with Hester voting nay.

Baietto said that before this matter comes back to the Judicial Committee, they need more information on whether this deviates from County procedure and if not, where are the dollars coming from and who will make that decision.

7. A resolution from your Finance/Legislative Study Committee recommending approval of revisions to the *Peoria County Travel Policy*.

Dillon moved to approve the resolution and Harding seconded. The resolution passed by a unanimous roll call vote of 15 ayes.

8. An ordinance from your Transportation Committee recommending approval to alter the speed limit (in both directions) on *Hanna City Glasford Road (CH R34)* from 25 mph to 40 mph beginning on East Main Street in Glasford to the North Village limit for a total distance of 0.5 mile in Kickapoo Township.

Hidden moved to approve the ordinance and Salzer seconded. Hidden noted this was done because there was one speed limit going in and one going out. Harding clarified that this is Timber Township, not Kickapoo. The ordinance passed by a unanimous roll call vote of 15 ayes.

9. A resolution from your Transportation Committee authorizing the County Administrator to execute and file on behalf of the County of Peoria all required *Grant Agreements for the 2009 IDOT Capital Application with the Division of Public and Intermodal Transportation, Department of Transportation, and State of Illinois for a financial assistance grant which would allow Rural Peoria County Council on Aging (RPCCA)* to acquire (3) Paratransit Buses worth \$195,000 and \$5,000 in computer equipment from the State of Illinois.

Hidden moved to approve the resolution and Salzer seconded. Hidden clarified that these buses belong to the County and closer watch is going to be made over them. Widmer asked if these are green buses. He also asked what happened to the old buses.

Elsasser and Phelan left the meeting.

Hidden clarified that the vehicles are actually vans, not buses. Mr. Urich said that the County transfers title to the old vans back to the State.

Elsasser returned to the meeting.

The resolution passed by a unanimous roll call vote of 14 ayes.



Phelan returned to the meeting.

10. A resolution from your Transportation Committee recommending approval for the County Board to give consent to the *Department of Transportation and the State of Illinois*, to reappoint *Thomas J. McFarland* as Peoria County Engineer for a term of 6 years beginning September 11, 2009.

Hidden moved to approve the resolution and Harding seconded. Dillon said that he would like to move Item No. 10 to Executive Session since it is a personnel matter. Mr. Atkins explained that no second or vote is needed if there is no objection. Hidden said that from now on if there is an appointment, it should be discussed in Executive Session before it goes to the committee. There being no objection, Item No. 10 was moved to the end of the agenda. The Chairman also noted that Item No. 12 would be moved to the end of the agenda.

11. A resolution from your Management Services Committee authorizing the County Administrator to execute and file on behalf of the County of Peoria the *Annual HIPAA Exemption Election Document* as described per the attached resolution.

Phelan moved to approve the resolution and Rand seconded. The resolution passed by a roll call vote of 14 ayes and one nay with Watkins voting nay. (Phelan noted for the record that he voted yes; the clerk had not re-set his status when he returned to the meeting.)

12. A resolution from your Management Services Committee authorizing the County Administrator to withdraw the pending lien on *Worker's Compensation Case #010015-004248-WC-01* in return for a payment of *\$41,915.00* in an attempt to settle the case.

Item No. 12 was moved to the end of the agenda after Executive Session.

13. EXECUTIVE SESSION - Pending Litigation, Labor Relations, and Personnel Matters.

Pearson moved to go into Executive Session to discuss pending litigation, labor relations and personnel matters and Elsasser seconded. The motion passed by a unanimous roll call vote of 15 ayes.

10. A resolution from your Transportation Committee recommending approval for the County Board to give consent to the *Department of Transportation and the State of Illinois*, to reappoint *Thomas J. McFarland* as Peoria County Engineer for a term of 6 years beginning September 11, 2009.

The Chairman reminded the Board that a motion and second on Item No. 10 were already made. The resolution passed by a roll call vote of 14 ayes and one nay, with Harding voting nay.



12. A resolution from your Management Services Committee authorizing the County Administrator to withdraw the pending lien on *Worker's Compensation Case #010015-004248-WC-01* in returns for a payment of \$41,915.00 in an attempt to settle the case.

Phelan moved to approve the resolution and Rand seconded. The resolution passed by a unanimous roll call vote of 15 ayes.

VI. UNFINISHED BUSINESS

There was no unfinished business.

VII. MISCELLANEOUS

Widmer noted that the letter the Board received from Del Bertschy about errors in property assessments cannot be ignored. The process is not necessarily the problem, but there is a flaw in the overall system. The Board should get into this a little more thoroughly. Widmer asked for a written update as to the number of appeals, the type of appeals, how many adjustments were made without going further, the number of residential appeals, the number of commercial appeals and how many appeals have been denied. Elsasser asked whether the Board is going to look into whether assessments are accurate. Mr. Urich said that he is reluctant to look at individual properties. There is a statutory system in place for the analysis of individual parcels and that is through the Board of Review and the Property Tax Appeals Board.

Mr. Atkins said it is totally inappropriate for the County Board to investigate the assessments of particular individuals, particular properties or particular businesses. The reason the system is set up the way it is, with a Board of Review that is appointed and is autonomous, is that the County Board is political and this is not supposed to be a political decision. He strongly admonished the Board not to become involved in looking into particular property assessments. It is not the Board's role, and it is wrong for the Board to do that. Baietto asked if that precludes the Board from getting answers for constituents. He would like to get this behind us; he is not out to get anyone. But people have come to 7 or 8 meetings with their problems and haven't received a definitive answer. He has some real questions about commercial assessments; these questions need to be answered. If the system is broken, let's fix it. If there is no clarification, the suspicion is there that we're covering something up. Elsasser asked what Mr. Atkins recommends if the Board suspects the computer program has a flaw. Mr. Atkins replied that argument has been made to the Property Tax Appeals Board; that is the entity which should be ruling on this argument. If the question is whether the County has the appropriate software, it would be appropriate to talk to the Supervisor of Assessments and the Board of Review and see if they have the appropriate software.

Hidden said that she would like each Board member to have a copy of the first appraisal of work and repairs to be done at Bel-Wood. She then asked what happened to the County's surplus fund of \$21,000,000.00-\$24,000,000.00 from 3 or 4 years ago. Mr. Urich replied that at the end of 2007, there was fund balance of \$21,000,000.00. In



2008, \$3,400,000.00 was spent on capital projects in the General Fund. In 2009, he estimates the County will spend \$4,300,000.00 on operations and capital, which draws the balance down. Hidden asked that each Board member get a breakdown of these figures. She also asked about the money to be set aside for the Lead Program; she thinks there should be about \$750,000.00 now. Mr. Urich said it is about \$640,000.00. Hidden said that she would like to have a written statement on that too. She asked if Keystone is current on its payments and where that money is going. Mr. Urich said they are current, and that the money is put in a separate fund. Currently it is about \$3,300,000.00.

Phelan said he thinks that several Board members who would like to consider revisiting the County's contract with the EDC. He wanted to know what avenue Mr. Urich and Mr. Atkins prefer they take, if they want to bring that up for discussion. Mr. Atkins said he would look into it and get back to him. Rand noted that he has not received any of the information he previously asked for with regard to the EDC.

VIII. ANNOUNCEMENTS

Baietto noted that he recently had a friend who passed away at Bel-Wood. No one knew he was a County Board member. He compared the compassion and care his friend received there and at the hospital, and he was amazed. His friend's family was also amazed. He wished to compliment Mr. Nieu Kirk and wanted to share what he saw.

IX. ADJOURNMENT

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