

Sharon K. Williams, District 1  
Junior Watkins, District 2  
Lynn Scott Pearson, District 3  
Chairperson-Andrew A. Rand, District 4  
Rachael Parker District 5  
G. Allen Mayer, District 6  
James C. Dillon, District 7  
Phillip Salzer, District 8  
Michael Phelan, District 9



Andrew A. Rand - Chairperson  
R. Steve Sonnemaker, County Clerk

Vice-Chairperson -Stephen M. Morris, District 10  
Mary Ardapple, District 11  
Robert Baietto, District 12  
James T. Fennell, District 13  
Brian Elsasser, District 14  
Carol Trumpe, District 15  
Brad Harding, District 16  
Thomas H. O'Neill, III, District 17  
Paul Rosenbohm, District 18

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**PEORIA COUNTY BOARD  
MEETING MINUTES  
Thursday, August 13, 2015  
6:00 PM**

**Lutheran Hillside Village • 6901 N. Galena Road • Peoria, Illinois 61614**

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**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: Ardapple, Baietto, Dillon, Elsasser, Fennell, Harding, Mayer, Morris, O'Neill, Parker, Pearson, Phelan, Rand, Rosenbohm, Salzer, Trumpe, Watkins and Williams.

**II. PROCLAMATIONS & PRESENTATIONS**

- A welcome presentation by Lutheran Hillside Village

Phil King, Director of Stewardship of Lutheran Hillside Village, thanked those in attendance for coming. He presented the history of Lutheran Hillside Village, showing the current campus and the future buildings under construction; all addressing the needs for senior care.

- A proclamation recognizing PCAPS' Director Lauren Malmberg for her years of service
- A proclamation congratulating Dean Troutman for a 700-mile walk across the State of Illinois to raise funds to build a park in Princeville in memory of his wife

**EXECUTIVE SESSION - Pending Litigation**

Pearson moved to go into executive session to discuss pending litigation and Trumpe seconded. The motion passed by a unanimous roll call vote of 18 ayes.

**I. APPROVAL OF MINUTES**

- Approval of July 9, 2015 County Board Minutes
- Approval of July 9, 2015 County Board Executive Session Minutes

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



### **III. CITIZENS' REMARKS**

Walter Gutzwiller, Hillside Village Residents Association, addressed the board regarding the vacant firehouse on Route 29. He explained the firehouse that services the Lutheran Hillside Village travels a long way to respond. He expressed that the increase of residents in the area since the closing creates a need for reopening the firehouse. He encouraged the Board to provide any help it can give.

### **IV. CONSENT AGENDA**

- C1.** The Treasurer report consisting of the Bank and CD's Portfolio for the month of June 2015 and Revenue & Expenditure Reports for the month of May 2015.
- C2.** A resolution (items 1-2 - surrenders; item 3 - conveyance) from the Ways and Means Committee recommending that the County Board Chairman be authorized and directed to execute deed of said property to the highest bidder, and be authorized to cancel the appropriate Certificates of Purchase. This resolution shall be effective ninety days from August 13, 2015 and any transaction between the parties involved not occurring within this period shall be null and void.
- C3.** A resolution (items 1-3 - surrenders) from the Ways and Means Committee recommending that the County Board Chairman be authorized and directed to execute deed of said property to the highest bidder, and be authorized to cancel the appropriate Certificates of Purchase. This resolution shall be effective ninety days from August 13, 2015 and any transaction between the parties involved not occurring within this period shall be null and void.
- C4.** A resolution from your Executive Committee recommending approval of an Intergovernmental Agreement between the County of Peoria and the Limestone Township Fire Protection District for the Joint Sale of Properties.
- C5.** A resolution from your Executive Committee recommending approval of a Use Policy for County/State Capital Improvement (Keystone) Funds.
- C6.** A resolution from your Budget Subcommittee recommending approval to reinstate 100% personnel budgeting in the General Fund.
- C7.** A resolution from your Health, Public Safety and Justice Committee recommending approval of the lowest responsible bid of Der Graphics, Inc., T.M.R. Quebec, in the amount of \$15,353.39 for 2016 Court Case File Folders and Traffic Jackets for the Circuit Clerk's and State's Attorney's Offices.
- C8.** A resolution from your Health, Public Safety and Justice Committee



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recommending approval of the SFY2016 Juvenile Redeploy Grant Agreement with the Illinois Department of Human Services in the amount of \$362,520.00, with additional funds to pass through to Tazewell County Probation in relation to operating Juvenile Redeploy in Tazewell County.

- C9.** A resolution from your Health, Public Safety and Justice Committee recommending approval of the SFY 2016 Adult Redeploy Grant Agreement with the Illinois Criminal Justice Information Authority, in the amount of \$222,181.24.
- C10.** A resolution from your Health, Public Safety and Justice Committee approving the most responsible low bid of RA Cullinan & Sons, Inc., Tremont, IL, in the amount of \$56,496.18 for parking lot mill and overlay at the Juvenile Detention Center.
- C11.** A resolution from your Health, Public Safety and Justice Committee recommending approval of an appropriation of \$43,000.00 to the Sheriff's Office budget for overtime expenses related to ILEAS (Illinois Law Enforcement Alarm System) training.
- C12.** A resolution from your Health, Public Safety and Justice Committee recommending approval of the lowest responsible bid of Seico, Inc., Pekin, IL, in the amount of \$819,554.00 plus 10% contingency in the amount of \$81,955.00, for the purchase of Jail Central Control/Security Upgrade.
- C13.** A resolution from your Health, Public Safety and Justice Committee recommending approval of Police and Dispatch Service Contracts for 2015-2016 as follows:
- Dedicated Police Services  
Medina Township \$178,873.20; Village of Princeville \$119,249.04; Village of Bellevue \$119,249.04; City of West Peoria \$178,873.20, Bike Patrol \$136.57/hour; Dunlap Unit School District 323 \$69,268.79
  - Random Police Services  
Village of Dunlap \$19,005.48; Village of Hanna City \$63,351.12
  - Dispatch Services  
City of Elmwood \$5,662.56; Village of Glasford \$3,132.72; Village of Norwood \$1,377.12
- C14.** A resolution from your Land Use and Infrastructure Committee recommending approval of an Advertising Policy with CountyLink vehicles for the Rural Transportation Program.
- C15.** A resolution from your Ways and Means Committee recommending approval of an Amendment to the Delinquent Tax Program Agreement.



**C16.** A resolution from your County Operations Committee recommending approval of the continuation of the Voluntary Unpaid Leave and Voluntary Reduced Work Week Policy indefinitely.

**C17. Chairman Appointments**

Baietto moved to approve the Consent Agenda and Mayer seconded. Morris asked to pull Item C4. Mayer asked to pull Item C13. Chairman Rand pulled Item C17. The Consent Agenda, except Items C4, C13, and C17, was approved by a roll call vote of 17 ayes and 1 nay, with Harding voting nay.

**C4. Approval of an Intergovernmental Agreement with the Limestone Township Fire Protection District for the Joint Sale of Properties.**

Ardapple moved to approve Item C4 and Morris seconded. Chairman Rand stated he would abstain due to the potential that his company could be involved in discussing the transaction. Item C4 was approved by a roll call vote of 17 ayes and 1 abstention, with Chairman Rand abstaining.

**C13. Resolution for approval of Police and Dispatch Service Contracts for 2015-2016**

Mayer moved to approve Item C13 and Williams seconded. Mayer expressed his strong support for the resolution, addressing the concerns made during committee about subsidizing the service from the general fund. He stated that it does cost the general fund money, but this is an important service.

Baietto recognized that the areas covered are getting a bargain, but it is a service that should not be singled out because it's needed.

Elsasser stated that the agreement was a win-win situation since the small communities and townships have service at the most important times of day and it would cost more to respond to each call instead of having a presence in place.

Dillon commended Sheriff McCoy for the services provided in West Peoria and small communities.

Baietto brought up the cost to small communities to set up their own police department and stressed that the current system is working well.

Item C13 passed by a unanimous roll call vote of 18 ayes.

**C17. Chairman Appointments**

Ardapple moved to approve Item C17 and Fennell seconded. Chairman Rand pulled the Economic Development District appointments.

Williams requested that the Board take a position on the Springdale Cemetery before an appointment is made.



Elsasser inquired into the possibility of losing an appointment to the Cemetery Board. Chairman Rand said that possibility is now gone.

Williams stated that Springdale Cemetery was to be discussed in Executive Committee, but was pulled from the agenda. She believed there would be a full discussion at that time.

Item C17 was approved by a roll call vote of 16 ayes and 2 nays, with Harding and Williams voting nay.

## **V. ZONING ORDINANCE AND RESOLUTIONS**

1. Case W06-15, Matthew & Emily Dawson (Perry & Roberta Cruce, owners). A resolution from your Land Use and Infrastructure Committee recommending approval of a waiver of compliance from Section 20-8.3.4.1.b.2.a of the Unified Development Ordinance. This section requires all minor subdivisions to have a public water supply. The petitioner is proposing to divide two (2), 2 acre tracts from an existing 51.708 acre tract. The petitioner proposes to construct single family residences on the proposed two (2) acre parcels. The parcel is located in Kickapoo Township.

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

2. A resolution from your County Operations Committee recommending approval of a revision to the Drug-Free Workplace Policy regarding Medical Cannabis.

Phelan moved to approve the resolution and Ardapple seconded. Mr. Atkins informed the Board that passing the resolution would bring the County in compliance with federal law and in accordance with state law. He stated that no individual working for the County would be able to use medicinal cannabis unless they were to take a medical leave of absence/unpaid leave. He said the policy would not allow it to be brought on County property.

Mayer asked Mr. Atkins, under the policy, if an employee prescribed medical cannabis must take an unpaid medical leave of absence. Mr. Atkins confirmed the expectation that an employee could not report to work during a period of using medical cannabis, but an employee could use medical marijuana during a period of paid leave if sufficient time is available. Mayer asked Mr. Atkins if employees prescribed muscle relaxants or codeine based medications would be required to take an unpaid medical leave of absence. Mr. Atkins responded that there is no federal prohibition on using those types of drugs and they would be handled on a case-by-case determination. Mayer asked if the State's Attorney's Office is aware that Illinois has a non-discriminatory law in place that would not allow for an employer to discriminate on the basis of it being medical marijuana. Mr. Atkins contended that the State's Attorney's position is that the use of medical marijuana is illegal under federal law. Mayer inquired about the State's Attorney's awareness regarding the federal budget and the enforcement of federal law regarding medical marijuana. Mr. Atkins explained that there seems to be very little will to enforce the law, but there has not been a repeal and it's still illegal under federal law. Mayer asked Mr. Atkins if he was aware of any other unit of local government passing a similar policy. Mr. Atkins responded that he was not aware of another unit of government exercising the level of caution prescribed in the resolution, but many have a prohibition in effect under a drug-free workplace policy. Mayer expressed his concern that



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adopting such a stringent policy would open the County up to possible liability under state law.

Baietto expressed his thoughts on the dangerous affects of marijuana and the need to change the law.

Elsasser thanked the State's Attorney for the work and interpretation of the policy.

Harding requested the classification of marijuana under the law, and if the County was being consistent in application with all similar narcotics. Mr. Atkins asserted that because there is no federal law allowing for medical marijuana, the application is consistent.

Ardapple asked Mr. Atkins to explain what best case studies have been found for medical marijuana use in other states that have legalized the use that are similar to the proposed policy. Mr. Atkins confirmed that the use of a variety of other policies were used.

Mayer inquired about the possibility of losing federal grant funding by not adopting the resolution. Mr. Atkins stated that there has not been any direct advisement on funding; however, various grants question or mandate a drug-free workplace.

Phelan stated that the recommendation of the policy to the Board came from the State's Attorney's office. He asserted that the Board must act as an employer. Adopting the resolution would minimize the risk to other employees and the public.

Chairman Rand asked if current policy prohibits an employee from being under the influence of any substance while working; Mr. Atkins confirmed. Chairman Rand stated his belief that marijuana can be used as a powerful pain reliever that could benefit employees. He said that he finds it hard for the Board to preclude people from controlling unbelievable pain or other conditions. He expressed that he feels uncomfortable when board certified physicians have found the appropriate drug choice, but an arbiter of the law can deny the prescription.

Phelan retorted that the policy would only exclude being under the influence while at work. Mayer stated that he would not have questioned it if that was the only exclusion. He identified that any user of the drug would be subject to the policy.

Mr. Atkins asserted that the policy stipulates under doctor's orders or otherwise, cannabis is illegal. He maintained that state law allows for and federal law mandates passage of a policy. He stated that the policy simply excludes an employee having it in their system or using it while working for the County.

Ardapple moved to refer the item back to committee, Pearson seconded. Phelan expected the item to be back before the Board for next month's meeting. The motion to refer back to committee passed by roll call vote of 15 ayes and 3 nays, with Baietto, Elsasser, and Rosenbohm voting nay.

Baietto said he would make available his extensive library on the subject of marijuana to members if interested.



## **VI. MISCELLANEOUS AND ANNOUNCEMENTS**

Trumpe informed the Board on the status of the Waters of the U.S. Act.

Williams requested attendance at the Flying Fish Festival on August 22nd from 10am to 3pm at Bass Pro Shops in East Peoria.

Mayer thanked Chairman Rand for his representation of the County at the Illinois Black Chamber of Commerce Convention.

Chairman Rand acknowledged the work of Parker and Phelan, along with the outstanding job the County has done meeting and exceeding MBE goals.

Williams congratulated Parker for third place at the Taste of Peoria, and Chairman Rand winning the Congressman Ray Lahood Health Care Champion Award.

## **VII. ADJOURNMENT**

There being no further business before the Board, the Chairman announced the meeting was adjourned.