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Wednesday, March 20, 2013

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MADISON COUNTY BOARD

STATE OF ILLINOIS)
) SS
COUNTY OF MADISON)

Proceedings of the County Board of Madison County, Illinois, as the recessed session of said Board held at the Nelson "Nellie" Hagnauer County Board Room in the Administration Building in the City of Edwardsville, in the County and State aforesaid on said Wednesday, March 20, 2013 and held for the transaction of general business.

**WEDNESDAY, MARCH 20, 2013
5:00 PM
EVENING SESSION**

The Board met pursuant to recess taken February 20, 2013.

* * * * *

The meeting was called to order by Alan J. Dunstan, Chairman of the Board.

The Pledge of Allegiance was said by all members of the Board.

The Roll Call was called by Debbie Ming-Mendoza, County Clerk, showing the following members present:

PRESENT: Messers. Adler, Alons, Asadorian, Brazier, Burris, Ms. Ciampoli, Davis, Dodd, Ms. Glasper, Ms. Gorman, Ms. Hawkins, Holliday, Ms. Kuhn, Madison, Malone, McRae, Meyer, Minner, Ms. Myers, Ms. Novacich, Patton, Petrillo, Robertson, Ms. Roosevelt, Semanisin, Ms. Tracy, Trucano, and Walters.

ABSENT: Dalton.

* * * * *

Ms. Hawkins moved, seconded by Ms. Glasper, to approve the minutes of the February 20, 2013 meeting.

Mr. Semanisin stated that the February minutes need to be corrected on page 63 paragraph 4. Instead of the State of Illinois being a participant, it is the contractor that is the participant.

Ms. Hawkins moved, seconded by Ms. Glasper to approve the amended February 20, 2013 minutes.
MOTION CARRIED.

* * * * *

Auditors First Quarter Report was placed on file

* * * * *

The following letter was received and placed on file:

ILLINOIS DEPARTMENT OF TRANSPORTATION
2300 South Dirksen Parkway, Springfield, Illinois 62764

March 11, 2013

SUBJECT: Notification to Maintain

Ms. Debra D. Ming Mendoza
County Clerk
157 North Main, Suite 109
Edwardsville, IL 62025

Dear Ms. Mendoza:

The following contract has been satisfactorily completed and accepted by the Department of Transportation:

Route: TR 67
Contract: 97356
County: Madison
Illinois Project: BROS-0119(067)
Section: 06-18111-00-BR

The agreement entered into between the State and the County of Madison details maintenance responsibilities for the completed improvement. Please refer to the agreement for this information.

Sincerely,

s/ Michael F. Renner, P.E.
Acting Engineer of Construction

* * * * *

The following letter was received and placed on file:

ILLINOIS DEPARTMENT OF TRANSPORTATION
2300 South Dirksen Parkway, Springfield, Illinois 62764
217-782-5597

February 5, 2013

SUBJECT: Item No. 139
Contract No. 97509
Madison County
Section 03-00053-01-WR
Project RS-2735(103)
Route FAS 2735
District 8

Charles E. Mahoney Co.

208 Service Street
Swansea, IL 62226

Dear Contractor:

At the letting held by the Illinois Department of Transportation in Springfield on January 18, 2013, your bid in the amount of \$3,691,736.29 was the low bid submitted on the above designated section.

You are hereby awarded the contract for this work at your bid price. Contract and bond forms will be sent to you under separate cover.

Your attention is called to Illinois Administrative Code, Part 6, Section 6.300, which provides that the contract shall be executed by the successful bidder and returned together with the contract bond within 15 days after the contract has been mailed to the bidder.

Before starting any work, please arrange to discuss your plans for prosecuting this work with Mr. Jeffrey Keirn, Deputy Director of Highways, Region Five Engineer, 1102 Eastport Plaza Drive, Collinsville, Illinois 62234-6198 or telephone 618-346-3110. No work may be started on this section until the contract has been executed by the Illinois Department of Transportation.

Sincerely,

s/ Ann L. Schneider
Secretary

* * * * *

The following report was received and placed on file:

**RECEIPTS FOR FEBRUARY 2013
COUNTY CLERK**

Marriage License issued @\$25.00	\$2,500.00
Civil Union License @ \$25.00	\$75.00
Certified Copies: Marriage (\$1,392.00) Civil Union (\$24.00)	\$6,838.43
Births (\$4,608.00) Deaths (\$450.00) Jurets (\$0.00) Miscellaneous Receipts (\$364.43)	
Registering Notary Commissions: 30@ \$5.00, 38@ \$10.00	\$530.00
Registering Certificates of Ownership: 0@ \$1.50, 32@ \$31.00	\$992.00
Registering Plats @ \$5.00 each	\$0.00
Genealogy Records	\$150.00
Automation Fees	\$3,114.00
Amusement Licenses	\$350.00
Mobile Home Licenses	\$0.00
Redemption Clerk Fees	\$5079.00
Tax Deeds Issued	\$25.00

Tax Sale Automation Fees	\$130.00
Total	\$19,783.43

*This amount turned over to the County Treasurer in Daily Deposits.

State of Illinois)
)
 County of Madison)

I, Debra D. Ming-Mendoza, County Clerk, do solemnly swear that the foregoing, is in all respect, just and true, according to my best knowledge and belief; that I have neither received directly or indirectly agreed to receive, or be paid, for my own, or another's benefit, any other money, article or consideration then herewith stated, or am I entitled to any fee or emolument for the period herein stated, or am I entitled to any fee or emolument for the period therein mentioned than herein specified.

Debra D. Ming-Mendoza
Debra D. Ming-Mendoza, County Clerk

Subscribed and sworn before me this 4TH day of March, 2013.

s/ Linda Carroll
 Notary Public

* * * * *

The following report was received and placed on file:

**MARK VON NIDA
 CLERK OF THE CIRCUIT COURT
 EARNED FEES REPORT
 GENERAL ACCOUNT
 3/8/2013**

ASSETS

Cash in Bank	\$3,594,651.08	
Time Certificates	<u>1,884,000.00</u>	
		<u>\$5,478,651.08</u>

LIABILITIES

Excess Fees Due County Treasurer	949,431.51
Library Fees	31,518.00
Child Support Maintenance	10,284.78

2% Surcharge	361.41	
2.5% TSP Fees	0.00	
Record Search	330.00	
Probation Operations	10,444.00	
Probation Fees-Adult	28,261.17	
Probation Fees-Juvenile	2,970.00	
Probation Fees-Superv.	13,934.77	
Court Security Fee	95,236.76	
Document Storage Fees	111,833.35	
Finance Court System Fee	31,352.11	
Arrestee's Medical Fees	2,698.95	
15% Arrestee's Med. Fees	476.29	
Office Automation Fees	<u>38,001.00</u>	
Total	<u>1,327,134.10</u>	
Balance Due Liability Ledger	4,151,516.98	
		<u>\$5,478,651.08</u>

ADJUSTMENTS

Jan Adj	400,892.92
Jan Ref Feb	0.00
Feb Ref Mar	134.00
Jan PP Feb	0.00
Feb PP Mar	0.00
Jan BR Feb	-2,865.00
Feb BR Mar	5,235.00
Jan DUI% Feb	-19,172.37
Feb DUI% Mar	22,321.10
Jan PRB Feb	-799.30
Feb PRB Mar	567.12
Jan 17% Exp to CCOAF for Feb	244.80
Feb 17% Exp to CCOAF for Mar	-326.40
SPNR Prior Refunds	85.04
NSF	-1540.00
over & short	0.00
prior refund selected for payment	-76.00
Honored Checks	1922.00
Total	406,622.91

**MARK VON NIDA
MADISON COUNTY CLERK OF THE CIRCUIT CLERK
EARNED FEES EPORT**

GENERAL ACCOUNT

Period Ending February 2013

Fee Title	EOM Date	Monthly Receipts	YTD Receipts
2%	2/28/2013	\$361.41	\$840.29
TSP FEE 2.5%	2/28/2013	\$0.00	\$0.00
AIDS	2/28/2013	\$0.00	\$0.00
ARR MED 15%	2/28/2013	\$476.29	\$971.17
BONDS	2/28/2013	\$26,542.89	\$48,345.95
CLERK FEE	2/28/2013	\$474,272.88	\$1,042,017.84
CHILD SUPPORT	2/28/2013	\$10,284.78	\$10,962.71
DRUG ABUSE	2/28/2013	\$0.00	\$0.00
FIN COURT	2/28/2013	\$31,352.11	\$69,515.41
INTEREST	2/28/2013	\$6,436.83	\$12,428.19
JURY DEMAND	2/28/2013	\$35,556.00	\$78,224.75
REC SRCH	2/28/2013	\$330.00	\$900.00
For Destination Gen Rev		\$585,613.19	
ARR MED 85%	2/28/2013	\$2,698.95	\$5,503.27
COURT SEC	2/28/2013	\$95,236.76	\$212,296.34
DOC STOR	2/28/2013	\$111,833.35	\$261,432.87
LIB FEES	2/28/2013	\$31,518.00	\$71,076.00
OFF AUTO	2/28/2013	\$38,001.00	\$88,201.00
PROB ADULT	2/28/2013	\$28,261.17	\$46,913.84
PROB JUVEN	2/28/2013	\$2,970.00	\$4,145.00
PROB SUPER	2/28/2013	\$13,934.77	\$28,627.22
VCVA	2/28/2013	\$0.00	\$0.00
PROB OPER FEE	2/28/2013	\$10,444.00	\$22,844.25
For Destination Spec Fund		\$334,898.00	
Period Ending February, 2013		\$920,511.19	

Authorized Signature: Carol French
8-Feb-13

COUNTY PORTION OF COUNTY RHSP	\$1,859.00	
STATE PORTION OF RHSP	\$33,462.00	\$37,180.00
ON-LINE COMPUTER FEES	\$8,474.78	
MICROFILM FEES	\$0.00	\$8,474.78

SPECIAL FUND RETAINED BY RECORDER

BALANCE IN REVENUE STAMP FUND FEBRUARY 2013			\$44,402.25
METER RECEIPTS			
DESCENDING REGISTER, JANUARY 2013	\$232,048.90		
METER SETTING FEBRUARY 2013	\$0.00		
STAMPS PURCHASED	\$0.00		
TOTAL REVENUE STAMPS	\$232,048.90		
LESS DESCENDING REG. FEBRUARY 2013	\$185,221.90		
CREDIT CLAIM MADE	\$0.00		
TOTAL METER RECEIPTS	\$46,827.00	\$46,827.00	
LESS DISBURSEMENTS FOR JFEBRUARY, 2013		\$0.00	
		\$46,827.00	\$46,827.00
LOOSE STAMPS HELD IN INVENTORY			\$15,000.00
BALANCE IN REVENUE STAMPS ACCOUNT AS OF JANUARY 2013			\$106,229.25

I, Amy Meyer, do solemnly swear that the foregoing report is in all respects just and true according to the best of my knowledge and belief.

s/Amy Meyer

 Amy Meyer, RECORDER

The following report was received and placed on file:

**ROBERT J. HERTZ
 SHERIFF OF MADISON COUNTY
 405 RANDLE STREET
 EDWARDSVILLE, IL 62025**

March 1, 2013

Mr. Alan Dunstan, Chairman
 and Members of the Madison County Board
 Madison County Administration Building
 Edwardsville, Illinois 62025

RE: Jail Population
 February 2013

Dear Chairman and Members:

Attached please find a daily census report which indicates the number of people in jail on any one given date for the above month.

This report is forwarded for the information of the Members of the County Board so they may be kept current on the use and population in the Madison County Jail.

Please note that the maximum capacity certified for the Madison County Jail by the Illinois Department of Corrections is 296.

Sincerely,

s/ Robert J. Hertz
Robert J. Hertz, Sheriff

MADISON COUNTY JAIL

**DAILY POPULATION REPORT
FEBRUARY 2013**

DAY	1	2	3	4	5	6	7	8
MALE	210	219	218	219	227	218	207	210
FEMALE	<u>36</u>	<u>38</u>	<u>38</u>	<u>38</u>	<u>37</u>	<u>39</u>	<u>36</u>	<u>34</u>
TOTAL	246	257	256	257	264	257	243	244
	9	10	11	12	13	14	15	16
MALE	213	205	201	209	216	214	216	213
FEMALE	<u>32</u>	<u>31</u>	<u>35</u>	<u>35</u>	<u>38</u>	<u>36</u>	<u>42</u>	<u>39</u>
TOTAL	245	236	236	244	254	250	258	252
DAY	17	18	19	20	21	22	23	24
MALE	214	208	214	221	206	199	208	214
FEMALE	<u>41</u>	<u>37</u>	<u>39</u>	<u>45</u>	<u>39</u>	<u>34</u>	<u>31</u>	<u>31</u>
TOTAL	255	245	253	266	245	233	239	245
DAY	25	26	27	28	29	30	31	
MALE	207	211	213	207				
FEMALE	<u>31</u>	<u>38</u>	<u>35</u>	<u>35</u>				
TOTAL	238	249	248	242				

The average Daily Population Count for the Madison County Jail February 2013 was 240.

The following report was received and placed on file:

Kurt Prenzler, Madison County Treasurer

February 2013

Fund Report

Company	Fund	Account	Deposit	Maturity	Rate	Amount
BRADFORD BANK	CD	135133	6/24/2011	6/24/2013	0.800	\$ 1,012,093
BRADFORD BANK	CD	135193	1/23/2012	1/23/2014	0.300	\$ 1,004,445
CARROLLTON BANK	CD	1012387136	6/20/2011	6/23/2013	1.045	\$ 2,000,000
CARROLLTON BANK	CD	40006987	12/2/2011	12/2/2013	1.064	\$ 1,010,712
CNB	CD	402184	11/18/2011	11/18/2013	1.150	\$ 248,556
COLLINSVILLE BLDG. & LOAN	CD	10630021235	7/20/2011	3/30/2013	0.550	\$ 100,000
COMMUNITY FIRST BANK	CD	84387316	8/30/2011	8/30/2013	1.100	\$ 249,368
FCB	CD	864375530	8/15/2011	3/15/2013	0.800	\$ 100,000
FIRST COMMUNITY CREDIT UNION	CD	920258516-40	10/27/2011	10/26/2013	1.100	\$ 247,702
GRANITE CITY STEEL & FCU	CD	112003116	11/14/2011	11/14/2013	0.500	\$ 100,000
HOME FEDERAL SVGS & LOAN	CD	20131166	11/23/2011	11/23/2013	0.700	\$ 246,937
JERSEY STATE BANK	CD	122466	11/29/2011	11/29/2013	1.100	\$ 248,385
NATIONAL BANK	CD	61549	8/31/2012	8/31/2013	0.500	\$ 1,007,272
RELIANCE BANK	CD	4000004013	9/28/2012	9/28/2013	0.300	\$ 150,716
SCOTT CREDIT UNION	CD	0002063002-0000	2/14/2013	2/11/2015	0.950	\$ 244,995
STATE BANK OF ST. JACOB	CD	8130	3/2/2012	3/1/2013	0.450	\$ 450,000
STATE BANK OF ST. JACOB	CD	8605	9/6/2012	9/6/2013	0.350	\$ 100,000
STATE BANK OF ST. JACOB	CD	9399	8/5/2012	8/5/2013	0.350	\$ 500,000
THE EDGE BANK	CD	19415	6/11/2012	6/11/2014	1.000	\$ 2,000,000
THE EDGE BANK	CD	19429	7/2/2012	7/2/2014	1.000	\$ 1,000,000
THE EDGE BANK	CD	16181	1/14/2011	3/15/2013	1.000	\$ 500,000
THE EDGE BANK	CD	19116	1/11/2012	4/11/2013	0.850	\$ 100,000
THE EDGE BANK	CD	17023	8/15/2011	4/15/2013	0.850	\$ 250,000
UNITED COMMUNITY BANK	CD	114266	11/21/2011	11/21/2013	1.003	\$ 246,378
UMB BANK--GE Capital Retail Bank	CD	36161NTA6	10/28/2011	9/30/2013	1.100	\$ 247,876
UMB BANK--Goldman Sachs Bank	CD	38143AAN5	11/2/2011	11/4/2013	1.100	\$ 247,876
UMB BANK--CIT Bank	CD	17284AE79	11/2/2011	11/4/2013	1.100	\$ 247,802
UMB BANK--Medallion Bank	CD	58403B-WF-9	11/3/2011	5/3/2013	0.750	\$ 244,878
UMB Bank--GE Capital Financial	CD	36160XYQ4	11/4/2011	11/4/2013	1.000	\$ 247,851

UMB Bank - Sallie Mae Bk/Murray	CD	316777GL9	10/3/2012	10/3/2014	0.850	\$	247,864
UMB BANK--Beal Bank	CD	07370VWT1	2/7/2013	2/12/2014	0.450	\$	247,727
UMB Bank - Fifth Third	CD	02587D-FY-9	2/7/2013	2/20/2014	0.400	\$	244,706
WELLS FARGO--Amer Exp Cent Bank	CD	02587D-FY-9	11/3/2011	11/4/2013	1.290	\$	251,408
WELLS FARGO--Ally Bank	CD	02005Q-WW-9	11/2/2011	11/4/2013	1.090	\$	251,243
COLLECTOR BANKS	DD	Various	Various	N/A	0.113	\$	142,500
UMB BANK	FHLB	313378H87	2/27/2012	2/28/2014	0.400	\$	-
UMB Bank	FHLB	3133ECFD1	2/25/2013	5/13/2014	0.200	\$	4,998,150
UMB Bank	FHLB	3133825K5	2/20/2013	2/20/2015	0.400	\$	19,982,800
UMB BANK	US TREASURY	912828MX5	6/26/2011	4/15/2013	1.750	\$	10,019,922
UMB BANK	US TREASURY	912828JQ4	10/26/2011	10/31/2013	2.750	\$	3,051,563
FIRST COMMUNITY CREDIT UNION	SVGS	920258516	10/27/2011	N/A	N/A	\$	1
SCOTT CREDIT UNION	SVGS	0002063002-0000	2/14/2013	N/A	0.250	\$	5
ASSOCIATED BANK	MM	2213211002	8/25/2011	N/A	0.250	\$	11,536,614
ASSOCIATED BANK	MM	2217257498	1/23/2012	N/A	0.200	\$	34,408,138
BANK OF EDWARDSVILLE	MM	175132408	12/2/1997	N/A	0.150	\$	10,136,300
BANK OF O'FALLON	MM	909070	10/14/2011	N/A	0.200	\$	245,828
BANK OF SPRINGFIELD	MM	7114230	8/23/2011	N/A	0.350	\$	247,068
CARROLLTON BANK	MM	40017273	8/12/2009	N/A	0.370	\$	4,834,115
FIRST CLOVERLEAF BANK	MM	27002837	5/9/2006	N/A	0.400	\$	7,902,855
FIRST COMMUNITY STATE BANK	MM	2003902	8/23/2011	N/A	0.500	\$	247,798
FIRST COMMUNITY STATE BANK	MM	2003929	9/12/2011	N/A	0.250	\$	1,000,617
IPTIP	MM	7139125061	5/31/2009	N/A	0.020	\$	10,034
THE EDGE BANK	MM	4300000654	6/4/2008	N/A	0.500	\$	805,109
UMB BANK	MM	9871394433	5/24/2006	N/A	0.050	\$	113,406
WELLS FARGO	MM	57130400	1/8/2008	N/A	0.010	\$	543
Amount Total						\$	125,280,154

* * * * *

The following two (2) resolutions were submitted and read:

**SUMMARY REPORT OF
CLAIMS AND TRANSFERS
February**

Mr. Chairman and Members of the County Board:

Submitted herewith is the Claims and Transfers Report for the month of February, 2013 requesting approval.

	Payroll	Claims
	<u>02/01/2013 & 02/15/2013</u>	<u>3/20/2013</u>
GENERAL FUND	\$ 2,161,935.36	\$ 584,197.09
SPECIAL REVENUE FUND	1,160,328.80	2,605,830.28
DEBT SERVICE FUND	0.00	0.00
CAPITAL PROJECT FUND	0.00	45,500.30
ENTERPRISE FUND	53,669.61	127,384.24
INTERNAL SERVICE FUND	28,770.66	665,091.97
COMPONENT UNIT	0.00	0.00
GRAND TOTAL	\$ 3,404,704.43	\$ 4,028,003.88

s/ Rick Faccin
Madison County Auditor

s/ Jack Minner -
s/ William S. Meyer -
s/ Larry Trucano -
s/ Jean Myers -
s/ Ann Gorman -
s/ Michael Holliday, Sr.
Finance & Gov't Operations Committee -

* * * *

**RESOLUTION APPROVAL/ENDORING THE ESTABLISHMENT OF PROACT DISCOUNT
PRESCRIPTION DRUG CARD PROGRAM FOR RESIDENTS OF MADISON COUNTY**

WHEREAS, the Metro Counties of Illinois has endorsed a County Discount Prescription Drug Card Program administered by ProAct, Inc.; and

WHEREAS, ProAct, Inc. is a full service pharmacy benefit management company with a reputation for exceptional service and a focus on the education of its members to manage healthcare costs; and

WHEREAS, by participating in ProAct Discount Programs, Madison County can provide reduced medicine costs for residents of the County who struggle on a daily basis to afford necessary medicine; and

WHEREAS, this is a voluntary program and is free to County residents; and

WHEREAS, the Discount Card Program is not insurance, but offers residents a cash discount for individuals and families who pay high out-of-pocket prices for medicine because they do not have prescription drug coverage or if a prescription is not covered by their current insurance program; and

WHEREAS, there is no charge of any sort to Madison County; and

WHEREAS, the discount card can be used at any participating pharmacy in the area and nationwide; and

WHEREAS, the discount program covers all prescription medications, brand name or generic, and prescriptions for pets are also covered; and

WHEREAS, a service agreement is necessary to make prescription drug discount cards available to all Madison County residents without regard to age, income or employment status and at no expense to the card holder.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That Madison County shall, at its option, have ability to renew said agreement for two (2) additional one (1) year terms.
2. That the County Board Chairman may execute any such agreement documents, or contracts necessary to implement the intent and purpose of this Resolution.

APPROVED AND ADOPTED by the County Board of Madison County, State of Illinois, this 20th day of March, 2013.

s/ Alan J. Dunstan
Alan J. Dunstan
County Board Chairman

ATTEST: s/ Debra Ming-Mendoza
Debra Ming-Mendoza
County Clerk

Respectfully submitted,

s/ Jack Minner
s/ Michael Holliday, Sr.
s/ Larry Trucano
s/ Ann Gorman
s/ Bill Meyer
s/ Jean Meyer

Finance & Government Operations Committee

Mr. Minner moved, seconded by Mr. Holliday, to adopt the two (2) foregoing resolutions.

On the question:

Mr. Malone: Is this the same program we have been using?

Mr. Parente: No. This is a new program that we are replacing the other program. This program has better discounts for the residents and they also do a direct mailing to all the residents so the card will end up in more people's hands.

Mr. Malone: Will we get all the stuff and have to pass it out like we did it the first time?

Mr. Dunstan: No it is a direct mailing with no cost to the county.

Ms. Hawkins: Will most of the drug stores honor this?

Mr. Dunstan: That will be for them to work out.

Mr. Parente: This has been implemented through St. Clair County and all of them are participating in St. Clair County.

Ms. Myers: When do you think it will be active?

Mr. Parente: We are going to start working on it immediately, whether it takes place in the next 60-90 days, I am not sure. But we are aiming for that time period.

The ayes and nays being called on the motion to adopt resulted in a vote as follows:

AYES: Adler, Alons, Asadorian, Brazier, Burris, Ms. Ciampoli, Davis, Dodd, Ms. Glasper, Ms. Gorman, Ms. Hawkins, Holliday, Ms. Kuhn, Madison, Malone, McRae, Meyer, Minner, Ms. Myers, Ms. Novacich, Patton, Petrillo, Robertson, Ms. Roosevelt, Semanisin, Ms. Tracy, Trucano, and Walters.

NAYS: None.

AYES: 28. NAYS: 0. Whereupon the Chairman declared the two (2) Resolutions duly adopted.

* * * * *

The following six (6) resolutions were submitted and read:

A RESOLUTION AUTHORIZING PARK & RECREATION GRANTS

WHEREAS; the Park and Recreation Grant commission has been created by the Madison County Board to implement local Park and Recreation Grants under the Illinois Metro-East Park and Recreation District Act; and,

WHEREAS; the Madison County Board has budgeted Park and Recreation sales tax funds for the FY 2013 Park Enhancement Program (PEP) Grant; and,

WHEREAS; applications for grants have been received from interested municipalities and park districts, and have been reviewed by the Park & Recreation Grant Commission; and,

WHEREAS; the Park & Recreation Grant Commission recommends that the following grants are awarded.

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County of Madison, Illinois that it hereby authorizes grants to be made from the Park & Recreation Grant budget to the recipients listed below for park and recreation purposes.

Alhambra Township	\$ 15,000.00	Alton	\$110,924.00
Bethalto	\$ 38,320.00	Chouteau Township	\$ 16,780.00
Collinsville Park Dist.	\$ 132,160.00	East Alton	\$ 25,184.00
Edwardsville	\$ 96,888.00	Edwardsville Township	\$ 15,000.00
Foster Township	\$ 16,108.00	Glen Carbon	\$ 51,832.00
Godfrey	\$ 72,500.00	Granite City Park Dist.	\$120,760.00
Hamel	\$ 15,000.00	Hartford	\$ 15,000.00
Highland	\$ 39,056.00	Livingston	\$ 15,000.00

Madison	\$ 15,000.00	Marine	\$ 15,000.00
Maryville	\$ 18,044.00	Pontoon Beach	\$ 23,060.00
New Douglas Township	\$ 12,450.00	Roxana Park Dist.	\$15,000.00
South Roxana	\$ 15,000.00	St. Jacob Park Dist.	\$ 15,000.00
Tri-Township Park Dist.	\$ 64,596.00	Venice Park Dist.	\$ 15,000.00
Wood River	\$ 42,520.00	Wood River Township	\$ 26,556.00
Worden	\$ 15,000.00		
Madison County Historical Museum			\$24,000.00
	Total		\$1,112,398.00

Respectfully submitted,

s/ Bruce Malone
s/ William Meyer
s/ Tom McRae
s/ Judy Kuhn
s/ Liz Dalton
s/ Gussie Glasper
s/ Ann Gorman

GRANTS COMMITTEE

s/ Hal Patton
s/ Brad Cunningham
s/ Ron Parente
s/ Mark Rosen

PARK & RECREATION GRANT COMMISSION

* * * *

A RESOLUTION AUTHORIZING A PARK & RECREATION LOAN TO THE CITY OF WOOD RIVER

WHEREAS, the Park and Recreation Grant Commission has been created by the Madison County Board to recommend local Park and Recreation Projects under the Illinois Metro-East Park and Recreation District Act; and

WHEREAS, the Commission and the Grants' Committee have established a low interest revolving loan fund to assist Madison County Park districts and municipalities in developing and completing larger park projects; and

WHEREAS, the City of Wood River has submitted an application for a \$85,000 capital improvement loan to purchase new lawn maintenance equipment for Belk Park golf course; and

WHEREAS, the Park & Recreation Grant Commission and the Grants' Committees recommend that the loan be approved;

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County of Madison, Illinois that it hereby authorizes a maximum Park & Recreation Loan of \$85,000 to the City of Wood River contingent upon: (1) the City complying with all applicable federal, state and local regulations; (2) the City demonstrating that it has adequate funding to complete its park project; (3) Madison County, the City and any other funding sources negotiating mutually satisfactory security agreements for the park loan; and (4) the City agreeing not to initiate its proposed park project until it has received a "Notice to Proceed" from Madison County;

BE IT FURTHER RESOLVED that this loan be made for a 5 year term at three percent interest to assist in funding City's park project.

Respectfully submitted,

s/ Bruce Malone
s/ William Meyer
s/ Tom McRae
s/ Judy Kuhn
s/ Liz Dalton
s/ Gussie Glasper
s/ Ann Gorman

GRANTS COMMITTEE

s/ Hal Patton
s/ Brad Cunningham
s/ Ron Parente
s/ Mark Rosen

PARK & RECREATION GRANT COMMISSION

* * * *

A RESOLUTION AUTHORIZING A PARK & RECREATION LOAN TO THE VENICE PARK DISTRICT

WHEREAS, the Park and Recreation Grant Commission has been created by the Madison County Board to recommend local Park and Recreation Projects under the Illinois Metro-East Park and Recreation District Act; and

WHEREAS, the Commission and the Grants' Committee have established a low interest revolving loan fund to assist Madison County Park districts and municipalities in developing and completing larger park projects; and

WHEREAS, the Venice Park District has submitted an application for a \$7,500 capital improvement loan to upgrade two baseball fields located at Venice Lee Park; and

WHEREAS, the Park & Recreation Grant Commission and the Grants' Committee recommend that the loan be approved;

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County of Madison, Illinois that it hereby authorizes a maximum Park & Recreation Loan of \$7,500 to the Venice Park District contingent upon: (1) the Park District complying with all applicable federal, state and local regulations; (2) the Park District demonstrating that it has adequate funding to complete its park project; (3) Madison County, the Park District and any other funding sources negotiating mutually satisfactory security agreements for the park loan; and (4) the Park District agreeing not to initiate its proposed park project until it has received a "Notice to Proceed" from Madison County;

BE IT FURTHER RESOLVED that this loan be made for a 1 year term at three percent interest to assist in funding Venice Park District's park project.

Respectfully submitted,

s/ Bruce Malone
s/ William Meyer
s/ Tom McRae
s/ Judy Kuhn
s/ Liz Dalton
s/ Gussie Glasper
s/ Ann Gorman

s/ Hal Patton
s/ Brad Cunningham
s/ Ron Parente
s/ Mark Rosen

GRANTS COMMITTEE

PARK & RECREATION GRANT COMMISSION

* * * *

RESOLUTION AUTHORIZING HOME PROGRAM FUNDS TO EAST ALTON ASSOCIATES, L.P.

WHEREAS, Madison County has funds available in the HOME Investment Partnerships Program (HOME) for affordable housing development projects, and

WHEREAS, HOME funds are used to expand the supply of decent, safe, affordable housing, to make new construction of housing feasible, and to promote the development of partnerships among local governments, private industry, and non-profits to utilize resources to provide such housing, and

WHEREAS, the East Alton Associates, L.P. is undertaking the development of the Defense Area Redevelopment project funded with Low Income Housing Tax Credit funds and other resources, and

WHEREAS, the East Alton Associates, L.P. has requested gap financing up to \$600,000 of HOME funds for the scattered site single family new construction project which will be used to construct 46 affordable rental housing units in East Alton,

NOW, THEREFORE, BE IT RESOLVED that the County Board of Madison County, IL authorizes a loan up to \$600,000 in HOME Program funding to East Alton Associates, L.P. for the Defense Area Redevelopment project contingent upon: (1) clearance on any environmental issues, (2) securing the commitment of all other funding sources, (3) mutually satisfactory security agreements, (4) completed project cost certifications, and (5) compliance with all regulatory issues pertaining to the HOME program and all local, state and federal regulations.

Respectfully submitted,

s/ Bruce Malone
s/ William Meyer
s/ Tom McRae
s/ Judy Kuhn
s/ Liz Dalton
s/ Gussie Glasper
s/ Ann Gorman
Grants Committee

* * * *

ORDINANCE NO. 2013-02

AN ORDINANCE FURTHER AMENDING ORDINANCE # 86-2 TO ADD PROPOSED PROJECTS IN ALTON AND BETHALTO TO THE RIVERBEND ENTERPRISE ZONE

WHEREAS, on March 19, 1986, the County Board of the County of Madison, Illinois passed Ordinance Number 86-2 entitled "An Ordinance Establishing An Enterprise Zone Within The County of Madison, Said Enterprise Zone Being A Portion of A Larger Enterprise Zone Encompassing Contiguous Portions of The County of Madison, The City of Alton, The Village of East Alton, The City of Wood River,

The Village of Hartford, The Village of Roxana, and the Village of South Roxana", providing a boundary description for the Riverbend Enterprise Zone; and

WHEREAS, the County Board of the County of Madison, Illinois has found it appropriate to amend Ordinance Number 86-2 from time to time since its passage so as to add new territory to the Riverbend Enterprise Zone; and

WHEREAS, the County of Madison has determined that it is necessary and in the best interest of the County of Madison and economic development in the Riverbend area to further add new territory in the City of Alton and Village of Bethalto to the Riverbend Enterprise Zone based upon Quality Buick GMC Cadillac's plans to renovate and reimage their dealership in Alton; and Grewe Inc's plans to develop Bethalto's Landing in Bethalto; and

WHEREAS, with the further expansion of the enterprise zone, the new additions will receive all the state and local amenities provided by the present enterprise zone; and

WHEREAS, a public hearing was held at 4:30 p.m. on Tuesday, February 12, 2013 at the Alton City Hall where pertinent information was presented.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF MADISON, ILLINOIS AS FOLLOWS:

- (1) That the County Board of the County of Madison hereby approves, subject to the concurrence of the city councils of the cities of Alton and Wood River; the village boards of trustees of the villages of Bethalto, East Alton, Hartford, Roxana and South Roxana, and the Illinois Department of Commerce and Economic Opportunity; the expansion of the Riverbend Enterprise Zone to include the properties identified in Exhibit "A" hereby incorporated by reference;
- (2) That the County Board of the County of Madison, subject to the passage of comparable ordinances by the city councils of the cities of Alton and Wood River; the village boards of trustees of the villages of Bethalto, East Alton, Hartford, Roxana and South Roxana; and subject to the approval of the Illinois Department of Commerce and Economic Opportunity hereby approves the new boundary description of the enterprise zone as identified in Exhibit "B" hereto;
- (3) That the County of Madison will provide all local benefits and amenities in the expanded territory as is currently being accorded to inhabitants of the Riverbend Enterprise Zone; and
- (4) That this Ordinance shall be in full force and effect immediately following its passage, approval, recording, inspection and publication, as may be required, according to law.

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF _____, 2013 A.D.

s/ Alan J. Dunstan
Alan J. Dunstan
Madison County Board Chairman

ATTEST:

s/ Debbie Ming-Mendoza
Debbie Ming-Mendoza
Madison County Clerk

EXHIBIT A
ADDITIONS TO THE RIVERBEND ENTERPRISE ZONE BOUNDARY

Addition 1

Beginning at the intersection with the Southeast corner of a parcel of land described in BK. 4152, PG. 1311 in Madison County, IL records, parcel is part of Lots 10, 11, 13 and 14 in Benjamin Godfrey's Subdivision recorded in PB 20, PG. 50 in Madison County, IL records, a/k/a parcel# 23-1-07-01-06-101-006 and the North R.O. W. line of Homer Adams Parkway; thence North along the East line of said Lots a distance of 706.6 feet to a point; thence West 383.05 feet; thence South a distance of 591.98 feet to the North line of said Homer Adams Parkway R.O.W. line; thence Southeasterly along said R.O.W. line to the Point of Beginning.

Accepting there from that part of Lot 14 conveyed to I.D.O.T. by deed dated July 30, 1982 and recorded in BK. 3229, PG. 1093 in Madison County, IL. records.

Addition2

Beginning at the Northwest corner of Lot 8 of "Bethalto Business Park", as Subdivision recorded in PC. 60, PG 169 of the Madison County, IL records and the South R.O.W. line of Bender Avenue; thence West along said South R.O.W. line to the Northeast corner of Lot 1 of Scott Subdivision, PB. 34, PG. 146 of the Madison County, IL records; thence South along the East line of said Lot to the Southeast corner of said Lot; thence Westerly along the South line of said Lot and the Westerly extension to the East line of a tract of land recorded in Bk. 3907, Pg. 1211 of the Madison County, IL Records, a/k/a parcel# 19-1-08-11-20-401-003; thence South 40.40 feet to the Southeast corner of said tract; thence West along the South line of said tract and its Westerly extension a distance of 260.40 feet to the R.O.W. line of State Route 255; thence Northerly along said R.O.W. line 171.91 feet to a point; thence N.79 degrees 34' 23" E. for a distance of 118 feet, plus or minus to a point of intersection with the South R.O.W. line of Bender Avenue; thence North to the intersection with the Southeast corner of Lot 54 in Wayside Estates, PB. 32, PG. 83 of the Madison County, IL Records; thence West along the South line of said Lot to the Southwest corner; thence North along the West line of said Lot to the Northwest corner, said corner is also the Northeast corner of Lot 53 in said Subdivision; thence Northwest along the North line of Lot 53 to the Northwest corner of said Lot, said corner is also the Northeast corner of Lot 50 in said Subdivision; thence South along the East line of Lot 50 to the Southeast corner of said Lot; thence West along the South line of said Lot 50 and Lot 49 to the intersection with the East R.O.W. line of State Route 255; thence Northerly along said R.O.W. line to the intersection with the South R.O.W. line of East MacArthur Drive; thence Southeasterly along said R.O.W. line to the intersection with the Northwest corner of a tract of land recorded in Madison County, IL as document 2012R40640, a/k/a parcel # 19-1-08-11-12-202-009; thence South and East along said tract to the intersection with the Northeast corner of Lot 21 in said Subdivision; thence South along the East line of said Lot 21 and also the East line of Lots 20 and 19 to the intersection with the Northwest corner of a parcel conveyed in Madison County, IL. in document 2011R07313, a/k/a parcel # 19-2-08-11-16-405-017; thence East along said North line to the intersection with the West R.O.W. line of North Bellwood Drive; thence South along said R.O.W. line to the intersection with the Southeast corner of a tract of land described in Madison County, IL in BK. 3650, PG. 1841, a/k/a parcel # 19-1-08-11-20-401-006.001; thence Westerly and Northerly along said tract to the intersection with the South R.O.W. line of Bender Avenue; thence West along said R.O.W. line to the Point of Beginning.

EXHIBIT B
THE RIVERBEND ENTERPRISE ZONE BOUNDARY

The Riverbend Enterprise Zone Boundary begins at a point of intersection of a line between Lots 3 and 4 of Gambrell's Subdivision of Danforth's Purchase (Plat Book 6, Page 3), said line being the westerly corporate line of the City of Alton, Illinois and the easterly high bank of the Mississippi River; thence northeast along said line 120 feet to a point of intersection with the south R.O.W. line of Illinois Route 3 (McAdams Highway) thence southeast to a point 100 feet southeast of said line between Lots 3 and 4 of Gambrell's Subdivision of Danforth's Purchase; thence 90 degrees northeast for a distance of 514.56 feet; thence turning 90 degrees northwest 100 feet to a point on the line between Gambrell's Subdivision of Danforth's Purchase; thence 90 degrees northeast along said line for a distance of 1058.54 feet to a point on the west line of the Mississippi River Power Company Tract; thence turning south along said west line a distance of 790.98 feet to a point on the northwesterly R.O.W. of Grand Avenue and continuing south to its intersection with the southeasterly R.O.W. line of Grand Avenue; thence southwesterly along said R.O.W. line to a point 121.06 feet north of the intersection of the southwesterly R.O.W. line of Grand Avenue and Illinois Route 3; thence South 47 degrees 06 minutes 28 seconds East a distance of 10.78 feet; thence South 58 degrees 09 minutes 42 seconds East a distance of 89.95 feet to a point of curve; thence southeasterly along a curve to the right having a radius of 80.00 feet, an arc distance of 25.26 feet, a central angle of 18 degrees 05 minutes 23 seconds and a chord distance of 25.15 feet to a point of tangent; thence South 40 degrees 04 minutes 19 seconds East a distance of 90.31 feet to a point of curve; thence southeasterly along a curve to the left having a radius of 60.00 feet an arc distance of 10.70 feet, a central angle of 10 degrees 12 minutes 52 seconds and a chord distance of 10.68 feet to a point of tangent; thence South 50 degrees 16 minutes 11 seconds East a distance 96.02 feet; thence South 48 degrees 49 minutes 15 seconds East a distance of 103.86 feet; thence South 47 degrees 17 minutes 49 seconds East a distance of 101.61 feet; thence South 65 degrees 39 minutes 06 seconds East a distance of 51.03 feet; thence South 64 degrees 00 minutes 47 seconds East a distance of 48.25 feet; thence South 68 degrees 48 minutes 42 seconds East a distance of 125.00 feet to a point of curve; thence southeasterly along a curve to the right having a radius of 60.00 feet, an arc distance of 47.66 feet, a central angle of 45 degrees 30 minutes 43 seconds and a chord distance of 46.42 feet to a point of tangent; thence South 29 degrees 21 minutes 52 seconds East a distance of 26.98 feet to a point of curve; thence southeasterly along a curve to the right having a radius of 60.00 feet, an arc distance of 102.30 feet, a central angle of 97 degrees 41 minutes 15 seconds and a chord distance of 90.35 feet to a point on the north right-of-way line of the River Road (F.A. Route 155). Thence Southeast along said north R.O.W. line a distance of 220 feet; thence turning 90 degrees northeast a distance of 3330 feet; thence 90 degrees due east for a distance of 250 feet; thence turning 90 degrees south to a point of intersection with the north right-of-way line of Illinois Route 3 (McAdams Highway); thence turning southeast along said R.O.W. line to a point of intersection with the centerline of Bluff Street. The boundary turns northeast along the centerline of Bluff Street a distance of approximately 2620 feet to its intersection with the centerline of West Ninth Street. The zone boundary then takes a 95 degree turn southwest and runs along West Ninth Street for 510 feet. The boundary line then takes a 90 degree turn onto Hamilton Street and runs in a northeasterly curve for 1190 feet. At this point the Enterprise Zone turns in a northeasterly direction along an 8 feet wide strip west of and parallel to the easterly right-of-way line of Martin Luther King Drive (U.S. Route 67), variable width, extending from the existing boundary of the Riverbend Enterprise Zone - as shown on the Madison County Community Development map thereof dated March, 2000 prepared by Southwestern Illinois Planning Commission - extending northeasterly to the Riverbend Enterprise Zone Addition dated April 2006 prepared by Sheppard, Morgan and Schwaab, Inc. being from the intersection of said Martin Luther King Drive (U.S. Route 67) and Alby Street, variable width, to the northeasterly intersection of College Avenue, variable width, and said Martin Luther King Drive (U.S. Route 67), in Alton, Illinois. This strip provides for the addition of 2 tracks of land described as follows:

DOOLEY DRIVE COMPLEX

A tract of land being part of the South Half of Section 1 and a part of the Northwest Quarter of Section 12, Township 5 North, Range 10 West of the Third Principal Meridian, City of Alton, Madison County, Illinois, as shown on Exhibit "A" attached hereto and being more particularly described as follows:

Beginning at the intersection of the direct Easterly prolongation of the northerly line of a tract of land conveyed to Robert C. Bonniwell et ux, as recorded in deed book 4141, page 401 of the Madison County records, with the easterly right of way line of Martin Luther King Drive (U.S. Route 67), variable width; thence Westerly along said easterly prolongation and said north line to the easterly right of way line of Henry Street, 60 feet wide; thence Northerly along last said right of way line to the southwest corner of Elmhurst Subdivision, according to the plat thereof recorded in plat book 22, page 35 of said Madison County records; thence Northeasterly along the southeasterly line of said Elmhurst Subdivision to the southwest corner of Housing Project No. I ll. 55-2 (a.k.a. Alton Manor), according to the plat thereof, recorded in plat book 34, page 46 of said Madison County records; thence Northerly along the easterly line of said Alton Manor to the southwesterly right of way line of East Elm Street, 60 feet wide; thence Southeasterly along last said right of way line to the southeasterly right of way line of Dooley Avenue (formerly South Wilson Avenue), 50 feet; thence Southwesterly along last said right of way line to the northeasterly line of Curran's Fourth Addition to Buckmaster Heights, according to the plat thereof, recorded in plat book 23, page 28 of said Madison County records; thence Southeasterly and Northeasterly along last said northeasterly line to the westerly right of way line of above said Martin Luther King Drive; thence Southerly and Southwesterly along last said right of way line to a point that is eight feet from and perpendicular to the first course of this description; thence Easterly along a line that is eight feet from and parallel with said first course to the easterly right of way line of said Martin Luther King Drive; thence Southwesterly along last said right of way line to the Point of Beginning.

ALTON SQUARE BUSINESS DISTRICT

From the above Dooley Drive Complex point of beginning the boundary includes an 8 foot strip running northeasterly along Martin Luther King Drive (U.S. Route 67) to its intersection with South Central Drive thence continuing northeasterly along South Central Drive across Homer Adams Parkway (Beltline) to a point of intersection with a tract commonly known as the Alton Square Business District further described as follows:

Excluding parcel number 23-1-01-36-00-000-030, BEGINNING at a point marking the intersection of the Eastern right-of-way line of Alby Road with the Western boundary line of parcel number 23-1-01-36-00-000-027, which boundary line also represents the intersection of Industrial Drive with Alby Road, extending then East along the Northern property boundary line of parcel number 23-2-01-35-20-402-004, continuing nevertheless along said property line then South along the Eastern property line of aforesaid parcel to the terminus of the Eastern property line of aforesaid parcel at the North-Eastern-most corner of parcel number 23-2-01-35-20-402-003. Continuing then South along the Eastern property line of aforesaid parcel number 23-2-01-35-20-402-003 to a point where the property line meets the Northern right-of-way line of East Central Drive. Continuing then West along the Northern right-of-way line of East Central Drive to its intersection with the East right-of-way line of Alby Road, continuing then South along said right-of-way line to the South right-of-way line of East Central Drive and continuing then along said right-of-way line East to the Western right-of-way line of an Exit Ramp from East Homer Adams Parkway to East Central Drive, continuing southerly along said right-of-way line of said Exit Ramp to the North right-of-way line of East Homer Adams Parkway, continuing then along aforesaid right-of-way line to its intersection with the North/East boundary line of parcel number 23-2-07-01-05-101-005. Thence continuing along the North/East boundary line of the aforesaid parcel to the South-Westerly right-of-way line of South Center Street. Thence continuing along the South/West right-of-way line of South Center Street to its intersection with the Northern right-of-way line of East Homer Adams Parkway; continuing then East along the Northern right-of-way line of aforesaid Parkway to its intersection with the Western boundary line of parcel number 23-2-07-01-05-101-002. Continuing then North along the aforescribed property line to its terminus, thence continuing North directly traversing Regional Drive to the Western boundary line of parcel number 23-2-07-01-05-101-003. Continuing then North along the aforescribed property line to its terminus, continuing nevertheless along the Western

property line of parcel number 23-2-07-01-05-101-004 to its intersection with the Southern right-of-way line of East Delmar Road, traversing then East Delmar Road to the Western boundary line of parcel number 23-2-01-36-17-301-010. Thence continuing North along the Western boundary line of aforesaid parcel to the terminus of the aforescribed property line; continuing nevertheless North along the Western property line of parcel number 23-2-01-36-17-301-009 to the terminus of the aforescribed property line of the aforesaid parcel and continuing nevertheless North along the Western boundary line of parcel number 23-2-01-36-17-301-008 to the terminus of aforescribed property line; continuing nevertheless North along the Western property line of parcel number 23-1-01-36-17-301-006. Thence continuing East along the Northern property line of aforesaid parcel to the terminus of aforescribed property line; continuing nevertheless East along the property line of parcel number 23-1-01-36-00-000-027; continuing thence North along the property line of aforesaid parcel to a point where the Eastern boundary of aforesaid parcel meets the Southern boundary of parcel number 23-1-01-36-13-302-043. Thence continuing West along the Southern property line of aforesaid parcel to the Western property line of aforesaid parcel and thence continuing North along aforesaid property line to its intersection with the Southern right-of-way line of Big Arch Road. Thence continuing West along the Southern right-of-way line of Big Arch Road to a point where aforesaid right-of-way line intersects the Eastern boundary line of parcel number 23-1-01-36-13-302-001.002; continuing then South along the Eastern boundary of aforesaid parcel and then West along the Southern boundary of the same parcel to the terminus of aforescribed property line and continuing then South along the Eastern boundary line of parcel number 23-2-01-36-13-302-001.001 to the terminus of the aforescribed property line; continuing thence South along the Eastern boundary line of parcel number 23-2-01-35-20-402-006 to the intersection of aforescribed boundary line with the boundary line of parcel number 23-1-01-36-00-000-027, continuing thence West along the boundary line of the aforesaid parcel, which aforescribed boundary line may also be considered the Northern right-of-way line of Industrial Drive, to the intersection of the aforescribed boundary line with the East right-of-way line of Alby Road and continuing thence south along aforesaid right-of-way line to the point of BEGINNING. Parcel number 23-1-01-36-00-000-030 is excluded from the aforescribed area, which area contains the following parcels in the City of Alton: 23-1-01-36-00-000-027, 23-1-01-36-00-000-029, and 23-1-01-36-00-000-028.

ALTON CHAMPION HOTEL and QUALITY PONTIAC INC: From the Southeast Corner of the above Alton Square Business District Complex point of beginning the boundary includes an 8 foot strip running Southeasterly along the north R.O.W. line of Homer Adams Parkway to the intersection with the Southeast corner of a parcel of land described in BK. 4152, PG. 1311 in Madison County, IL records, parcel is part of Lots 10, 11, 13 and 14 in Benjamin Godfrey's Subdivision recorded in PB 20, PG. 50 in Madison County, IL records, a/k/a parcel# 23-1-07-01-06-101-006; thence North along the East line of said Lots a distance of 706.6 feet to a point; thence West 383.05 feet; thence South a distance of 591.98 feet to the North line of said Homer Adams Parkway R.O.W. line; thence Southeasterly along said R.O.W. line to the Point of Beginning.

Accepting there from that part of Lot 14 conveyed to I.D.O.T. by deed dated July 30, 1982 and recorded in BK. 3229, PG. 1093 in Madison County, IL. records.

Thence continuing Southeasterly along the North R.O.W. line of Homer Adams Parkway to include the following:

Lot 1,2and3 of Champion Hotel's subdivision, Page 65 and Page 318

SAINT ANTHONY'S HEALTH CENTER & SULLIVAN COMPLEX

A tract of land being part of the South Half of Section 1 and a part of the Northwest Quarter of Section 12, all in Township 5 North, Range 10 West of the Third Principal Meridian, City of Alton, Alton

Township, Madison County, Illinois, as shown on Exhibit "A" attached hereto and being more particularly described as follows: Beginning at a point on the westerly right of way line of Central Avenue, 60 feet wide, said point being 120.00 feet south of the northeast corner of Block 3 of James W. Davis Subdivision, according to the plat thereof, recorded in plat book 20, page 72 of the Madison County records; thence Northerly along last said right of way line to the direct westerly prolongation of the north right of way line of Riley Avenue, 50 feet wide; thence Easterly along said prolongation and last said right of way line to the southwesterly corner of Lot 6 in Block 2 of C. F. Stelzel's Addition to Tonsor Park, according to the plat thereof, recorded in plat book 9, page 2 of said Madison County records; thence Northerly along the westerly line of said C. F. Stelzel's Addition to Tonsor Park to the southwest corner of a tract of land conveyed to Vasser Caldwell, Jr. et ux as recorded in deed book 2598, page 356 of said Madison county records; thence Easterly along the south line of said Caldwell tract to the southeasterly corner thereof, said corner also being on the westerly line of a tract of land conveyed to Mitchell E. Holmes et ux as recorded in deed book 3352, page 2273 of said Madison County records; thence Southerly along last said westerly line to the southwesterly corner of said Holmes tract; thence Easterly along the southerly line of said Holmes tract to the southeast corner thereof; thence Northerly along the easterly line of said Holmes tract to the southerly right of way line of Tonsor Road, 50 feet wide; thence Easterly along last said right of way line to the northwesterly corner of a tract of land conveyed to Joseph B. McLemore et ux as recorded in deed book 2465, page 283 of said Madison County records; thence Southerly along the westerly line of said McLemore tract to the southwesterly corner thereof, said corner also being on a line that is 425 feet north of a parallel with the northerly right of way line of said Riley Avenue; thence Easterly along last said north line to the easterly line of Lot 2 in Block 2 of said C. F. Stelzel's Addition to Tonsor Park; thence Southerly along last said easterly line and the southerly prolongation thereof to point that is 8 feet from and perpendicular to the north right of way line of said Riley Avenue; thence Westerly along a line that is 8 feet from and parallel with last said right of way line to a point that is 8 feet from and perpendicular to the west right of way line of said Central Avenue; thence Southerly along a line that is 8 feet from and parallel with last said right of way line to the southeasterly right of way line of Relocated Central Avenue, according to Plans for Proposed M.F.T. Section 03-00219-00-PV by Sheppard, Morgan & Schwabb, Inc., dated June, 2005; thence Southeasterly and Southerly along last said right of way line to a line that is 5.00 feet north of and parallel with the north line of State House Square; thence Westerly along said line being 5.00 feet from and parallel with the north line of said State House Square and the direct Westerly prolongation thereof to the northerly right of way line of College Avenue, variable width; thence Southerly and Southwesterly along last said right of way line to the easterly right of way line of Martin Luther King Drive (U.S. Route 67); thence Northerly along last said right of way line to a line that is 120.00 feet south of the north line of Block 3 of said James W. Davis Subdivision; thence Easterly along a line that 120 south of and parallel with the north line of Block 3 of said James W. Davis Subdivision to the Point of Beginning.

The Enterprise Zone thence follows with the west side of the GM&O Railroad, perpendicular to East Thirteenth Street from the previously described point. The boundary line then proceeds to run south along Piasa Street for 1020 feet at which point it curves southeast to intersect with Market Street. The boundary runs south along Market Street for 850 feet at which point it makes a 90 degree turn southeast onto Sixth Street where it runs in this direction for 1530 feet. It then turns a 90 degree turn to run south along Mechanic Street to a point of intersection with the centerline of 5th Street thence turning east along said centerline to a point of intersection with the west R.O.W. line of Oak Street. The E. Z. boundary thence turns north along said R. O. W. line to a point of intersection with the centerline of the alley between 6th Street and 7th Street, thence turning east along said centerline to the east R.O.W. line of Central Avenue, thence south along said R.O.W. line to the south R.O.W. line of 6th Street, thence turning west along said R.O.W. line to the east R.O.W. line of Oak Street to a point of intersection with the centerline of 5th Street, thence turning southeasterly along said centerline to a point of intersection with the centerline of Plum Street, thence turning south along Plum Street for 510 feet. The boundary then takes a 90 degree turn southeast onto Fourth Street which follows this route for 680 feet. The Enterprise Zone boundary turns 90 degrees to the northeast and

runs along Pearl Street for 495 feet. Taking a 90 degree turn to the east the boundary runs along Walker Street for 742 feet. The boundary then takes a 95 degree turn north to run along Washington Avenue for 4125 feet. At this point the boundary turns to run east along Donald Avenue for 510 feet. The boundary then makes a 90 degree turn south onto Main Street and runs in this direction for 255 feet at which point it takes a 90 degree turn east, running along Watalee Avenue for a distance of 1275 feet. It then takes a north 90 degree turn onto Spaulding Street to run along this street for 680 feet. The boundary then takes a 90 degree turn west onto Fernwood Street to run in this direction for 425 feet. It then takes a 90 degree turn to the north and runs along Seminary Street for 850 feet. At this point, the boundary turns east onto Brown Street and runs for 1360 feet. The boundary turns onto Dorothy Street and runs south for 850 feet at which point it turns east onto Mayfield, running in this direction for 85 feet. It then turns south onto Willard Avenue and runs for 2120 feet. A 90 degree turn east is taken onto Franor Street and the boundary runs for 510 feet. It then turns 90 degrees to the south and runs along Rixon Street for 680 feet. The boundary then takes a 90 degree turn east and runs in this direction along Hillcrest Avenue for 1615 feet. At this point, Hillcrest intersects with Old Milton Road and the boundary begins running in a southeasterly fashion along Old Milton Road for 4930 feet. The boundary follows Old Milton Road to a point at which Old Milton Road intersects with Illinois Avenue. The boundary then turns 85 degrees northeast along Illinois Avenue for a distance of 239.5 feet, thence turning 90 degrees southeast for a distance of 260 feet to Virginia Avenue, thence turning 90 degrees northeast along Virginia Avenue to the point of intersection with the NYC Railroad. The boundary then turns easterly along its tracks for 660 feet in an easterly direction at which point it begins curving towards the north and follows this direction for approximately 1210 feet. At this point the zone boundary is at the intersection of the east right-of-way line of the Illinois Central Gulf Railroad and the centerline of the former Conrail Railroad near the north end of George Street. The boundary then runs in a northwesterly direction following the east right-of-way line of the ICG Railroad for a distance of 900 feet to the south right-of-way line of the Wood River Drainage and Levee District. It then takes a 120 degree turn northeast, following this distance for approximately 1763 feet along the south right-of-way line of the Wood River Drainage and Levee District. At this point the boundary takes a 135 degree turn southeast still following the south right-of-way line of the Levee District for 469 feet. It then takes a 127 degree turn northeast following a straight course for approximately 1313 feet crossing the East Fork of Wood River. Taking a 120 degree turn, the zone boundary begins following a southeasterly direction for approximately 338 feet to the intersection with the centerline of Powder Mill Road. The boundary then makes a 90 degree turn northeast and follows Power Mill Road in this direction for approximately 3825 feet at which point it then takes a 140 degree turn due north and continues following Powder Mill Road for approximately 825 feet. It then takes a 90 degree turn due east, following this direction approximately 1538 feet to the west right-of-way line of the Wood River Drainage and Levee District along the East Fork of Wood River. From this point, the boundary takes a 60 degree turn and follows the western Wood River Drainage and Levee District right-of-way line in a general southern and southwesterly direction approximately 8721 feet (1.6 miles) to the centerline of Powder Mill Road. The boundary then takes a 155 degree turn and follows Powder Mill Road in a southwestern direction for 675 feet at which point it meets the southern right-of-way line of the Wood River Drainage and Levee District. It then takes a 50 degree turn and follows said southern right-of-way line in an easterly direction approximately 1800 feet to Cooper Street. The boundary then turns south at an 80 degree angle and follows Cooper Street approximately 1200 feet to East Main. Taking a 120 degree turn, the boundary follows East Main in a westerly direction for approximately 3000 feet. The zone boundary then takes a 90 degree turn north, following Pence Avenue for approximately 825 feet at which point it meets the southern right-of-way line of the Burlington Northern Railroad. Curving to the west along Brown Street, the zone follows this western direction for approximately 1350 feet. The Enterprise Zone boundary then makes a 90 degree turn southeast and follows along the GM&O Railroad for approximately 4,335 feet. At this point, the zone boundary takes a 90 degree turn east onto Boynton Avenue; it follows this eastern direction for approximately 422 feet. The boundary line then makes a 90 degree turn north along the western boundary of the C.C.C. & St. Louis Railroad, following this course for approximately 181 feet. The boundary then takes a 90 degree turn east, following this course for approximately 688 feet at which point it meets the east right-of-way line of Alton & St. Louis Road. The boundary line then takes a 120 degree turn southeast, following the east right-of-way

line of Alton & St. Louis Road for approximately 150 feet. The zone boundary line then takes a 90 degree easterly turn, following the north right-of-way line of Grand Avenue for approximately 138 feet at which point it makes a 90 degree turn southeast. Following this southeast direction and running parallel to Alton & St. Louis Road, the zone boundary continues on for approximately 2526 feet at which point it meets the southern right-of-way line of Manning Avenue. The boundary line then takes a 90 degree turn east, following the south right-of-way line of Manning Avenue for approximately 91 feet. The zone boundary then proceeds to take a 90 degree turn south, following this direction for approximately 269 feet at which point it meets the north right-of-way line of Harnett Place. The boundary line proceeds to take a 90 degree turn west for a distance of 84 feet. Taking a 90 degree turn south, the zone boundary proceeds in this direction for approximately 369 feet until it meets the southern right-of-way line of Eckhard Avenue. The zone then takes a 90 degree turn east, following the northern boundary line of Helmkamp Industrial Park for approximately 656 feet. The zone then proceeds to make a 90 degree turn south, following the eastern boundary line of Helmkamp Industrial Park. It follows this course for approximately 2066 feet. At this point the zone boundary line is on the east right-of-way line of the Gulf Mobile & Ohio Railroad, parallel to the Lorena Avenue and Haller Avenue intersection. The zone then takes an 80 degree turn west for an approximate distance of 131 feet at which point it meets the western right-of-way line of the St. Louis-Alton Road. Taking a 90 degree turn south and following the western right-of-way line of the St. Louis-Alton Road, the zone boundary continues on for approximately 213 feet. The zone boundary then makes a 90 degree turn west following this direction for approximately 113 feet. Taking a 90 degree turn south, the zone boundary then travels down approximately 188 feet to the southern right-of-way line of Ferguson Avenue at which point it takes a 90 degree turn west. Following the southern right-of-way line of Ferguson Avenue and proceeding west, the zone Boundary then continues on for approximately 163 feet. The zone proceeds to take a 90 degree turn southeast, following this direction for approximately 269 feet. It then connects with Madison Avenue and runs east for 3570 feet. The boundary then takes a 90 degree turn onto 6th Street and runs south for 3230 feet at which point it begins curving to the southeast still following 6th Street for a distance of 3400 feet. The Enterprise Zone boundary then intersects with State Highway 111 and continues to run southeast to the intersection with the centerline of 8th Street. The boundary then turns 90 degrees east along said centerline to the intersection with the centerline of 13th Street. The boundary then turns 90 degrees north along the centerline of Chaffer Avenue a distance of 2450 feet to the northwest corner of Section 35 said point also being the intersection with the centerline of Tydeman Street then turning 90 degrees east along the north line of section 35 a distance of 2632' to a point 8' west of the east/west centerline of section 26. The boundary then turns 90 degrees north along a line 8' west of said centerline for a distance of 2640' to the north/south centerline of section 26, thence turning 90 degrees west for a distance of 590'. The boundary then turns 90 degrees north to a point of intersection with the north R.O.W. line of Illinois Route 143. Thence turning northwest along said R.O.W. line a distance of 170'; Thence turning 90 degrees northeast to a point of intersection with the south R.O.W. line of Old Alton-Edwardsville Road. The boundary then turns southeast along the south R.O.W. line of Old Alton-Edwardsville Road to its intersection with the west R.O.W. line of Wesley Drive, thence turning north along said west R.O.W. line to its intersection with the north R.O.W. line of Illinois Route 111 also known as Vaughn Road. The enterprise zone boundary then turns northeast along the north R.O.W. line of Illinois Route 111 to its point of intersection with the north R.O.W. line of Airline Drive, thence turning east along said north R.O.W. line to its intersection with the west R.O.W. line of Terminal Drive thence turning Northeast along the west R.O.W. line of Terminal Drive to its intersection with the South R.O.W. line of Civic Memorial Drive, thence turning southwest along said R.O.W. line and it's extension to a point of intersection with the west R.O.W. line of Illinois Route 111. The Enterprise Zone boundary then turns north along said west R.O.W. line for a distance of 445', thence turning west for a distance of 800', thence turning northwest to a point of intersection with the east line of the Oakdale Subdivision; said point being 795.96'south of its intersection with the south R.O.W. line of Bender Avenue, then turning 90 degrees east to a point of intersection with the east R.O.W. line of Mechanical Drive, thence turning north along said east R.O.W. line to a point of intersection with the south R.O.W. line of Bender Avenue;

thence West along said South R.O.W. line to the Northeast corner of Lot 1 of Scott Subdivision, PB. 34, PG. 146 of the Madison County, IL Records; thence South along the East line of said Lot to the Southeast corner of said Lot; thence Westerly along the South line of said Lot and the Westerly extension to the East line of a tract of land recorded in Bk. 3907, Pg. 1211 of the Madison County, IL Records, a/k/a parcel# 19-1-08-11-20-401-003; thence South 40.40 feet to the Southeast corner of said tract; thence West along the South line of said tract and its Westerly extension a distance of 260.40 feet to the R.O.W. line of State Route 255; thence Northerly along said R.O.W. line 171.91 feet to a point; thence N.79 degrees 34' 23" E. for a distance of 118 feet, plus or minus to a point of intersection with the South R.O.W. line of Bender Avenue; thence North to the intersection with the Southeast corner of Lot 54 in Wayside Estates, PB. 32, PG. 83 of the Madison County, IL Records; thence West along the South line of said Lot to the Southwest corner; thence North along the West line of said Lot to the Northwest corner, said corner is also the Northeast corner of Lot 53 in said Subdivision; thence Northwest along the North line of Lot 53 to the Northwest corner of said Lot, said corner is also the Northeast corner of Lot 50 in said Subdivision; thence South along the East line of Lot 50 to the Southeast corner of said Lot; thence West along the South line of said Lot 50 and Lot 49 to the intersection with the East R.O.W. line of State Route 255; thence Northerly along said R.O.W. line to the intersection with the South R.O.W. line of East MacArthur Drive; thence Southeasterly along said R.O.W. line to the intersection with the Northwest corner of a tract of land recorded in Madison County, IL as document 2012R40640, a/k/a parcel # 19-1-08-11-12-202-009; thence South and East along said tract to the intersection with the Northeast corner of Lot 21 in said Subdivision; thence South along the East line of said Lot 21 and also the East line of Lots 20 and 19 to the intersection with the Northwest corner of a parcel conveyed in Madison County, IL. in document 2011R07313, a/k/a parcel # 19-2-08-11-16-405-017; thence East along said North line to the intersection with the West R.O.W. line of North Bellwood Drive, a/k/a Illinois State Route 111; thence South along said R.O.W. line to the intersection with the Northeast corner of a tract of land described in document 2006R47142, recorded in Madison County, IL.; thence N. 83 degrees 13' W. a distance of 180.55', thence turning S. 0 degrees 19' W. a distance of 200.00', then S. 83 degrees 13' E. to a point of intersection with the East R.O.W. line of Illinois Route 111, thence turning south along said East R.O. W. line to a point of intersection with the North R.O.W. line of Civic Memorial Drive, then turning northeast along said north R.O.W. line to its point of intersection with the west R.O.W. line of Terminal Drive and it's extension, thence continuing along the north Row. line of Civic Memorial Drive to a point 350' more or less thence turning 90 degrees northwest for a distance of 350', thence turning 90 degrees southwest for a distance of 142', thence turning 90 degrees northwest for a distance of 150', thence turning 90 degrees northeast for a distance of 150', thence turning 90 degrees southeast for a distance of 550' to a point of intersection with the south R.O.W. line of Old Airport Drive, thence turning southwest along said R.O.W. line to its intersection with the east R.O.W. line of Terminal Drive. The boundary then turns southwest along said east R.O.W. line to its intersection with the north R.O.W. line of Airline Drive, thence turning southeast along said north R.O.W. line for a distance of 911.77', thence turning 90 degrees northeast for a distance of 304.35', thence turning south for a distance of 155.06', thence 9 degrees west a distance of 20', thence 90 degrees south a distance of 50', thence 90 degrees east a distance of 20', thence turning 90 degrees south a distance of 100', thence turning 90 degrees west for a distance of 180', thence turning 90 degrees south for a distance of 187.5', thence turning 90 degrees east for a distance of 105', thence turning 90 degrees south for a distance of 671.95', thence turning due west for a distance of 110', thence turning southeast for a distance of 677.05' to the south line of the NW 1/2 of the SW 1/4 of Section 13 Township 05 N, range 09 west. The boundary then turns west along said south line to its intersection with the east R.O.W. line of East Airline Drive, thence turning northwesterly along said east R.O.W. line for a distance of 994.70' to a point, said point being the northwest corner of parcel number 19-2-08-13-03-303-011, thence turning SW to the SE corner of parcel number 19-2-08-13-03-303-006, thence following the S. line of said parcel to its intersection with the E. R.O.W. line Skyway Court. The boundary then turns N. and E. along said R.O.W. line to its intersection with the E. R.O.W. of East Airline Drive, thence turning S. along said R.O.W. line back to the N.W. corner of parcel 19-2-08-13-03-303-011, thence turning northeast for a distance of 266.19' along the north line of said parcel to the southwest corner of parcel number 19-2-08-13-03-303-015 thence turning north along the west and north line of said parcel to its intersection with the south R.O.W. line of Airline Court thence turning

northwest along said south R.O.W. line to its point of tangency with the south R.O.W. line of Airline Drive and continuing along the south R.O.W. line of Airline Drive to its point of intersection with the east R.O.W. line of Illinois Route 111. The enterprise zone boundary then turns south along said east R.O.W. line to its point of intersection with the east

R.O.W. line of Wesley Drive, thence turning southeast along said east R.O.W. line for a distance of 650', thence turning due east for a distance of 250' to a point of intersection with the Northeast corner of Lot 1 of Boos Plaza Subdivision, PC. 63, PG. 363, thence southeast along the east line and continuing along the east line of parcel number 19-1-08-26-02-201-001 to its intersection with the north R.O.W. line of Rock Hill Road, thence turning southwest along said north R.O.W. line to its intersection with the east R.O.W. line of Wesley Drive, then turning southwest along said east R.O.W. to its intersection with the south R.O.W. line of Old Alton-Edwardsville Road, thence southeast along said R.O.W. line to the northeast corner of Lot 2 of Auto Court Subdivision, PC. 65, PG. 147, thence turning southwest along the east line of said lot to its intersection with the north R.O.W. line of Illinois Route 143, thence turning northwest along said north R.O.W. line to its intersection with the east and west centerline of section 26, thence turning due south along said centerline to the north line of section 35, thence turning east along said north line to a point of intersection with the centerline of Interstate 255. The boundary then turns northwest along said centerline to its intersection with the south R.O.W. line of State Route 143, thence turning northwest along said south R.O.W. line to a point of intersection with the west line and it's extension of parcel 19-1-08-25-00-000-005.001, thence turning north along said west line and continuing north, east, and south to its intersection with the north R.O.W. line of State Route 143, thence turning southeast along said north line to its intersection with the Southwest corner of a tract of land described in Bk. 4275, Pg. 629 of the Madison County Recorder's Office a/k/a parcel 19-1-08-25-00-000-009; thence Northerly along the West line of said tract and it's Northerly extension to the Northwest corner of a tract of land acquired by IDOT by Court Case#94-ED-14, signed 8-29-1994, a/k/a parcel 19-1-08-25-00-000-009.001; thence Southeasterly at an interior angel of 90 degrees to the centerline of State Route 255; thence turning northwest along the centerline of Interstate 255 to its intersection with the South line and it's extension of parcel 19-1-08-25-00-000-005.002. The Enterprise Zone Boundary then turns east to its intersection with the east R.O.W. line of Interstate 255, thence turning southeast along said R.O.W. line to its intersection with the north R.O.W. line of State Route 143, thence southeast along said north R.O.W. line to a point of intersection with the centerline of section 25, thence turning south to the northeast corner of the north quarter of section 36, thence continuing south along said line to the center of section 36. Then turning 90 degrees east along the east and west centerline of Section 36 a distance of 405 feet. The boundary then turns 90 degrees south a distance of 1141.5 feet. Then turning 90 degrees west a distance of 405 feet to the north and south centerline of Section 36. Then turning 90 degrees south along said centerline to its intersection with the centerline of the Illinois Terminal right-of-way. Then turning southeast along the centerline of the Illinois Terminal right-of-way to a point of intersection with the centerline of Madison Avenue. The boundary then turns west along the centerline of Madison Avenue a distance of approximately 2,500 feet to the east right of way line of Hedge Road. Thence turning south along said east right of way line a distance of 1727.13 feet, then turning 90 degrees west a distance of 1,254.83 feet then turning 90 degrees north for a distance of 561.06 feet to the southeast 1/4 of the northwest 1/4 of section 1, T4N.R9W. The boundary then turns 90 degrees east along said section line to its intersection with the west right of way line of Hedge Road, thence turning north along the west right of way line of Hedge Road to its intersection with the centerline of Madison Avenue. Then turning 90 degrees west along said centerline to a point of intersection with the projection of the centerline of Melrose Avenue. Then turning 90 degrees south 140 feet then 90 degrees west 155 feet to the centerline of the alley between Melrose Avenue and Velma Avenue then turning 90 degrees south 105 feet along said centerline. Then 90 degrees west for a distance of 150 feet to the centerline of Velma Avenue then 90 degrees south along said centerline to a point of intersection with the centerline of Illinois Route 111.

(It is at this point the Enterprise Zone surrounds but does not include an area beginning at a point of intersection of the centerline of Illinois Route 111 and the centerline of Madison Avenue. From the point of

beginning east along the centerline of Madison Avenue a distance of 625 feet. Then 90 degrees south 420 feet then 90 degrees west 330 feet to a point of intersection with the centerline of Illinois Route 111. Then turning northwest 523 feet to the point of beginning.)

The Enterprise Zone boundary continues from the point of intersection of the centerlines of Velma Avenue and Illinois Route 111 south along the centerline of Illinois Route 111 to its intersection with the centerline of Daniel Boone Trail. The boundary line then takes a 90 degree turn east onto Daniel Boone Trail in South Roxana and travels east for a distance of 1275 feet. It then takes a 90 degree turn along Sinclair Avenue and follows it in a southerly direction for 2210 feet at which point it takes a 90 degree turn due west, not following any road, and travels west for 1190 feet. The Enterprise Zone boundary then takes a 90 degree turn south onto Illinois Route 111 and follows it for approximately 1155 feet at which point it takes a 90 degree turn east, running along this course for approximately 1375 feet. The boundary line then takes a 90 degree turn north along the western boundary line of Section 007 for an approximate distance of 1210 feet. At this point, the zone boundary line takes a 90 degree turn east, following the northern boundary of Section 007 until it meets Cemetery Road. The boundary proceeds to take a 90 degree turn south, running along Cemetery Road to its intersection with the south line of Chouteau Township Section 1 (Twp 14) thence turning 90 degrees east along an 8 foot wide strip to its intersection with the southwest corner of parcel number 18-2-14-01-20-101-007 said parcel is then included within the enterprise zone. The boundary then turns 90 degrees west along said 8 foot strip and returns to its intersection with Cemetery Road, thence turning 90 degrees south along Cemetery Road for approximately 3190 feet. The boundary makes a 90 degree turn east following the south right of way line of Wagon wheel Road a distance of 854.38', thence turning 90 degrees south a distance of 1388.36', thence turning 90 degrees west a distance of 408.53', thence turning 90 degrees south a distance of 570.00' more or less then turning 90 degrees west a distance of 442.00' more or less to the east right of way line of Cemetery Road, thence turning 90 degrees north along said right of way line to the south right of way line of Wagon wheel Road, then turning 90 degrees west along said right of way line to the east R.O.W. line of Illinois Route 111, thence turning 90 degrees south along said R.O.W. line for a distance of 1240', thence turning 90 degrees east for a distance of 392.5' thence turning south for a distance of 325.82', then turning west to a point of intersection with the west R.O.W. line of Illinois Route 111. The E.Z. boundary thence turns 90 degrees north along said R.O.W. line to a point of intersection with Wagon Wheel Road then turning 90 degrees west for approximately 8305 feet (1.6 miles). The boundary then takes a 90 degree turn south, following along the east side of the Norfolk & Western Railroad for approximately 605 feet. The zone boundary then proceeds to take a 90 degree turn east, following this direction for approximately 440 feet. At this point, the boundary proceeds to take a 90 degree turn south following this direction for approximately 600 feet to the north line of the southwest 1/4 of the southwest 1/4 of Section 10, thence east along said north line approximately 1120 feet, thence turning 90 degrees south approximately 295 feet, thence turning 90 degrees east a distance of 341.50 feet, thence turning 90 degrees south a distance of 361.50 feet, thence turning 90 degrees west a distance of 361.50 feet, thence 90 degrees north to a point falling 20 feet south of the north line of the southwest 1/4 of southwest 1/4 of Section 10. The boundary then turns 90 degrees west for a distance of approximately 1100 feet to a line 440 feet east and parallel with the east side of the Norfolk and Western Railroad, thence turning southwest along said parallel line a distance of approximately 700 feet, thence turning 90 degrees west for approximately 440 feet to the east side of the Norfolk and Western Railroad. At this point, the zone boundary takes a 110 degree turn southwest following the east side of the Norfolk & Western Railroad for approximately 2200 feet. The boundary then takes a 90 degree easterly turn, following this direction for approximately 1100 feet at which point it makes a 90 degree turn. It follows this southwesterly turn for approximately 1320 feet. The zone boundary line then takes a 90 degree turn west for approximately 880 feet at which point it takes a 90 degree turn southwest for a distance of approximately 440 feet. The boundary line proceeds to take a 90 degree turn west, following this direction for approximately 413 feet, crossing the Norfolk & Western Railroad in the process. The zone boundary then makes a 90 degree turn northeast and begins following the Norfolk & Western Railroad for approximately 3960 feet. The boundary line then takes a 90 degree turn west, following this direction to its intersection with the west right-of-way line of Illinois Route 3 (approximately 480 feet),

the boundary then takes a turn north and runs along the west right-of-way line a distance of 1900 feet to its intersection with the north right-of-way line of Piasa Lane, the boundary then turns 90 degrees west running 430 feet to its intersection with the east right-of-way line of the levee then turning northeast along said east right-of-way line of Levee Road to its intersection with the west right-of-way line of Illinois Route 3. The boundary continues running northerly along the said west right-of-way line of Route 3 to its point of intersection with a line projected from the south right-of-way line of Rand Avenue. Then turning 90 degrees west along an extension of said centerline a distance of 1400 feet then turning 90 degrees south 1100 feet. The boundary then turns 90 degrees west to the east bank of the Mississippi River. Turning north along the east bank approximately 2880 feet to a point of intersection with the corporate line dividing the City of Wood River and the village of Hartford. Then turn east along said line a distance of 300 feet. Then turning 90 degrees south for 725 feet. The Enterprise Zone boundary then turns 90 degrees east 1800 feet to a point of intersection with the west right-of-way line of Illinois Route 3. Then turning 90 degrees north along the west right-of-way line of Illinois Route 3 to a point of intersection with the east side of the levee along the Mississippi River. The Enterprise Zone boundary then continues along the east right-of-way line of the levee along the Mississippi River to its intersection with the south right-of-way line of Illinois Route 3 (Berm Highway). At this point the Enterprise Zone excludes 3 parcels of designated Wetlands described as follows:

Parcel No. 1

A tract of land located in the Northwest quarter of Section 28, Township 5 North, Range 9 West of the Third Principal Meridian within the Corporate Limits of the City of Wood River, Madison County, Illinois, more fully described as follows:

Beginning at the northeast corner of Lot 1 in Envirotech Business Park (Plat Cabinet 60, page 47); thence measure North 88 degrees 31 minutes 19 seconds East from said beginning point along the south right-of-way line of DuBois Trail a distance of 50.63 feet to a point of curve; thence easterly along a curve to the right having a radius of 60.00 feet, a central angle of 41 degrees 24 minutes 35 seconds and an arc distance of 43.36 feet to a point of reverse curve; thence northeasterly along a curve to the left having a radius of 60.00 feet, a central angle of 109 degrees 58 minutes 51 seconds and an arc distance of 115.17 feet; thence South 70 degrees 02 minutes 58 seconds East a distance of 370.91 feet; thence South 0 degrees 58 minutes 18 seconds East a distance of 286.58 feet to the north right-of-way line of Illinois Route 143 (Berm Highway); thence westerly along said right-a -way line and along a curve to the right having a radius of 3719.72 feet, a central angle of 8 degrees 13 minutes 07 seconds and an arc distance of 533.56 feet; thence North 1 degrees 28 minutes 41 seconds West a distance of 483.25 feet to the Point of Beginning.

Containing 5.01 acres.

Parcel No. 2

A tract of land located in the Northwest quarter of Section 28, Township 5 north, Range 9 west of the Third Principal Meridian within the corporate limits of the City of Wood River, Madison County, Illinois, more fully described as follows:

Commencing at the northwest corner of the Northwest quarter of Section 28; thence measure north 87 degrees 19 minutes 10 seconds east (assumed bearing) along the north line of said quarter section a distance of 1111.03 feet to the Point of Beginning of the following described tract:

Thence continuing north 87 degrees 19 minutes 10 seconds east along said north line from said beginning point a distance of 30.41 feet to a point on the west right-of-way line of Illinois Route 3 (F.A. Route 4); thence southerly along said west right-of-way line and along a curve to the left having a radius of 5819.65 feet, a central angle of 1 degree 48 minutes 43 seconds and an arc distance of 184.04 feet; thence south 75 degrees 58 minutes 50 seconds west along said right-of-way line a distance of 69.25 feet; thence south 24

degrees 01 minutes 00 seconds east along said right-of-way line a distance of 84.62 feet; thence south 2 degrees 09 minutes 00 seconds east along said right-of-way line a distance of 91.84 feet; thence south 27 degrees 57 minutes 00 seconds west along said right-of-way line a distance of 263.31 feet; thence south 7 degrees 55 minutes 00 seconds west along said right-of-way line a distance of 167.66 feet; thence south 29 degrees 07 minutes 00 seconds east along said right-of-way line a distance of 120.01 feet; thence south 59 degrees 13 minutes 00 seconds east along said right-of-way line a distance of 105.94 feet; thence south 76 degrees 28 minutes 00 seconds east a distance of 254.08 feet; thence south 24 degrees 20 minutes 58 seconds east along said right-of-way line a distance of 442.00 feet; thence south 22 degrees 55 minutes 11 seconds west along said right-of-way line a distance of 54.62 feet to a point on the north right-of-way line of Illinois Route 143 (Berm Highway); thence South 69 degrees 31 minutes 04 seconds west along said right-of-way line a distance of 82.66 feet to a point of curve; thence westerly along said right-of-way line along a curve to the right having a radius of 3719.72 feet, a central angle of 8 degrees 06 minutes 05 seconds and an arc distance of 525.96 feet; thence north 0 degrees 58 minutes 18 seconds west a distance of 690.58 feet; thence north 22 degrees 26 minutes 16 seconds west a distance of 327.29 feet; thence north 1 degree 13 minutes 53 seconds west a distance of 446.45 feet; thence north 10 degrees 17 minutes 20 seconds east a distance of 235.00 feet; thence north 22 degrees 37 minutes 12 seconds east a distance of 375.17 feet to the point of beginning.

Containing 13.53 acres.

Parcel No. 3

A tract of land located in Sections 20, 21 and 29, Township 5 north, Range 9 west of the Third Principal Meridian within the corporate limits of the City of Wood River, Madison County, Illinois, more fully described as follows:

Commencing at the southwest corner of the southwest quarter of Section 21; thence measure north 87 degrees 19 minutes 10 seconds east (assumed bearing) along the south line of the southwest quarter of Section 21 a distance of 344.82 feet; thence north a distance of 30.06 feet to the Point of Beginning of the following described tract:

Thence north 62 degrees 58 minutes 22 seconds west from said beginning point a distance of 225.04 feet; thence south 48 degrees 01 minutes 25 seconds west a distance of 111.83 feet; thence south 75 degrees 29 minutes 33 seconds west a distance of 75.11 feet; thence north 79 degrees 02 minutes 49 seconds west a distance of 319.05 feet; thence north 38 degrees 19 minutes 40 seconds west a distance of 108.90 feet; thence south 88 degrees 07 minutes 43 seconds west a distance of 243.11 feet; thence south 47 degrees 02 minutes 32 seconds west a distance of 670.84 feet; thence north 90 degrees 00 minutes 00 seconds west a distance of 79.10 feet; thence north 00 degrees 00 minutes 00 seconds east a distance of 262.80 feet; thence north 89 degrees 56 minutes 00 seconds east a distance of 112.80 feet; thence north 51 degrees 35 minutes 30 seconds east a distance of 351.20 feet; thence north 09 degrees 44 minutes 30 seconds west a distance of 202.72 feet; thence north 12 degrees 39 minutes 30 seconds east a distance of 189.93 feet; thence north 29 degrees 27 minutes 30 seconds east a distance of 515.63 feet; thence north 00 degrees 04 minutes 30 seconds west a distance of 911.28 feet to the south right-of-way line of the Norfolk & Western Railroad; thence south 55 degrees 22 minutes 50 seconds east a distance of 1093.66 feet; thence south 40 degrees 50 minutes 22 seconds west along said right-of-way line a distance of 113.74 feet; thence south 35 degrees 53 minutes 14 seconds east a distance of 120 feet to a point of curve; thence southerly along a curve to the right having a radius of 370.00 feet, a central angle of 95 degrees 10 minutes 29 seconds, and an arc distance of 614.61 feet; thence south 59 degrees 17 minutes 15 seconds west a distance of 225.00 feet; thence south 41 degrees 55 minutes 23 seconds east a distance of 140.00 feet; thence south 56 degrees 37 minutes 59 seconds east a distance of 260.00 feet; thence south 00 degrees 00 minutes 00 seconds west a distance of 214.41 feet to the Point of Beginning.

Containing 36.60 acres.

The Enterprise Zone then continues northwesterly along said south right-of-way line 4690 feet at which point it turns 90 degrees southwest a distance of approximately 200 feet to the east bank of the Mississippi River. The Enterprise Zone boundary then turns northwest along said east bank to its intersection with the west line of the east one-half of Section 19, then turning north along said west line to its intersection with the south right-of-way line of Illinois Route 3 (Berm Highway). The Enterprise Zone boundary then turns northwest following the said south right-of-way line of Illinois Route 3 (Berm Highway) to its intersection with the southeast right-of-way line of the now vacated Monument Street. The boundary then turns southwesterly (crossing over the west side of the levee) a distance of 260 feet along said right-of-way line to the east bank of the Mississippi River and then the boundary turns northwest along said east bank to a point of intersection with the centerline of Bluff Street and its extension; thence turning northeast along said centerline to a point of intersection with the south R.O.W. line of Illinois Route 3 (McAdams Highway); the Enterprise Zone Boundary thence turns northwest along said R.O.W. line to a point 532.89 feet southeast of the line between Lots 3 and 4 of Gambrell's Subdivision of Danforth's Purchase; thence turning due west 150 feet more or less to the easterly high bank of the Mississippi River; thence northwesterly along said high bank to the point of beginning.

* * * *

RESOLUTION AUTHORIZING RELEASE OF A REQUEST FOR PROPOSAL (RFP) FOR IN SCHOOL & OUT OF SCHOOL YOUTH PROGRAMS IN MADISON & BOND COUNTIES BY THE MADISON COUNTY EMPLOYMENT AND TRAINING DEPARTMENT

WHEREAS, the Madison County Employment and Training Department is directed to provide youth services within Workforce Investment Area #22 (WIA 22), which is comprised of Madison and Bond Counties; and,

WHEREAS, the Madison County Employment and Training Department is requesting permission to release a request for proposal (RFP) for youth programming within the Madison-Bond County area; and,

WHEREAS, the Workforce Investment Act and the Illinois Department of Commerce and Economic Opportunity requires bids prior to the award of contract for such services; and,

WHEREAS, the funding for such programs is provided for in a grant received by the Employment and Training Department;

NOW THEREFORE, BE IT RESOLVED by the County Board of Madison County that the Madison County Employment and Training Department is hereby authorized to release a Request for Proposals for in school and out of school youth programming in the Madison-Bond County area.

Respectfully Submitted,

s/ Bruce Malone
Bruce Malone

s/ Ann Gorman
Ann Gorman

s/ Tom McRae
Tom McRae

s/ Gussie Glasper
Gussie Glasper

s/ William Meyer
William Meyer

s/ Liz Dalton
Liz Dalton

s/ Judy Kuhn
Judy Kuhn

Grants Committee

Mr. Malone moved, seconded by Ms. Tracy, to adopt the six (6) foregoing resolutions.

The ayes and nays being called on the motion to adopt resulted in a vote as follows:

AYES: Adler, Alons, Asadorian, Brazier, Burris, Ms. Ciampoli, Davis, Dodd, Ms. Glasper, Ms. Gorman, Ms. Hawkins, Holliday, Ms. Kuhn, Madison, Malone, McRae, Meyer, Minner, Ms. Myers, Ms. Novacich, Patton, Petrillo, Robertson, Ms. Roosevelt, Semanisin, Ms. Tracy, Trucano, and Walters.

NAYS: None.

AYES: 28. NAYS: 0. Whereupon the Chairman declared the six (6) Resolutions duly adopted.

* * * * *

The following two (2) resolutions were submitted and read:

ORDINANCE NO. 2013-03

AN ORDINANCE AMENDING THE MADISON COUNTY CODE OF ORDINANCES BY ESTABLISHING STANDARDS FOR THE CONSTRUCTION OF FACILITIES ON THE RIGHTS-OF-WAY

WHEREAS, the County of Madison (the “County”) is a county government in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the County has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and governing the use of public right-of-way and that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the County uses the public rights-of-way within its corporate limits to provide essential public services to its residents and businesses, including traffic control signals, water, sanitary sewer and storm sewer; and

WHEREAS, other utility service providers, including electricity, telephone, natural gas and cable television and video service providers have placed, or from time to time may request to place, certain utility facilities in the public rights-of-way within the County; and

WHEREAS, legislatures and regulatory agencies at the State and federal levels have implemented changes in the regulatory framework to enhance competition in the providing of various utility services; and

WHEREAS, the combination of legislative and regulatory changes and the development of new technologies has led additional service providers to seek opportunities to provide services in the County; and

WHEREAS, these regulatory and technological changes have resulted in demands for access to and use of the public rights-of-way in the County as service providers, particularly in the video and communications services, attempt to provide new or additional services to compete with incumbent service providers; and

WHEREAS, unlike prior deregulations of utility services in which incumbent service providers have been required to make their transmission and/or distribution systems available to competitors, video and communications services seeking to compete with incumbent service providers are seeking to install their own facilities for delivering competing video and communications services; thereby increasing the number of service providers seeking access to and use of the public rights-of-way in the County; and

WHEREAS, the public rights-of-way within the County are a limited public resource held in trust by the County for the benefit of its citizens and the County has a custodial duty to ensure that the public rights-of-way are used, repaired and maintained in a manner that best serves the public interest; and

WHEREAS, the corporate authorities of the County find and determine that it is necessary to and in the best interests of the public health, safety and general welfare to establish uniform standards and regulations for access to and use of the public rights-of-way in the County by utility service providers and other persons and entities that desire to place structures, facilities or equipment in the public rights-of-way, so as to (i) prevent interference with the use of streets, sidewalks, alleys and other public ways and places by the County and the general public, (ii) protect against visual and physical obstructions to vehicular and pedestrian traffic, (iii) prevent interference with the facilities and operations of the County's utilities and of other utilities lawfully located in public rights-of-way or property, (iv) protect against environmental damage, including damage to trees, from the installation of utility facilities, (v) preserve the character of the neighborhoods in which facilities are installed, (vi) prevent visual blight, and (vii) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of (i) the Illinois County Code, 55 ILCS 5/1-1-1, *et seq.*; (ii) Section 4 of the Telephone Company Act, 220 ILCS 65/4; (iii) the Illinois Highway Code, including, without limitation, Articles 7 and 9 thereof, 605 ILCS 5/1-101 *et seq.*; (iv) the Simplified Municipal Telecommunications Tax Act, 35 ILCS 636/1 *et seq.* and (v) the Cable and Video Competition Law of 2007, 220 ILCS 5/21-100 *et seq.*; and

WHEREAS, this Ordinance establishes generally applicable standards for construction on, over, above, along, upon, under, across, or within the public right-of-way, and for the use of and repair of the public right-of-way; and

WHEREAS, in the enactment of this ordinance, the County has considered a variety of standards for construction on, over, above, along, under, across, or within, use of and repair of the public right-of-way, including, but not limited to, the standards relating to Accommodation of Utilities on Right-of-Way of the Illinois State Highway System promulgated by the Illinois Department of Transportation and found at 92 Ill. Adm. Code § 530.10 *et seq.*; and

WHEREAS, the County hereby finds that it is in the best interest of the County, the public and the utilities using the public rights-of-way to establish a comprehensive set of construction standards and requirements to achieve various beneficial goals, including, without limitation, enhancing the planning of new utility facilities; minimizing interference with, and damage to, rights-of-way and the streets, sidewalks, and other structures and improvements located in, on, over and above the rights-of-way; and reducing costs and expenses to the public.

NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Madison, Illinois as follows:

Section 1. Recitals. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Adoption. The Madison County Code of Ordinances shall be amended by the addition of this Ordinance that will read as follows: **CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY**

115.1 Purpose and Scope.

a) Purpose. The purpose of this Chapter is to establish policies and procedures for constructing facilities on rights-of-way within the County's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the County rights-of-way and the County as a whole.

b) Intent. In enacting this Chapter the County intends to exercise its authority over the rights-of-way in the County and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

- 1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- 2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- 3) prevent interference with the facilities and operations of the County's utilities and of other utilities lawfully located in rights-of-way or public property;
- 4) protect against environmental damage, including damage to trees, from the installation of utility facilities;
- 5) protect against increased storm water run-off due to structures and materials that increase impermeable surfaces;
- 6) preserve the character of the neighborhoods in which facilities are installed;
- 7) preserve open space, particularly the tree-lined parkways that characterize the County's residential neighborhoods;
- 8) prevent visual blight from the proliferation of facilities in the rights-of-way; and

9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

c) Facilities Subject to This Chapter. This Chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the County. A facility lawfully established prior to the effective date of this Chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

d) Franchises, Licenses, or Similar Agreements. The County, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the County rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the County enter into such an agreement. In such an agreement, the County may provide for terms and conditions inconsistent with this Chapter.

e) Effect of Franchises, Licenses, or Similar Agreements.

1) Utilities Other Than Telecommunications Providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the County, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

2) Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this Chapter and the provisions of any franchise, license or similar agreement between the County and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

f) Conflicts with Other Chapters. This Chapter supersedes all Chapters or parts of Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

g) Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Chapter, the utility shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or State laws or regulations.

h) Sound Engineering Judgment. The County shall use sound engineering judgment when administering this Chapter and may vary the standards, conditions, and requirements expressed in this Chapter when the County so determines. Nothing herein shall be construed to limit the ability of the County to regulate its rights-of-way for the protection of the public health, safety and welfare.

115.2 Definitions.

As used in this Chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code § 530.30, unless the context clearly requires otherwise.

“AASHTO” - American Association of State Highway and Transportation Officials.

“ANSI” - American National Standards Institute.

“Applicant” - A person applying for a permit under this Chapter.

“ASTM” - American Society for Testing and Materials.

“Backfill” - The methods or materials for replacing excavated material in a trench or pit.

“Bore” or “Boring” - To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

“Cable operator” - That term as defined in 47 U.S.C. 522(5).

“Cable service” - That term as defined in 47 U.S.C. 522(6).

“Cable system” - That term as defined in 47 U.S.C. 522(7).

“Carrier Pipe” - The pipe enclosing the liquid, gas or slurry to be transported.

“Casing” - A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

“Clear Zone” - The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

“Coating” - Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

“Code” - The County Code of the County of Madison, Illinois.

“Conductor” - Wire carrying electrical current.

“Conduit” - A casing or encasement for wires or cables.

“Construction” or “Construct” - The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

“County” – The County of Madison, Illinois

“County Engineer” - The County Engineer and Highway Superintendent or his or her designee.

“Cover” - The depth of earth or backfill over buried utility pipe or conductor.

“Crossing Facility” - A facility that crosses one or more right-of-way lines of a right-of-way.

“Disrupt the Right-of-Way” - For the purposes of this Chapter, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or

permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

“Emergency” - Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

“Encasement” - Provision of a protective casing.

“Engineer” - The County Engineer or his or her designee.

“Equipment” - Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

“Excavation” - The making of a hole or cavity by removing material, or lying bare by digging.

“Extra Heavy Pipe” - Pipe meeting ASTM standards for this pipe designation.

“Facility” - All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Chapter. For purposes of this Chapter, the term “facility” shall not include any facility owned or operated by the County.

“Freestanding Facility” - A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

“Frontage Road” - Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

“Hazardous Materials” - Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the County Engineer to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

“Highway Code” - The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

“Highway” - A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. “Highway” includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

“Holder” - A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

“IDOT” - Illinois Department of Transportation.

“ICC” - Illinois Commerce Commission.

“Jacking” - Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

“Jetting” - Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

“Joint Use” - The use of pole lines, trenches or other facilities by two or more utilities.

“J.U.L.I.E.” - The Joint Utility Locating Information for Excavators utility notification program.

“Major Intersection” - The intersection of two or more major arterial highways.

“Occupancy” - The presence of facilities on, over or under right-of-way.

“Parallel Facility” - A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

“Parkway” - Any portion of the right-of-way not improved by street or sidewalk.

“Pavement Cut” - The removal of an area of pavement for access to facility or for the construction of a facility.

“Permittee” - That entity to which a permit has been issued pursuant to Sections 115.4 and __.5 of this Chapter.

“Practicable” - That which is performable, feasible or possible, rather than that which is simply convenient.

“Pressure” - The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

“Petroleum Products Pipelines” - Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

“Prompt” - That which is done within a period of time specified by the County. If no time period is specified, the period shall be 30 days.

“Public Entity” - A legal entity that constitutes or is part of the government, whether at local, state or federal level.

“Restoration” - The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

“Right-of-Way” or "Rights-of-Way"- Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the County has the right and authority to authorize, regulate or permit the location of facilities other than those of the County. “Right-of-way” or "Rights-of-way" shall not include any real or personal County property that is not specifically described in the previous two sentences and shall not include County buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

“Roadway” - That part of the highway that includes the pavement and shoulders.

“Sale of Telecommunications at Retail” - The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

“Security Fund” - That amount of security required pursuant to Section 115.10.

“Shoulder” - A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

“Sound Engineering Judgment” - A decision(s) consistent with generally accepted engineering principles, practices and experience.

“Telecommunications” - This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. “Private line” means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. “Telecommunications” shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. “Telecommunications” shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. “Telecommunications” shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the County through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

“Telecommunications Provider” - Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

“Telecommunications Retailer” - Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

“Trench” - A relatively narrow open excavation for the installation of an underground facility.

“Utility” - The individual or entity owning or operating any facility as defined in this Chapter.

“Vent” - A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

“Video Service” - That term as defined in section 21-201 (v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

“Water Lines” - Pipelines carrying raw or potable water.

“Wet Boring” - Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

115.3 [RESERVED]

115.4 Permit Required; Applications and Fees.

a) Permit Required. No person shall construct (as defined in this Chapter) any facility on, over, above, along, upon, under, across, or within any County right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this Chapter), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under across or within the right-of-way, without first filing an application with the County Engineer and obtaining a permit from the County therefore, except as otherwise provided in this Chapter. No permit shall be required for installation and maintenance of service connections to customers’ premises where there will be no disruption of the right-of-way.

b) Permit Application. All applications for permits pursuant to this Chapter shall be filed on a form provided by the County and shall be filed in such number of duplicate copies as the County may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly.

c) Minimum General Application Requirements. The application shall be made by the utility or it’s duly authorized representative and shall contain, at a minimum, the following:

- 1) The utility’s name and address and telephone and telecopy numbers;
- 2) The applicant’s name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;
- 3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
- 4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- 5) Evidence that the utility has placed on file with the County:
 - i) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and

ii) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the County and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the County finds that additional information or assurances are needed;

- 6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
- 7) Evidence of insurance as required in Section 115.8 of this Chapter;
- 8) Evidence of posting of the security fund as required in Section 115.10 of this Chapter;
- 9) Any request for a variance from one or more provisions of this Chapter (See Section 115.21); and
- 10) Such additional information as may be reasonably required by the County.

d) Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements of Subsection c) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

- 1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any “Certificate of Public Convenience and Necessity” or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
- 2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
- 3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
- 4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control, has been satisfied; or
- 5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

e) Applicant’s Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information

contained in a permit application shall be submitted by the utility in writing to the County within thirty (30) days after the change necessitating the amendment.

f) Application Fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Chapter shall be accompanied by a fee in the amount of \$1,000. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

115.5 Action on Permit Applications.

a) County Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the County Engineer within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the County Engineer shall reject such application in writing, stating the reasons therefore. If the County Engineer is satisfied that the proposed work conforms to the requirements of this Chapter and applicable ordinances, codes, laws, rules, and regulations, the County Engineer shall issue a permit therefore as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the County Engineer, that the construction proposed under the application shall be in full compliance with the requirements of this Chapter.

b) Additional County Review of Applications of Telecommunications Retailers.

- 1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the County that it intends to commence work governed by this Chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the County not less than ten (10) days prior to the commencement of work requiring no excavation and not less than thirty (30) days prior to the commencement of work requiring excavation. The County Engineer shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.
- 2) In the event that the County Engineer fails to provide such specification of location to the telecommunications retailer within either (i) ten (10) days after service of notice to the County by the telecommunications retailer in the case of work not involving excavation for new construction or (ii) twenty-five (25) days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Chapter.
- 3) Upon the provision of such specification by the County, where a permit is required for work pursuant to Section 115.4 of this Chapter the telecommunications retailer shall submit to the County an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of Subsection (a) of this Section.

c) Additional County Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007. Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five

(45) days after submission to the County, unless otherwise acted upon by the County, provided the holder has complied with applicable County codes, ordinances, and regulations.

115.6 Effect of Permit.

a) Authority Granted; No Property Right or Other Interest Created. A permit from the County authorizes a permittee to undertake only certain activities in accordance with this Chapter on County rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

b) Duration. No permit issued under this Chapter shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

c) Pre-construction meeting. The County Engineer may require a pre-construction meeting. The permittee shall be notified of this requirement at the time the permit is issued. No construction shall begin pursuant to a permit issued under this Chapter until after the conclusion of the pre-construction meeting.

d) Compliance with All Laws Required. The issuance of a permit by the County does not excuse the permittee from complying with other requirements of the County and applicable statutes, laws, ordinances, rules, and regulations.

115.7 Revised Permit Drawings.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the County within ninety (90) days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Chapter, it shall be treated as a request for variance in accordance with Section 115.21 of this Chapter. If the County denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefore.

115.8 Insurance.

a) Required Coverage's and Limits. Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the County, and its elected and appointed officers, officials, agents, and employees as additional insured's on the policies listed in paragraphs 1 and 2 below:

- 1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverage's) and products-completed operations coverage with limits not less than:
 - i) Five million dollars (\$5,000,000) for bodily injury or death to each person;

- ii) Five million dollars (\$5,000,000) for property damage resulting from any one accident; and
- iii) Five million dollars (\$5,000,000) for all other types of liability;
- 2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars (\$1,000,000) for personal injury and property damage for each accident;
- 3) Worker's compensation with statutory limits; and
- 4) Employer's liability insurance with limits of not less than one million dollars (\$1,000,000) per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

b) Excess or Umbrella Policies. The coverage's required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

c) Copies Required. The utility shall provide copies of any of the policies required by this Section to the County within ten (10) days following receipt of a written request therefore from the County.

d) Maintenance and Renewal of Required Coverage's. The insurance policies required by this Section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the County, by registered mail or certified mail, return receipt requested, of a written notice addressed to the County of such intent to cancel or not to renew."

Within ten (10) days after receipt by the County of said notice, and in no event later than ten (10) days prior to said cancellation, the utility shall obtain and furnish to the County evidence of replacement insurance policies meeting the requirements of this Section.

e) Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection a) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insured's under Subsection a), or the requirements of Subsections b), c) and d) of this Section. A utility that elects to self-insure shall provide to the County evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under Subsection a) of this Section, such as evidence that the utility is a "private self-insurer" under the Workers Compensation Act.

f) Effect of Insurance and Self-Insurance on Utility's Liability. The legal liability of the utility to the County and any person for any of the matters that are the subject of the insurance policies or

self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts there under.

g) Insurance Companies. All insurance provided pursuant to this section shall be affected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. [All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.]

115.9 Indemnification.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the County and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Chapter by the County, its officials, officers, employees, agents or representatives.

115.10 Security.

a) Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permit tee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve as security for:

- 1) The faithful performance by the permittee of all the requirements of this Chapter;
- 2) Any expenditure, damage, or loss incurred by the County occasioned by the permit tee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the County issued pursuant to this Chapter; and
- 3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the County may pay or incur by reason of any action or non-performance by permittee in violation of this Chapter including, without limitation, any damage to public property or restoration work the permittee is required by this Chapter to perform that the County must perform itself or have completed as a consequence solely of the permit tee's failure to perform or complete, and all other payments due the County from the permittee pursuant to this Chapter or any other applicable law.

b) Form. The permittee shall provide the Security Fund to the County in the form, at the permit tee's election, of cash, a surety bond in a form acceptable to the County, or an unconditional letter of credit in a form acceptable to the County. Any surety bond or letter of credit provided pursuant to this Subsection shall, at a minimum:

- 1) Provide that it will not be canceled without prior notice to the County and the permittee;
- 2) Not require the consent of the permittee prior to the collection by the County of any amounts covered by it; and
- 3) Shall provide a location convenient to the County and within the State of Illinois at which it can be drawn.

c) Amount. The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the County Engineer, and may also include reasonable, directly related costs that the County estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the County, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the County Engineer may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this Subsection (c) for any single phase.

d) Withdrawals. The County, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this Subsection, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the County for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:

- 1) Fails to make any payment required to be made by the permittee hereunder;
- 2) Fails to pay any liens relating to the facilities that are due and unpaid;
- 3) Fails to reimburse the County for any damages, claims, costs or expenses which the County has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
- 4) Fails to comply with any provision of this Chapter that the County determines can be remedied by an expenditure of an amount in the Security Fund.

e) Replenishment. Within fourteen (14) days after receipt of written notice from the County that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in Subsection c) of this Section.

f) Interest. The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the County, upon written request for said withdrawal to the County, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in Subsection c) of this Section.

g) Closing and Return of Security Fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the County for failure by the permittee to comply with any provisions of this Chapter or other applicable

law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the County to the extent necessary to cover any reasonable costs, loss or damage incurred by the County as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

h) Rights Not Limited. The rights reserved to the County with respect to the Security Fund are in addition to all other rights of the County, whether reserved by this Chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the County may have. Notwithstanding the foregoing, the County shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

115.11 Permit Suspension and Revocation.

a) County Right to Revoke Permit. The County may revoke or suspend a permit issued pursuant to this Chapter for one or more of the following reasons:

- 1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
- 2) Non-compliance with this Chapter;
- 3) Permit tee's physical presence or presence of permit tee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
- 4) Permit tee's failure to construct the facilities substantially in accordance with the permit and approved plans.

b) Notice of Revocation or Suspension. The County shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 115.11.

c) Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension. Upon receipt of a written notice of revocation or suspension from the County, the permittee shall have the following options:

- 1) Immediately provide the County with evidence that no cause exists for the revocation or suspension;
- 2) Immediately correct, to the satisfaction of the County, the deficiencies stated in the written notice, providing written proof of such correction to the County within five (5) working days after receipt of the written notice of revocation; or
- 3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the County providing written proof of such removal to the County within ten (10) days after receipt of the written notice of revocation.

The County may, in its discretion, for good cause shown, extend the time periods provided in this Subsection.

d) Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the County may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection a) of this Section.

e) Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of Subsection c) of this Section, the County or its designee may, at the option of the County: (1) correct the deficiencies; (2) upon not less than twenty (20) days' notice to the permittee, remove the subject facilities or equipment; or (3) after not less than thirty (30) days' notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the County. The permittee shall be liable in all events to the County for all costs of removal.

115.12 Change of Ownership or Owner's Identity or Legal Status.

a) Notification of Change. A utility shall notify the County no less than thirty (30) days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this Chapter, with respect to the work and facilities in the right-of-way.

b) Amended Permit. A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the County's right-of-way.

c) Insurance and Bonding. All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

115.13 General Construction Standards.

a) Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

- 1) Standard Specifications for Road and Bridge Construction;
- 2) Supplemental Specifications and Recurring Special Provisions;
- 3) Highway Design Manual;
- 4) Highway Standards Manual;
- 5) Standard Specifications for Traffic Control Items;
- 6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
- 7) Flagger's Handbook; and
- 8) Work Site Protection Manual for Daylight Maintenance Operations.

b) Interpretation of County Standards and Principles. If a discrepancy exists between or among differing principles and standards required by this Chapter, the County Engineer shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the County Engineer shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

115.14 Traffic Control.

a) Minimum Requirements. The County's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

b) Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.

c) Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

d) Notice When Access is Blocked. At least forty-eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to Section 115.20 of this Chapter, the utility shall provide such notice as is practicable under the circumstances.

e) Compliance. The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the County.

115.15 Location of Facilities.

a) General Requirements. In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.

1) No Interference with County Facilities. No utility facilities shall be placed in any location if the County Engineer determines that the proposed location will require the relocation or displacement of any of the County's utility facilities or will otherwise interfere with the operation or maintenance of any of the County's utility facilities.

2) Minimum Interference and Impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

3) No Interference with Travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

4) No Limitations on Visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.

- 5) Size of Utility Facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
- b) Parallel Facilities Located Within Highways.
- 1) Overhead Parallel Facilities. An overhead parallel facility may be located within the right-of-way lines of a highway only if:
 - i) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
 - ii) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;
 - iii) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
 - iv) No pole is located in the ditch line of a highway; and
 - v) Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.
 - 2) Underground Parallel Facilities. An underground parallel facility may be located within the right-of-way lines of a highway only if:
 - i) The facility is located as near the right-of-way line as practicable and not more than eight (8) feet (2.4 m) from and parallel to the right-of-way line;
 - ii) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - iii) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five (5) feet (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.
- c) Facilities Crossing Highways.
- 1) No Future Disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of County highways may require the incorporation of materials and protections (such as encasement or additional

cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

- 2) Cattle Passes, Culverts, or Drainage Facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
- 3) 90 Degree Crossing Required. Crossing facilities shall cross at or as near to a ninety (90) degree angle to the centerline as practicable.
- 4) Overhead Power or Communication Facility. An overhead power or communication facility may cross a highway only if:
 - i) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
 - ii) Poles are located as close to the right of way line of the highway as possible and outside of the clear zone; and
 - iii) Overhead crossings at major intersections are avoided.
- 5) Underground Power or Communication Facility. An underground power or communication facility may cross a highway only if:
 - i) The design materials and construction methods will provide maximum maintenance-free service life; and
 - ii) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- 6) Markers. The County may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).
 - d) Facilities to be Located Within Particular Rights-of-Way. The County may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.
 - e) Freestanding Facilities.
 - 1) The County may restrict the location and size of any freestanding facility located within a right-of-way.
 - 2) The County may require any freestanding facility located within a right-of-way to be screened from view.
 - f) Facilities Installed Above Ground. Above ground facilities may be installed only if:
 - 1) No other existing facilities in the area are located underground;

- 2) New underground installation is not technically feasible; and
- 3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

g) Facility Attachments to Bridges or Roadway Structures.

- 1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
- 2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - i) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - ii) The type, length, value, and relative importance of the highway structure in the transportation system;
 - iii) The alternative routings available to the utility and their comparative practicability;
 - iv) The proposed method of attachment;
 - v) The ability of the structure to bear the increased load of the proposed facility;
 - vi) The degree of interference with bridge maintenance and painting;
 - vii) The effect on the visual quality of the structure; and
 - viii) The public benefit expected from the utility service as compared to the risk involved.

h) Appearance Standards.

- 1) The County may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- 2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

115.16 Construction Methods and Materials.

a) Standards and Requirements for Particular Types of Construction Methods.

- 1) Boring or Jacking.
 - i) Pits and Shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the County Engineer from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
 - ii) Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.
 - iii) Borings with Diameters Greater Than 6 Inches. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).
 - iv) Borings with Diameters 6 Inches or Less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger or auger or following pipe method.
 - v) Tree Preservation. Any facility located within the drip line of any tree designated by the County to be preserved or protected shall be bored under or around the root system.
- 2) Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction."
 - i) Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the County Engineer.

- ii) Open Trench and Excavated Material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
 - iii) Drip Line of Trees. The utility shall not trench within the drip line of any tree designated by the County to be preserved.
- 3) Backfilling.
- i) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
 - ii) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the County Engineer, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the County Engineer.
- 4) Pavement Cuts. Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph 4) is permitted under Section 115.21, the following requirements shall apply:
- i) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the County Engineer.
 - ii) Restoration of pavement, in kind, shall be accomplished as soon as practicable and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the County.
 - iii) All saw cuts shall be full depth.
 - iv) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen

before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

5) Encasement.

- i) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the County.
- ii) The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- iii) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or County approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the County. Bell and spigot type pipe shall be encased regardless of installation method.
- iv) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.
- v) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;
- vi) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

6) Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

TYPE OF FACILITY	MINIMUM COVER
Electric Lines	30 Inches (0.8 m)
Communication, Cable or Video Service Lines	18 to 24 Inches (0.6 m, as determined by County)
Gas or Petroleum Products	30 Inches (0.8 m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, or Drainage Line	Sufficient Cover to Provide Freeze Protection

b) Standards and Requirements for Particular Types of Facilities.

1) Electric Power or Communication Lines.

- i) Code Compliance. Electric power or communications facilities within County rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled “Rules for Construction of Electric Power and Communications Lines,” and the National Electrical Safety Code.
 - ii) Overhead Facilities. Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
 - iii) Underground Facilities. (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads. (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: (a) the crossing is installed by the use of “moles,” “whip augers,” or other approved method which compress the earth to make the opening for cable installation or (b) the installation is by the open trench method which is only permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code.
 - iv) Burial of Drops. All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the County. Weather permitting; utilities shall bury all temporary drops, excluding snowdrops, within ten (10) business days after placement.
- 2) Underground Facilities Other than Electric Power or Communication Lines. Underground facilities other than electric power or communication lines may be installed by:
- i) the use of “moles,” “whip augers,” or other approved methods which compress the earth to move the opening for the pipe;
 - ii) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
 - iii) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - iv) tunneling with vented encasement, but only if installation is not possible by other means.
- 3) Gas Transmission, Distribution and Service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a County approved manner and in conformance with the Federal Code of the Office of Pipeline Safety

Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT’s “Standard Specifications for Road and Bridge Construction,” and all other applicable laws, rules, and regulations.

- 4) Petroleum Products Pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
- 5) Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines. Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current “Standard Specifications for Water and Sewer Main Construction in Illinois.”
- 6) Ground Mounted Appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the County Engineer. With the approval of the County Engineer, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

c) Materials.

- 1) General Standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT’s “Standards Specifications for Road and Bridge Construction,” the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
- 2) Material Storage on Right-of-Way. No material shall be stored on the right-of-way without the prior written approval of the County Engineer. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the County.
- 3) Hazardous Materials. The plans submitted by the utility to the County shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

d) Operational Restrictions.

- 1) Construction operations on rights-of-way may, at the discretion of the County, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to

be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.

- 2) These restrictions may be waived by the County Engineer when emergency work is required to restore vital utility services.
- 3) Unless otherwise permitted by the County, the hours of construction are those set forth in Chapter 115 of this Code.

e) Location of Existing Facilities. Any utility proposing to construct facilities in the County shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The County will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the County or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

115.17 Vegetation Control.

a) Electric Utilities – Compliance with State Laws and Regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the County as permitted by law.

b) Other Utilities – Tree Trimming Permit Required. Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Chapter.

- 1) Application for Tree Trimming Permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

c) Specimen Trees or Trees of Special Significance. The County may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

d) Chemical Use.

- 1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the County for any purpose, including the control of growth, insects or disease.
- 2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the County Engineer that such spraying is the only practicable method of vegetation control.

115.18 Removal, Relocation, or Modifications of Utility Facilities.

a) Notice. Within ninety (90) days following written notice from the County, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any County improvement in or upon, or the operations of the County in or upon, the rights-of-way.

b) Removal of Unauthorized Facilities. Within thirty (30) days following written notice from the County, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- 1) Upon expiration or termination of the permit tee's license or franchise, unless otherwise permitted by applicable law;
- 2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- 3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Chapter; or
- 4) If the facility was constructed or installed at a location not permitted by the permit tee's license or franchise.

c) Emergency Removal or Relocation of Facilities. The County retains the right and privilege to cut or move any facilities located within the rights-of-way of the County, as the County may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the county shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

d) Abandonment of Facilities. Upon abandonment of a facility within the rights-of-way of the County, the utility shall notify the County within ninety (90) days. Following receipt of such notice the County may direct the utility to remove all or any portion of the facility if the County Engineer determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the County does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the County, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

115.19 Clean-up and Restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the County. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the County Engineer. Such cleanup and repair may be required to consist of backfilling, regarding, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the County Engineer for good cause shown.

115.20 Maintenance and Emergency Maintenance.

a) General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the County and at the utility's expense.

b) Emergency Maintenance Procedures. Emergencies may justify non-compliance with normal procedures for securing a permit:

- 1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
- 2) In an emergency, the utility shall, as soon as possible, notify the County Engineer or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the County police shall be notified immediately.
- 3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

c) Emergency Repairs. The utility must file in writing with the County a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

115.21 Variances.

a) Request for Variance. A utility requesting a variance from one or more of the provisions of this Chapter must do so in writing to the County Engineer as a part of the permit application. The request shall identify each provision of this Chapter from which a variance is requested and the reasons why a variance should be granted.

b) Authority to Grant Variances. The County Engineer shall decide whether a variance is authorized for each provision of this Chapter identified in the variance request on an individual basis.

c) Conditions for Granting of Variance. The County Engineer may authorize a variance only if the utility requesting the variance has demonstrated that:

- 1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- 2) All other designs, methods, materials, locations or facilities that would conform to the provision from which a variance is requested are impracticable in relation to the requested approach.

d) Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the County Engineer may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Chapter but which carries out the purposes of this Chapter.

e) Right to Appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the County Engineer under the provisions of this Chapter shall have the right to appeal to the County Board or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the County Clerk within 30 days after the date of such order, requirement, decision or determination. The County Board shall commence its consideration of the appeal at the Board's [Council's] next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal. The County Board shall timely decide the appeal.

115.22 Penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Chapter shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the County will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the County's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the County. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

115.23 Enforcement.

Nothing in this Chapter shall be construed as limiting any additional or further remedies that the County Board may have for enforcement of this Chapter.

115.24 Severability.

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3. Effective Date. This Ordinance shall take effect ten (10) days after its passage, approval and publication in pamphlet form.

PASSED this 20 day of March, 2013.

s/ Alan J. Dunstan
Alan J. Dunstan
County Board Chairman

ATTESTED,

s/ Debbie Ming-Mendoza
Debra Ming-Mendoza
Madison County Clerk

Respectfully submitted,

s/ Mark Burris
s/ Jack Minner
s/ Nick Petrillo
s/ Judy Kuhn
s/ Mike Walters
s/ Brenda Roosevelt
Government Relations Committee

s/ Joe Semanisin
s/ Kelly Tracy
s/ Art Asadorian
s/ Larry Trucano
s/ Bill Meyer
s/ Mark Burris
Transportation Committee

* * * *

ORDINANCE #: 2013-04
AN ORDINANCE RELATING TO THE REGULATION OF PROVIDERS OF CABLE AND VIDEO SERVICES IN MADISON COUNTY, IL

WHEREAS, Madison County has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety, and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Cable and Video Competition Law of 2007, Public Act 95-0009 (the “Act”); and

WHEREAS, this Ordinance modifies the Cable Communications Regulatory Code of Madison County preserving Cable Franchise Agreements while setting forth regulations pertaining to the establishment of state-wide permits by Cable/Video Service Providers in accordance with the “Act.”

NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Madison, IL:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. AMENDMENT TO REGULATIONS. Chapter 72 of the County Code of the County of Madison shall be amended by the addition or modification as follows:

72.001 Title of Chapter.

This chapter shall be known and may be cited as the “Cable and Video Services Communications Regulatory Code.”

72.004 Definitions.

“Cable service” means that term as defined in 47 U.S.C. § 522(6).

“Commission” means the Illinois Commerce Commission.

“Gross revenues” means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder’s cable service or video service area within the County.

(1) Gross revenues shall include the following:

- i. Recurring charges for cable or video service.
- ii. Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.
- iii. Rental of set top boxes and other cable service or video service equipment.
- iv. Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.
- v. Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.
- vi. Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.
- vii. A *pro rata* portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the County. The allocation shall be based on the number of subscribers in the County divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.
- viii. Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to subsection (ix).
- ix. In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
- x. The service provider fee permitted by 220 ILCS 5/21-801(b).

(2) Gross revenues do not include any of the following:

- (i) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).
- (ii) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.
- (iii) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including

yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

- (iv) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the County and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.
- (v) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, State, federal, or any other governmental entity, collected by the holder of the State-issued authorization, and required to be remitted to the taxing entity, including sales and use taxes.
- (vi) Security deposits collected from subscribers.
- (vii) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

- (3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

(d) "Holder" means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(e) "Service" means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(f) "Service provider fee" means the amount paid under this Chapter and 220 ILCS 5/21-801 by the holder to a County for the service areas within its territorial jurisdiction.

(g) "Video service" means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wire line facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

Grant of Franchise

Except where a state issued authorization to a Cable and Video Provider, in accordance with 220 ILCS/5, a Franchise Authorization is required. No use of public rights-of-way for installation or construction of cable or video service without obtaining first a state-issued authorization or local franchise.

Customer Service and Privacy Protection Law (REPLACE IN ITS ENTIRETY).

72.155 (a) Adoption. The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and made applicable to the cable or video providers offering services within the County's boundaries.

(b) Amendments. Any amendment to the Cable and Video Customer Protection Law is incorporated into this Chapter by reference and shall be applicable to cable or video providers offering services within the county's boundaries. However, any amendment that makes its provisions optional for adoption by the County shall not be incorporated into this Chapter by reference without formal action by the corporate authorities of the County.

72.116 Enforcement. The County does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the County.

72.117 Penalties. The County, pursuant to 220 ILCS 5/70-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed \$750.00 for each day of the material breach, and shall not exceed \$25,000.00 for each occurrence of a material breach per customer.

- (a) Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.
- (b) The County shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least 30 days from the receipt of the notice to remedy the specified material breach.
- (c) A material breach, for the purposes of assessing penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in (b).

72.118 Customer Credits. The County hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

Cable Video Service Fee (REPLACE IN ITS ENTIRETY)

72.140 Cable/Video Service Fee

(A) Fee Imposed

(a) A fee is hereby imposed on any holder providing cable service or video service in the unincorporated area of Madison County, whether by Franchise Agreement or State License.

(b) Amount of Fee. The amount of the fee imposed hereby shall be five percent (5%) of the holder's gross revenues.

(c) Notice to the County. The holder shall notify the County at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the County.

(d) Holder's Liability. The holder shall be liable for and pay the service provider fee to the County. The holder's liability for the fee shall commence on the first day of the calendar month

following thirty (30) days after receipt of the ordinance adopting this Chapter by the holder. The ordinance adopting this shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the County.

(e) Payment Date. The payment of the service provider fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(f) Credit for Other Payments. An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under Section 72.141.

72.141 Applicable Principles.

All determinations and calculations under this CHAPTER shall be made pursuant to generally accepted accounting principles.

72.142 No Impact on Other Taxes Due from Holder.

Nothing contained in this Chapter shall be construed to exempt a holder from any tax that is or may later be imposed by the County, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of any other tax. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

72.143 Audits of Cable/Video Service Provider.

(a) Audit Requirement. The County will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the County imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recomputed any amounts determined to be payable under the requirements of the County. If all local franchises between the County and cable operator terminate, the audit requirements shall be those adopted by the County pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.* No acceptance of amounts remitted should be construed as an accord that the amounts are correct.

(b) Additional Payments. Any additional amount due after an audit shall be paid within thirty (30) days after the County's submission of an invoice for the sum.

72.144 Late Fees / Payments.

All fees due and payments which are past due shall be governed by ordinances adopted by this County pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.*

SECTION 3 SEVERABILITY.

If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its

application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 4 EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

PASSED this 20th day of March, 2013.

s/ Alan J. Dunstan
County Board Chairman

ATTESTED:

s/ Debbie Ming-Mendoza
Clerk of the County of Madison County, IL

Respectfully submitted,

- s/ Mark Burris
- s/ Jack Minner
- s/ Nick Petrillo
- s/ Judy Kuhn
- s/ Mike Walters
- s/ Brenda Roosevelt

Government Relations Committee

Mr. Burris moved, seconded by Ms. Glasper, to adopt the two (2) foregoing resolutions.

The ayes and nays being called on the motion to adopt resulted in a vote as follows:

AYES: Adler, Alons, Asadorian, Brazier, Burris, Ms. Ciampoli, Davis, Dodd, Ms. Glasper, Ms. Gorman, Ms. Hawkins, Holliday, Ms. Kuhn, Madison, Malone, McRae, Meyer, Minner, Ms. Myers, Ms. Novacich, Patton, Petrillo, Robertson, Ms. Roosevelt, Semanisin, Ms. Tracy, Trucano, and Walters.

NAYS: None.

AYES: 28. NAYS: 0. Whereupon the Chairman declared the two (2) Resolutions duly adopted.

* * * * *

The following five (5) resolutions were submitted and read:

RESOLUTION –Z13-0008

WHEREAS, The Madison County Zoning Board of Appeals has submitted its Findings for the aforesaid petition; and,

WHEREAS, on the 13th of March 2013, a public hearing was held to consider the Petition of Randy Turner Jr, owner and occupant of manufactured home, requesting a Special Use Permit as per Article 93.025 Section G Item 11 of the Madison County Zoning Ordinance in order to continue the placement of a single wide manufactured home on this site for Randy Turner, Jr., and his family for a period not to exceed five years. This voids SUP #Z06-8062. This is located in an R-4 Single Family Residential District in Nameoki Township, located at 3301 Arlington Avenue, Collinsville, IL; and,

WHEREAS, it was the recommendation in the aforesaid Report of Findings of the Madison County Zoning Board of Appeals that on the petition of Randy Turner Jr., be as follows: I. This Special Use Permit is granted for the sole usage of Randy Turner, Jr. and family for a period not to exceed five years. Any change of ownership will require a new Special Use Permit; II. The owner and occupant shall correct existing violations and continue to keep the property and manufactured home in compliance with all Madison County Ordinances; III. The owner shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or enlargement of the manufactured home; IV. If the owner fails to comply with the conditions of the Special Use Permit will cause revocation and immediate removal of manufactured home will be required; V. The owner shall remove the manufactured home when the need for this Special Use Permit no longer exists; and,

WHEREAS, it is the opinion of the County Board of Madison County that the Findings made by the Madison County Zoning Board of Appeals should be **approved** and Resolution adopted.

NOW, THEREFORE BE IT RESOLVED that this resolution is **approved** and shall take effect immediately upon its adoption.

s/ William Meyer
s/ Jean Myers
s/ Kelly Tracy
s/ Jack Minner
s/ Brenda Roosevelt
s/ Helen Hawkins
s/ Mick Madison

Planning & Development Committee

File #Z13-0008 – Petition of Randy Turner Jr., owner and occupant of manufactured home, requesting a Special Use Permit as per Article 93.025 Section G Item 11 of the Madison County Zoning Ordinance in order to continue the placement of a single wide manufactured home on this site for Randy Turner, Jr., and his family for a period not to exceed five years. This voids SUP #Z06-8062. This is located in an R-4 Single Family Residential District in Nameoki Township, located at **3301 Arlington Avenue**, Collinsville, Illinois PPN#17-2-20-36-03-304-022 **(23)**

A **motion** was made by Mr. Kacer and seconded by Mr. Dauderman that the petition of Randy Turner Jr. be as follows: I. This Special Use Permit is granted for the sole usage of Randy Turner, Jr. and family for a period not to exceed five years. Any change of ownership will require a new Special Use Permit; II. The owner and occupant shall correct existing violations and continue to keep the property and manufactured home in compliance with all Madison County Ordinances; III. The owner shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or enlargement of the manufactured home; IV. If the owner fails to comply with the conditions of the Special Use Permit will cause revocation and immediate removal of manufactured home will be required; V. The owner shall remove the manufactured home when the need for this Special Use Permit no longer exists.

The Finding of Fact of the Board of Appeals: I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the date and time of the hearing and none were in attendance; IV. Randy Turner Jr. represented himself as the applicant. Turner Jr. stated that he would like to continue the placement of his manufactured as a personal residence; VI. The Board of Appeals notes for the record that the special use permit would be compatible with the surrounding area; VII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties.

Voice Vote.

Ayes to the motion: Misters, Kacer, Koeller, Janek, Davis, Dauderman and, Quatto.

Nays to the motion: Misters, None.

Absent members: Misters, None.

Where upon the Chairman declared the motion duly adopted.

* * * *

RESOLUTION –Z13-0011

WHEREAS, The Madison County Zoning Board of Appeals has submitted its Findings for the aforesaid petition; and,

WHEREAS, on the 13th of March 2013, a public hearing was held to consider the Petition of Manuel and Christina Hernandez, owners of record, and Migel Torijano, occupant of manufactured home, requesting a Special Use Permit as per Article 93.025 Section G Item 11 of the Madison County Zoning Ordinance in order to continue the placement of a single wide manufactured home on this site for the sole occupancy of Migel Torigano for a period not to exceed five years. This voids SUP Z03-7496. This is located in an R-4 Single Family Residential District in Nameoki Township, more commonly known as 3128 Amherst in Collinsville, IL; and,

WHEREAS, it was the recommendation in the aforesaid Report of Findings of the Madison County Zoning Board of Appeals that on the petition of Manuel and Christina Hernandez, owners of record, and Migel Torijano, occupant of manufactured home, be as follows: I. This Special Use Permit is granted for the sole usage of Migel Torigano for a period not to exceed five years. Any change of ownership will require a new Special Use Permit; II. The owner and occupant shall correct existing violations and continue to keep the property and manufactured home in compliance with all Madison County Ordinances; III. The owner shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or enlargement of the manufactured home; IV. If the owner fails to comply with the conditions of the Special Use Permit will cause revocation and immediate removal of manufactured home will be required; V. The owner shall remove the manufactured home when the need for this Special Use Permit no longer exists; and,

WHEREAS, it is the opinion of the County Board of Madison County that the Findings made by the Madison County Zoning Board of Appeals should be **approved** and Resolution adopted.

NOW, THEREFORE BE IT RESOLVED that this resolution is **approved** and shall take effect immediately upon its adoption.

s/ William Meyer

s/ Jean Myers

s/ Kelly Tracy
s/ Jack Minner
s/ Brenda Roosevelt
s/ Helen Hawkins
s/ Mick Madison

Planning & Development Committee

File #Z13-0011 Petition of Manuel and Christina Hernandez, owners of record, and Migel Torijano, occupant of manufactured home, requesting a Special Use Permit as per Article 93.025 Section G Item 11 of the Madison County Zoning Ordinance in order to continue the placement of a single wide manufactured home on this site for the sole occupancy of Migel Torigano for a period not to exceed five years. This voids SUP Z03-7496. This is located in an R-4 Single Family Residential District in Nameoki Township, more commonly known as **3128 Amherst**, Collinsville, Illinois PPN#17-2-20-36-03-308-011 **(23)**

A motion was made by Mr. Janek and seconded by Mr. Koeller that the petition of Manuel and Christina Hernandez be as follows: I. This Special Use Permit is granted for the sole usage of Migel Torigano for a period not to exceed five years. Any change of ownership will require a new Special Use Permit; II. The owner and occupant shall correct existing violations and continue to keep the property and manufactured home in compliance with all Madison County Ordinances; III. The owner shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or enlargement of the manufactured home; IV. If the owner fails to comply with the conditions of the Special Use Permit will cause revocation and immediate removal of manufactured home will be required; V. The owner shall remove the manufactured home when the need for this Special Use Permit no longer exists.

The Finding of Fact of the Board of Appeals: I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the date and time of the hearing and none were in attendance; IV. Christina Hernandez, applicant and property owner, stated that she would like to continue placement of the manufactured home as a personal residence for Migel Torigano; V. The Board of Appeals notes for the record that the special use permit would be compatible with the surrounding area; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties.

Voice Vote.

Ayes to the motion: Misterys, Kacer, Koeller, Janek, Davis, Dauderman, and Quatto.

Nays to the motion: Misterys, None.

Absent members: Misterys, None.

Where upon the Chairman declared the motion duly adopted.

* * * *

RESOLUTION –Z13-0010

WHEREAS, The Madison County Zoning Board of Appeals has submitted its Findings for the aforesaid petition; and,

WHEREAS, on the 13th of March 2013, a public hearing was held to consider the Petition of Robert and Lindsay Eakin, owners of record, requesting a Variance as per Article 93.051, Section A, Item 3, Sub c of the Madison County Zoning Ordinance in order to construct a new residence with an existing accessory

building located in the front yard. This is located in a R-1 Single Family Residential District in Edwardsville Township, more commonly known as 216 Oaklawn Road, Glen Carbon, IL; and,

WHEREAS, it was the recommendation in the aforesaid Report of Findings of the Madison County Zoning Board of Appeals that on the petition of Robert and Lindsay Eakin, be as follows: I. Granted; and,

WHEREAS, it is the opinion of the County Board of Madison County that the Findings made by the Madison County Zoning Board of Appeals should be **approved** and Resolution adopted.

NOW, THEREFORE BE IT RESOLVED that this resolution is **approved** and shall take effect immediately upon its adoption.

s/ William Meyer
s/ Jean Myers
s/ Kelly Tracy
s/ Jack Minner
s/ Brenda Roosevelt
s/ Helen Hawkins
s/ Mick Madison

Planning & Development Committee

File #Z13-0010 – Petition of Robert and Lindsay Eakin, owners of record, requesting a Variance as per Article 93.051, Section A, Item 3, Sub c of the Madison County Zoning Ordinance in order to construct a new residence with an existing accessory building located in the front yard. This is located in a R-1 Single Family Residential District in Edwardsville Township, more commonly known as **216 Oaklawn Road**, Glen Carbon, Illinois PPN#14-1-15-35-02-201-018 **(25)**

A motion was made by Mr. Dauderman and seconded by Mr. Koeller that the petition of Robert and Lindsay Eakin be as follows: “Granted.”

The Finding of Fact of the Board of Appeals: I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the date and time of the hearing and none were in attendance; IV. Robert Eakin, applicant and property owner stated that he intends on demolishing his existing residence and is constructing a new residence behind an existing accessory building. Eakin stated that the location of the new residence would cause an existing accessory building to be located in the front yard. Eakin is requesting a variance in order to permit the existing accessory building to be located a front yard area; VI. The Board of Appeals notes for the record that the variance would be compatible with the surrounding area; VII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties.

Voice Vote.

Ayes to the motion: Misters, Kacer, Koeller, Janek, Davis, Dauderman, and Quatto.

Nays to the motion: Misters, None.

Absent members: Misters, None.

Where upon the Chairman declared the motion duly adopted.

* * * *

RESOLUTION –Z13-0012

WHEREAS, The Madison County Zoning Board of Appeals has submitted its Findings for the aforesaid petition; and,

WHEREAS, on the 13th of March 2013, a public hearing was held to consider the Petition of Wendell Creek Estates by Bud Klaustermeier, applicant and developer, requesting a Special Use Permit as per Article 93.025, Section G, Item 12 of the Madison County Zoning Ordinance in order to have a private recreational pool and club house for Wendell Creek Subdivision. This is located in a R-3 Single Family Residential District in Jarvis Township, located on Sycamore Drive, Troy, IL; and,

WHEREAS, it was the recommendation in the aforesaid Report of Findings of the Madison County Zoning Board of Appeals that on the petition of Wendell Creek Estates by Bud Klaustermeier, applicant and developer, be as follows: I. That the Special Use Permit is granted; II. The owner shall keep the property in compliance with all Madison County Ordinances; III. The pool and clubhouse shall be located on Lots 98 and 99 of the Wendell Creek exhibit provided by the applicant at the time of submittal. The owner shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or enlargement of pool or clubhouse; IV. If the owner fails to comply with the conditions of the Special Use Permit will cause revocation and immediate removal of the pool and clubhouse; and,

WHEREAS, it is the opinion of the County Board of Madison County that the Findings made by the Madison County Zoning Board of Appeals should be **approved** and Resolution adopted.

NOW, THEREFORE BE IT RESOLVED that this resolution is **approved** and shall take effect immediately upon its adoption.

s/ William Meyer
s/ Jean Myers
s/ Kelly Tracy
s/ Jack Minner
s/ Brenda Roosevelt
s/ Helen Hawkins
s/ Mick Madison

Planning & Development Committee

File #Z13-0012 – Petition of Wendell Creek Estates by Bud Klaustermeier, applicant and developer, requesting a Special Use Permit as per Article 93.025, Section G, Item 12 of the Madison County Zoning Ordinance in order to have a private recreational pool and club house for Wendell Creek Subdivision. This is located in a R-3 Single Family Residential District in Jarvis Township, located on **Sycamore Drive**, Troy, Illinois PPN#09-2-22-02-00-000-011(11)

A motion was made by Mr. Dauderman and seconded by Mr. Janek that the petition of Wendell Creek Estates be as follows: I. That the Special Use Permit is granted; II. The owner shall keep the property in compliance with all Madison County Ordinances; III. The pool and clubhouse shall be located on Lots 98 and 99 of the Wendell Creek exhibit provided by the applicant at the time of submittal. The owner shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or enlargement of pool or clubhouse; IV. If the owner fails to comply with the conditions of the Special Use Permit will cause revocation and immediate removal of the pool and clubhouse.

The Finding of Fact of the Board of Appeals: I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the date and time of the hearing and none were in attendance; IV. Bud Klaustermeier, applicant and developer, stated that he would like to install a neighborhood pool and clubhouse for the residents of Wendell Creek Estates. Klaustermeier stated the proposal would serve as an amenity to the subdivision; V. Bob Dauderman, Zoning Board of Appeals Member, asked the applicant if the pool would only be utilized by residents within Wendell Creek. Klaustermeier replied that the pool and clubhouse would be private and exclusively used by the residents within Wendell Creek Estates; VI. The Board of Appeals notes for the record that the special use permit would be compatible with the surrounding area; VII. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties.

Voice Vote.

Ayes to the motion: Mistrs, Kacer, Koeller, Janek, Davis, Dauderman, and Quatto.

Nays to the motion: Mistrs, None.

Absent members: Mistrs, None.

Where upon the Chairman declared the motion duly adopted.

* * * *

RESOLUTION –Z13-0009

WHEREAS, The Madison County Zoning Board of Appeals has submitted its Findings for the aforesaid petition; and,

WHEREAS, on the 13th of March 2013, a public hearing was held to consider the Petition of Phil McKinney, owner of record, requesting a Special Use Permit as per Article 93.023, Section D, Item 13 of the Madison County Zoning Ordinance in order to have an animal crematorium. This is located in Agricultural District in Pin Oak Township, more commonly known as 7919 Pin Oak Road, Edwardsville, IL; and,

WHEREAS, it was the recommendation in the aforesaid Report of Findings of the Madison County Zoning Board of Appeals that on the petition of Phil McKinney, be as follows: I. This Special Use Permit is granted for the sole usage of Phil McKinney and is not transferable. Any change of ownership/operator will require a new Special Use Permit; II. The owner shall keep the property in compliance with all Madison County Ordinances; III. The owner shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or enlargement of the animal crematorium; IV. If the owner fails to comply with the conditions of the Special Use Permit will cause revocation and immediate removal of animal crematorium will be required; V. The owner/operator's hours of operation shall be 4 p.m. to 10 p.m. Monday through Sunday; VI. The owner shall enroll and be in compliance with the Illinois Environmental Protection Agency's Registration of Smaller Sources (ROSS) Program; and,

WHEREAS, it is the opinion of the County Board of Madison County that the Findings made by the Madison County Zoning Board of Appeals should be **approved** and Resolution adopted.

NOW, THEREFORE BE IT RESOLVED that this resolution is **approved** and shall take effect immediately upon its adoption.

s/ William Meyer

s/ Jean Myers
s/ Kelly Tracy
s/ Jack Minner
s/ Brenda Roosevelt
s/ Helen Hawkins
s/ Mick Madison

Planning & Development Committee

File #Z13-0009 – Petition of Phil McKinney, owner of record, requesting a Special Use Permit as per Article 93.023, Section D, Item 13 of the Madison County Zoning Ordinance in order to have an animal crematorium. This is located in Agricultural District in Pin Oak Township, more commonly known as **7919 Pin Oak Road**, Edwardsville, Illinois PPN#10-1-16-05-00-000-015.002 **(11)**

A motion was made by Mr. Quatto and seconded by Mr. Dauderman that the petition of Phil McKinney be as follows: I. This Special Use Permit is granted for the sole usage of Phil McKinney and is not transferable. Any change of ownership/operator will require a new Special Use Permit; II. The owner shall keep the property in compliance with all Madison County Ordinances; III. The owner shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or enlargement of the animal crematorium; IV. If the owner fails to comply with the conditions of the Special Use Permit will cause revocation and immediate removal of animal crematorium will be required; V. The owner/operator's hours of operation shall be 4 p.m. to 10 p.m. Monday through Sunday; VI. The owner shall enroll and be in compliance with the Illinois Environmental Protection Agency's Registration of Smaller Sources (ROSS) Program.

The Finding of Fact of the Board of Appeals: I. The notice of Public Hearing was posted on the property in accordance with the terms of the ordinance; II. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; III. The adjoining property owners were notified by mail of the date and time of the hearing and none were in attendance; IV. Phil McKinney, applicant and property owner stated that he would like to install an animal crematorium on site. McKinney stated that the crematorium would be in conjunction with a local animal hospital and would only be utilized for domestic cats and dogs; V. The Board of Appeals notes for the record that the special use permit would be compatible with the surrounding area; VI. The Board of Appeals feels that to allow this request would not cause a detrimental effect on adjoining properties.

Voice Vote.

Ayes to the motion: Misterys, Kacer, Koeller, Janek, Davis, Dauderman, and Quatto.

Nays to the motion: Misterys, None.

Absent members: Misterys, None.

Where upon the Chairman declared the motion duly adopted.

Mr. Meyer moved, seconded by Ms. Tracy, to adopt the five (5) foregoing resolutions.

The ayes and nays being called on the motion to adopt resulted in a vote as follows:

AYES: Adler, Alons, Asadorian, Brazier, Burris, Ms. Ciampoli, Davis, Dodd, Ms. Glasper, Ms. Gorman, Ms. Hawkins, Holliday, Ms. Kuhn, Madison, Malone, McRae, Meyer, Minner, Ms. Myers, Ms. Novacich, Patton, Petrillo, Robertson, Ms. Roosevelt, Semanisin, Ms. Tracy, Trucano, and Walters.

NAYS: None.

AYES: 28. NAYS: 0. Whereupon the Chairman declared the five (5) Resolutions duly adopted.

The following report was received and placed on file:

March 1, 2013

MR. CHAIRMAN AND MEMBERS OF THE MADISON COUNTY BOARD:

We, your Public Safety Committee herewith submit the following report for the period ending February 28, 2013.

Three Hundred and Fifty Dollars (\$350.00) to cover 2 Amusement License

All OF WHICH IS RESPECTFULLY SUBMITTED,

s/ Gussie Glasper
s/ Art Asadorian
s/ Tom McRae
s/ Bill Robertson
s/ Bruce Malone
s/ Judy Kuhn

PUBLIC SAFETY COMMITTEE

The following resolution was submitted and read:

RESOLUTION

WHEREAS, the County of Madison has undertaken a program to collect delinquent taxes and to perfect titles to real property in cases where the taxes on the same have not been paid pursuant to 35 ILCS 201/21d and 235A (formerly Ch. 120, Secs. 697(d) and 716(a), Ill. Rev. Stat. 1987, and

WHEREAS, Pursuant to this program, the County of Madison has acquired an interest in the real estate described on the attached list, and it appearing to the Property Trustee Committee that it would be in the best interest of the County to dispose of its interest in said property, and

WHEREAS, the parties on the attached list, have offered the amounts shown and the breakdown of these amounts have been determined as shown.

THEREFORE, Your Property Trustee Committee recommends the adoption of the following resolution.

BE IT RESOLVED BY THE COUNTY BOARD OF MADISON COUNTY, ILLINOIS, that the Chairman of the Board of Madison County, Illinois, be authorized to execute deed of conveyance of the County's interest or authorize the cancellation of the appropriate Certificate(s) of Purchase, as the case may be, on the attached described real estate, for the amounts shown on the attached, to be disbursed according to law.

The ayes and nays being called on the motion to adopt resulted in a vote as follows:

AYES: Adler, Alons, Asadorian, Brazier, Burris, Ms. Ciampoli, Davis, Dodd, Ms. Glasper, Ms. Gorman, Ms. Hawkins, Holliday, Ms. Kuhn, Madison, Malone, McRae, Meyer, Minner, Ms. Myers, Ms. Novacich, Patton, Petrillo, Robertson, Ms. Roosevelt, Semanisin, Ms. Tracy, Trucano, and Walters.

NAYS: None.

AYES: 28. NAYS: 0. Whereupon the Chairman declared the foregoing Resolution duly adopted.

The following eight (8) resolutions were submitted and read:



Resolution Certifying Names to Take the Examination for County Engineer

WHEREAS, a vacancy (will exist) on June 8, 2013 in the office of County Engineer in Madison County, Illinois due to the retirement of office of the incumbent County Engineer Gary F. Stahlhut, and

WHEREAS, in accordance with 605 ILCS 5/5-201, the County Board must submit to the Department a list of not more than five persons, residents of the State, who hold a currently valid certificate of registration as a registered professional engineer in Illinois, who are candidates for the office, and who meet the qualifications provided

THEREFORE, BE IT RESOLVED, that the County Madison County does hereby the following names as candidates to take the examination for County Engineer of said county:

- Mark A. Gvillo, 5722 Frodo Lane, Dorsey, IL 62021
(Name and Address)
- Registered Professional Engineer Certificate 062-043707
- Greg A. Schuette, 540 E. Lake Drive, Edwardsville, IL 62025
(Name and Address)
- Registered Professional Engineer Certificate 062-046504
- _____
(Name and Address)
- Registered Professional Engineer Certificate _____
- _____
(Name and Address)
- Registered Professional Engineer Certificate _____
- _____
(Name and Address)
- Registered Professional Engineer Certificate _____

and
BE IT FURTHER RESOLVED, the Clerk is hereby directed to transmit two (2) certified originals of this Department of Transportation, Division of Highways, through its Regional Engineer's 1102 Eastport Plaza Collinsville, Illinois.

STATE OF ILLINOIS)
) SS
COUNTY Madison)

I, Debra D. Ming Mendoza, County Clerk in and for said County, in the State aforesaid, and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy adopted by Madison County Board it's regular meeting held Edwardsville, IL on March 20, 2013.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Edwardsville in said County 20th day of March 2013.

(SEAL)

s/ Debbie Ming Mendoza
County Clerk

REQUEST SPEED STUDY ON NEW POAG ROAD IN MADISON COUNTY

Mr. Chairman and Members of the Madison County Board

Ladies and Gentlemen:

BE IT RESOLVED by the County Board of Madison County, Illinois that the County Engineer be and is hereby authorized to make an Engineering and Traffic investigation to determine the prevailing speed of the free flowing traffic on the road or portion of as listed below for the purpose of establishing speed zones and speed limits, as provided for in the "Policy for the Establishment and Posting of Speed Limits on County and Township Highways within Madison County, Illinois", adopted November, 1996.

1. New Poag Road (CH69) from N. University Drive to ¼ mile west of Stadium Drive

All of which is respectfully submitted.

s/ Joe Semanisin
s/ Larry Trucano
s/ Art Asadorian
s/ Mark Burris
s/ William Meyer
s/ Mike Walters
s/ Kelly Tracy

Transportation Committee

SALE OF LAND FOR HIGH SPEED RAIL PROJECT

Mr. Chairman and Members of the Madison County Board

Ladies and Gentlemen:

WHEREAS, the proposed Chicago to St. Louis High Speed Rail Corridor passes through the County of Madison utilizing Union Pacific Railroad Company's existing facilities and Right-of-Way; and

WHEREAS, in order to construct High Speed Rail Facility additional Right-of-Way amounting to 0.005 acres required from parcel number 24-1-01-14-00-000-028; and

WHEREAS, the County of Madison is owner of records of said parcel; and

WHEREAS, certified Appraisers appraised the value of taking amounting to compensation of Three Hundred (\$300.00) dollars.

NOW, THEREFORE BE IT RESOLVED by the County Board of Madison County that the Chairman of the County Board be and he is hereby authorized to sign necessary documents towards the sale of 0.005 acres of land to Union Pacific Railroad Company at the appraised compensation of Three Hundred (\$300.00) dollars.

All of which is respectfully submitted.

s/ Joe Semanisin
s/ Larry Trucano
s/ Art Asadorian
s/ Mark Burris
s/ William Meyer
s/ Mike Walters
s/ Kelly Tracy

Transportation Committee

* * * *

**REPORT OF BIDS/AWARD CONTRACT ROOSEVELT BRIDGE ON ROOSEVELT DRIVE
FORT RUSSELL TOWNSHIP MADISON COUNTY, ILLINOIS**

Mr. Chairman and Members of the Madison County Board

Ladies and Gentlemen:

WE, your Transportation Committee to whom was referred by advertisement for bids to replace an existing three span precast prestressed concrete deck beam bridge with a new three span precast prestressed concrete deck beam bridge along with other work necessary to complete this project located in the S.W. ¼ of Section 4, Township 5 North, Range 8 West of the 3rd P.M, beg leave to report that your Committee advertised for and received bids on March 12, 2013 at 10:30 A. M. at the Office of the County Engineer, 7037 Marine Road, Edwardsville, Illinois, 62025, at which time the following bid were received:

Baxmeyer Construction, Waterloo, IL	\$249,150.57
RCS Construction, Inc., Wood River, IL	\$269,478.48
Keller Construction, Inc., Glen Carbon, IL.....	\$273,967.90
Perry County Construction Company, Herrin, IL.....	\$298,040.50
Kinney Contractors Inc., Raymond, IL.....	\$301,213.90
Moniger Excavating, Moro, IL	\$302,903.65

Plocher Construction, Highland, IL	\$312,077.00
Thiems Construction, Roxana, IL	\$315,905.85
The Kilian Corporation, Mascoutah, IL.....	\$331,144.56

Your Committee recommends that the above project be awarded to, Baxmeyer Construction, of Waterloo, Illinois, their bid being the lowest received.

All of which is respectfully submitted.

- s/ Joe Semanisin
- s/ Larry Trucano
- s/ Art Asadorian
- s/ Mark Burris
- s/ William Meyer
- s/ Mike Walters
- s/ Kelly Tracy

Transportation Committee

* * * *

REPORT OF BIDS/AWARD CONTRACT BITUMINOUS SURFACE TREATMENT ON UNION SCHOOL ROAD (CH71), ON MORO/ST.JAMES ROAD (CH22) AND ON SEMINARY ROAD (CH17) MADISON COUNTY, ILLINOIS

Mr. Chairman and Members of the Madison County Board

Ladies and Gentlemen:

WE, your Transportation Committee to whom was referred by advertisement for bids for furnishing and applying of a restorative sealer application with crack filler as a surface treatment for Bituminous Concrete Shoulders on Union School Road (CH71), on Moro/St. James Road (CH22) and on Seminary Road (CH17), beg leave to report that your Committee advertised for and received bids on March 12, 2013 at 10:30 A. M. at the Office of the County Engineer, 7037 Marine Road, Edwardsville, Illinois, 62025, at which time the following bid was received:

CAM, L.L.C., South Roxana, IL.....	\$62,113.24
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Your Committee recommends that the above project be awarded to CAM, L.L.C. of South Roxana, Illinois, their bid being the lowest received being below the Engineers estimate.

All of which is respectfully submitted.

- s/ Joe Semanisin
- s/ Larry Trucano
- s/ Art Asadorian
- s/ Mark Burris
- s/ William Meyer
- s/ Mike Walters
- s/ Kelly Tracy

Transportation Committee

* * * *

**REPORT OF BIDS/AWARD CONTRACT NEW POAG ROAD (CH69) WIDENING PROJECT
SECTION 12-00113-02-RP EDWARDSVILLE TOWNSHIP MADISON COUNTY, ILLINOIS**

Mr. Chairman and Members of the Madison County Board

Ladies and Gentlemen:

WE, your Transportation Committee to whom was referred by advertisement for bids to improve a portion of New Poag Road (CH69), project consist of constructing a left turn lane at the intersection with Stadium Drive and with NW University Drive, signal lights at the intersection of NW University Drive, stabilized shoulders along with other work necessary to complete this project located in the NE ¼ of Section 17, T4N, R8W of the 3rd P.M, beg leave to report that your Committee advertised for and received bids on March 12, 2013 at 10:30 A. M. at the Office of the County Engineer, 7037 Marine Road, Edwardsville, Illinois, 62025, at which time the following bid were received:

Keller Construction, Inc., Glen Carbon, IL.....	\$683,830.22
RCS Construction, Inc., Wood River, IL	\$750,915.21
Thiems Construction, Roxana, IL	\$831,543.73
Baxmeyer Construction, Waterloo, IL	\$864,711.57
Hanks Excavating & Landscaping, Belleville, IL	\$897,098.46
The Kilian Corporation, Mascoutah, IL.....	\$943,775.59

Your Committee recommends that the above project be awarded to Keller Construction, Inc. of Glen Carbon, Illinois, their bid being the lowest received.

BE IT FURTHER RESOLVED that the County Clerk of Madison County be directed to transmit three (3) certified copies of this Resolution to the State of Illinois Department of Transportation through its' District Engineer, at Collinsville, Illinois.

All of which is respectfully submitted.

- s/ Joe Semanisin
- s/ Larry Trucano
- s/ Art Asadorian
- s/ Mark Burris
- s/ William Meyer
- s/ Mike Walters
- s/ Kelly Tracy

Transportation Committee

STATE OF ILLINOIS)
) SS
 COUNTY OF MADISON)

I, Debra D. Ming Mendoza County Clerk in and for Said County, in the State aforesaid, and keeper of the

records and files thereof, as provided by Statute,
do hereby certify the foregoing to be true, perfect
and complete copy of the resolution adopted by
the County Board of Madison County, at its

_____ Meeting held at
_____ on _____
20 ____.

IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the seal of said County at my
_____ office in _____ in said County,
this _____ day of _____
A.D., 20 _____

County Clerk

* * * *

**RESOLUTION TO AWARD CONTRACT FOR ONE (1) NEW SINGLE AXLE DUMP TRUCK
WITH TRADE IN FOR THE MADISON COUNTY HIGHWAY DEPARTMENT**

Mr. Chairman and Members of the County Board:

WHEREAS, the Madison County Highway Department wishes to purchase one (1) new single axle
dump truck; and,

WHEREAS, proposals were received from the following vendors; and,

Truck Centers, Inc.
2280 Formosa Road
Troy, IL 62294
Freightliner 108SD (37,600#) with \$14,000.00 trade in allowance.....\$90,274.00

Central Illinois Trucks, Inc.
2120 Liebler Road
Troy, IL 62294
Kensworth T370 (37,600#) with \$13,250.00 trade in allowance \$94,400.00

Central Illinois Trucks, Inc.
2120 Liebler Road
Troy, IL 62294
Kensworth T470 (37,600#) with \$13,250.00 trade in allowance \$101,450.00

WHEREAS, Truck Centers, Inc. met all specifications at a total contract price of Ninety thousand
two hundred seventy-four dollars (\$90,274.00); and,

WHEREAS, it is the recommendation of the Madison County Highway Department to purchase
said truck from Truck Centers, Inc.
of Troy, IL; and,

WHEREAS, the total cost for this expenditure will be paid from the Highway Department's FY 2013 Funds.

NOW, THEREFORE BE IT RESOLVED by the County Board of Madison County Illinois, that the County Board Chairman be hereby directed and designated to execute said contract with Truck Centers, Inc. of Troy, IL for the aforementioned vehicle.

Respectfully submitted by,

s/ Joe Semanisin
Joe Semanisin

s/ Jack Minner
Jack Minner

s/ Mark Burris
Mark Burris

s/ Michael Holliday, Sr.
Michael Holliday, Sr.

s/ Art Asadorian
Art Asadorian

s/ Larry Trucano
Larry Trucano

s/ Larry Trucano
Larry Trucano

Kelly Tracy

s/ William Meyer
Bill Meyer

s/ Ann Gorman
Ann Gorman

s/ Mike Walters
Mike Walters

s/ Bill Meyer
Bill Meyer

s/ Kelly Tracy
Kelly Tracy

s/ Jean Myers
Jean Myers

Transportation Committee

Finance & Government Operations Committee

* * * *

RESOLUTION TO AWARD CONTRACT FOR ONE (1) NEW TANDEM DUMP TRUCK WITH TRADE IN FOR THE MADISON COUNTY HIGHWAY DEPARTMENT

Mr. Chairman and Members of the County Board:

WHEREAS, the Madison County Highway Department wishes to purchase one (1) new tandem dump truck; and,

WHEREAS, proposals were received from the following vendors; and,

Truck Centers, Inc.
2280 Formosa Road
Troy, IL 62294
Freightliner 108SD (56,000#) with \$7,000.00 trade in allowance\$111,233.00

Central Illinois Trucks, Inc.
2120 Liebler Road
Troy, IL 62294
Kensworth T370 (56,000#) with \$6,250.00 trade in allowance\$113,350.00

Central Illinois Trucks, Inc.
2120 Liebler Road
Troy, IL 62294
Kensworth T470 (56,000#) with \$6,250.00 trade in allowance\$120,150.00

WHEREAS, Truck Centers, Inc. met all specifications at a total contract price of One hundred eleven thousand two hundred thirty-three dollars (\$111,233.00); and,

WHEREAS, it is the recommendation of the Madison County Highway Department to purchase said truck from Truck Centers, Inc. of Troy, IL; and,

WHEREAS, the total cost for this expenditure will be paid from the Highway Department's FY 2013 Funds.

NOW, THEREFORE BE IT RESOLVED by the County Board of Madison County Illinois, that the County Board Chairman be hereby directed and designated to execute said contract with Truck Centers, Inc. of Troy, IL for the aforementioned vehicle.

Respectfully submitted by,

s/ Joe Semanisin

Joe Semanisin

s/ Jack Minner

Jack Minner

s/ Mark Burris

Mark Burris

s/ Michael Holliday, Sr.

Michael Holliday, Sr.

s/ Art Asadorian

Art Asadorian

s/ Larry Trucano

Larry Trucano

s/ Larry Trucano

Larry Trucano

Kelly Tracy

s/ William Meyer

Bill Meyer

s/ Ann Gorman

Ann Gorman

s/ Mike Walters

Mike Walters

s/ Bill Meyer

Bill Meyer

s/ Kelly Tracy

Kelly Tracy

s/ Jean Myers

Jean Myers

Transportation Committee

Finance & Government Operations Committee

Mr. Semanisin moved, seconded by Mr. Asadorian, to adopt the foregoing eight (8) resolutions.

On the question:

Mr. Dodd: I know in the City of Alton I introduced a resolution pertaining to local people, what I call businesses in Madison County coming within 2% of the bid, to get these types of bids. Do we have anything like that here?

Mr. Dunstan: We do not; I would have to ask the States Attorney, I am not sure we can legally do that, could we?

Mr. Gibbons: I would have to check into it.

Mr. Dodd: Can we please? Thank you.

The ayes and nays being called on the motion to adopt resulted in a vote as follows:

AYES: Adler, Alons, Asadorian, Brazier, Burris, Ms. Ciampoli, Davis, Dodd, Ms. Glasper, Ms. Gorman, Ms. Hawkins, Holliday, Ms. Kuhn, Madison, Malone, McRae, Meyer, Minner, Ms. Myers, Ms. Novacich, Patton, Petrillo, Robertson, Ms. Roosevelt, Semanisin, Ms. Tracy, Trucano, and Walters.

NAYS: None.

AYES: 28. **NAYS:** 0. Whereupon the Chairman declared the eight (8) Resolutions duly adopted.

Mr. Meyer moved, seconded by Ms. Tracy, to recess this session of the Madison County Board Meeting until Wednesday April 17, 2013. **MOTION CARRIED.**

ATTEST: Debbie Ming-Mendoza
County Clerk

INDEX

Wednesday, March 20, 2013

HEALTH DEPARTMENT COMMITTEE:

A Resolution Re-Appointing Members to the Health Board Advisory Committee..... 1
Activities Report 2

MADISON COUNTY BOARD OF HEALTH

STATE OF ILLINOIS)
) SS
COUNTY OF MADISON)

Proceedings of the Board of Health of Madison County, Illinois, as the recessed session of said Board of Health held at the Administration Building in the City of Edwardsville, in the County and State aforesaid on said Wednesday, March 20, 2013 and held for the transaction of general Board of Health business.

**MARCH 20, 2013
5:00 PM
EVENING SESSION**

The Board met pursuant to recess taken December 19, 2013.

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The meeting was called to order by Alan J. Dunstan, Chairman of the Board.

The pledge of Allegiance was said by all members of the Board.

The Roll Call was called by Debbie Ming-Mendoza, County Clerk, showing the following members Present:

PRESENT: Messer. Adler, Alons, Asadorian, Brazier, Burris, Ms. Ciampoli, Davis, Dodd, Ms. Glasper, Ms. Gorman, Ms. Hawkins, Holliday, Ms. Kuhn, Madison, Malone, McRae, Meyer, Minner, Ms. Myers, Ms. Novacich, Patton, Petrillo, Robertson, Ms. Roosevelt, Semanisin, Ms. Tracy, Trucano, Walters and Dunstan.

ABSENT: Dalton.

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Ms. Hawkins moved, seconded by Mr. Semanisin, to approve the minutes of the December 19, 2012 meeting. **MOTION CARRIED.**

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The following resolution was submitted and read:

A RESOLUTION RE-APPOINTING MEMBERS TO THE HEALTH BOARD ADVISORY COMMITTEE

WHEREAS, the Madison County Board adopted ordinance 94-10 establishing a Board of Health consisting of all the members of the County Board; and,

WHEREAS, state and local statutes require that an Advisory Committee to the Board of Health be appointed by the Board of Health; and,

WHEREAS, the terms of four members who desire to continue to serve on the Advisory Committee expire in April, 2013; and,

WHEREAS, it is the recommendation of the Madison County Health Department Committee that the individuals listed below be reappointed,

NOW, THEREFORE, BE IT RESOLVED that the following individuals be reappointed to serve as members of the Health Board Advisory Committee for the designated terms, in accordance with Title III, Chapter 32 Section 32.21 of the Madison County Code of Ordinances.

Reappointed for a term of three years ending April 1, 2016:

Marcia Custer, R.N., Ph.D.
Dorothy Droste, R.N., B.S.N.
Janet Burnett, M.P.A.

Respectfully Submitted,

s/ Michael Holliday, Sr.
Michael Holliday, Sr.

s/ Mark Burris
Mark Burris

s/ Helen Hawkins
Helen Hawkins

s/ Judy Kuhn
Judy Kuhn

s/ Lisa Ciampoli
Lisa Ciampoli

Roger Alons

s/ Jim Dodd
Jim Dodd

Health Department Committee

Mr. Holliday moved, seconded by Mr. Dodd, to adopt the foregoing resolution. **MOTION CARRIED.**

The following report was received and placed on file:

Madison County Health Department
Monthly Activity Report
Feb-13

Health Promotion	Current Month	Previous Month	Previous YTD	YTD
Presentations	2	2	5	5
Encounters	22	35	0	63
Community / School Events	0	2	31	15
Participants	0	25	49	58
Communications	8	0	0	0
Meetings	20	0	0	0
Clean Hands Healthy Bodies	0	0	0	0
Food Program	Current Month	Previous Month	Previous YTD	YTD
High Priority Inspections	131	147	378	386
Medium Priority Inspections	73	55	184	174
Low Priority Inspections	21	23	61	50
Total Routine Inspections	225	225	623	609
High Priority Re-Inspections	23	24	42	59
Medium Priority Re-Inspections	7	6	10	19
Low Priority Re-Inspections	2	1	6	3
Total Routine Re-Inspections	32	31	58	81
High Priority Assessments	4	1	10	5
Medium Priority Assessments	4	1	13	9
Low Priority Assessments	3	2	2	8
Total Assessments	11	4	24	22
Summer Food Program Inspections	0	0	0	0
Summer Food Program Re-Inspections	0	0	0	0
Plan Reviews	12	8	20	31
Pre-Operational Inspections	10	3	22	18
Food borne Illness (FBI) Complaints Evaluated/Investigated	2	0	6	10
Non- FBI Complaints Evaluated/Investigated	8	6	26	23
FBI & Non-FBI Complaints Rechecked	0	1	1	5
Consultations	20	136	48	208
Temporary Food Establishment Permits Issued	5	0	7	5
Temporary Food Establishments Inspected	4	0	17	13
Product Recalls	1	1	19	7
Fires	1	1	2	5
Embargoes Placed	0	0	0	0
Voluntary Closures	0	1	1	4
Initial Permits Issued	16	7	27	25
Renewal Permits Issued	96	82	231	234
Group In-Services	1	0	2	1
Participants/Audience	9	0	40	9

Media Contacts	0	1	0	1
CHHB Daycares	3	1	4	5
CHHB Participants	154	35	180	239
Water Program	Current Month	Previous Month	Previous YTD	YTD
Water Well Permits Issued	1	0	51	38
New Water Wells Inspected	0	1	13	2
Consultations	1	4	4	9
Loan Request Survey	0	0	0	0
Sealed Water Wells Inspected	0	0	0	0
Non-Community Private Water Supplies Sampled	0	6	2	6
Non-Community Private Water Supplies Surveyed	0	6	1	6
Request for inspection/sampling (Samples Collected)	0	0	0	0
Complaints Received	0	0	1	0
Private Water Well Sample Analysis	3	5	20	13
Group In-Services	0	0	0	0
Participants	0	0	0	0
Smoke Free Program Enforcement	Current Month	Previous Month	Previous YTD	YTD
Complaint Letters Mailed	1	1	7	4
Onsite Visits	2	0	1	3
Media Contacts	0	0	0	0
Citations Issued	1	0	1	2
Hearings	0	0	0	0
Tanning Program	Current Month	Previous Month	Previous YTD	YTD
Initial Inspections	0	0	1	0
Renewal Inspections	3	3	7	7
Follow-Up Inspections	0	0	1	0
Consultations	0	0	0	0
Complaint Investigations	0	0	0	0
Complaint Follow-Ups	0	0	0	0
Vector Surveillance Program	Current Month	Previous Month	Previous YTD	YTD
Complaint Investigations	0	0	0	0
Complaint Re-Inspections	0	0	0	0
Site Inspections	0	0	0	0
Consultations	0	0	0	0
Media Contacts	0	0	0	0
In-Services	0	0	0	0
Participants	0	0	0	0
Mosquito Pools Tested	0	0	0	0
Dead Birds Tested	0	0	0	0

Body Art Program	Current Month	Previous Month	Previous YTD	YTD
Initial Assessments	0	0	0	0
Routine Inspections	0	1	9	12
Follow-Up Inspections	0	0	0	0
Plan Reviews	0	0	0	0
Consultations	0	0	1	0
Complaint Investigations	0	0	1	0
Initial Establishment Permits Issued	0	0	0	0
Renewal Establishment Permits Issued	0	0	0	0
Initial Operator Permits Issued	4	2	0	8
Renewal Operator Permits Issued	2	3	0	7
Tuberculosis Program	Current Month	Previous Month	Previous YTD	YTD
TB Clinics Offered	15	16	48	46
TB Patients Seen	72	110	308	247
Monteux Tuberculin Skin Tests Given	37	59	160	132
Interferon-Gamma Release Assay (IGRA)	5	4	7	11
TB Evaluation Visits (History)	6	4	18	12
Chest X-rays	2	0	10	4
Patients Started on Preventive Medication	1	0	1	2
TB Home Visits (Excluding DOTs)	0	0	0	0
TB New Suspects	0	0	0	0
New Cases Mycobacterium Tuberculosis Disease	0	0	0	0
Direct Observation Therapy (DOT) Home Visits	0	0	0	0
CBC & Metabolic Panels (0/0)	1	0	0	1
Liver Profiles & Serum Uric Acid (0/0) QTFG (0/0)	2	0	12	3
Sputum's & Urine for Acid-fast Bacilli (0/0)	0	0	4	0
Immunization Program	Current Month	Previous Month	Previous YTD	YTD
Immunization Clinics Offered	15	16	50	46
Immunization Patients Seen	166	316	574	712
DTaP- Diphtheria/Tetanus/acellularPertussis	14	13	24	40
DTAP, HIB, IPV	10	27	147	67
DTaP, IPV	2	3	12	8
DTAP, IPV, Hep B	23	11	1	34
Flu Vaccine	56	221	190	410
Hep A/Hep B	4	4	51	8
Hep A IG	0	0	0	0
Hep B IG	0	0	0	0
Hepatitis A	74	73	148	199
Hepatitis B	29	51	162	129

Hepatitis B/HIB	0	0	0	0
HIB-Haemophilus Influenza	29	24	30	69
HPV	14	17	51	43
IPV-Inactivated Polio Vaccine	6	5	19	18
Meningitis	5	10	16	18
MMR-Measles/Mumps/Rubella	18	19	61	61
Pneumonia Vaccine 23	0	0	2	1
Prevnar Pneumococcal 13	41	53	187	139
Rabies	0	0	0	0
Rotavirus	25	22	102	71
Zostavax Shingles Vaccine	4	1	6	5
Tdap	10	17	61	39
Td-Tetanus/Diphtheria	1	0	1	1
Varicella/Varivax	16	24	66	69
Varicella/MMR	3	2	0	5
Communicable Disease Investigations	Current Month	Previous Month	Previous YTD	YTD
Acid Fast Bacillus (AFB) - Not Identified	0	1	n/a	1
Acquired Immunodeficiency Syndrome (AIDS)	0	0	0	0
Chickenpox/Varicella	4	0	5	8
Chlamydia	76	107	245	302
Cluster Illness	2	7	140	10
Cryptosporidiosis	1	2	n/a	3
Enteric Escherichia coli Infections	0	2	0	4
Food Complaints	3	1	n/a	19
Food borne or Waterborne Illness	0	0	0	0
Giardiasis	1	2	2	3
Gonorrhoea	15	16	41	52
Haemophilus Influenza, Meningitis/Invasive	0	1	2	2
Hepatitis A	2	6	5	14
Hepatitis B	5	3	0	20
Hepatitis C	20	24	49	68
Human Immunodeficiency Virus (HIV) Infection	3	5	4	15
Influenza - ICU, Death or Novel	0	5	n/a	5
Legionellosis	1	1	1	2
Lyme Disease	0	1	0	1
Neustria Meningitides, Meningitis/Invasive	0	0	0	0
Pertussis	2	6	6	15
Rabies, potential human exposure	3	3	0	8
Salmonellosis	3	1	2	5

Shigellosis			0	0	0	0
Staphylococcus aureus Infections/MRSA in infants			0	0	0	0
Streptococcal Infections, Group A, Invasive			1	0	1	1
Strep Pneumonia - Invasive in those < 5 years old			0	1	n/a	1
Syphilis			4	4	3	15
CD Home Visits			1	3	11	5
STD Home Visits			11	7	16	28
Lead Program	<i>Initial Test</i>	<i>Repeat Test</i>	Current Month	Previous Month	Previous YTD	YTD
0-9 mcg/dL:	175	1	176	373	815	750
10-14 mcg/dL:	3	0	3	3	8	8
15-19 mcg/dL:	0	0	0	1	4	4
20-39 mcg/dL:	1	0	1	2	0	4
40-69 mcg/dL:	0	0	0	0	0	0
> 70 mcg/dL:	0	0	0	0	0	0
Number of Lead Cases on Stellar Download Investigated			6	9	n/a	24
Developmental Screens Completed			1	0	0	2
Lead Home Visits Made			1	0	0	2
Blood Lead Level Risk Assessments			53	73	155	185
Blood Lead Level Screens			21	23	91	68
Number of New Case Management Cases			3	1	n/a	5
Number of Case Management Cases Closed			0	0	n/a	10
Case Managing			28	25	61	25
AFIX Program			Current Month	Previous Month	Previous YTD	YTD
Office Visits to VFC-AFIX Providers			1	0	2	3
Provider Consultations			2	6	n/a	14
Genetics			Current Month	Previous Month	Previous YTD	YTD
Genetic Screening Tools Completed			12	15	56	46
Home Visits Made			0	0	0	0
Newborn Screens Requiring Follow-up			2	6	6	13
Sudden Unexplained Infant Deaths / Sudden Infant Death			0	0	1	0
Patients Seen in Genetics Clinic			0	8	6	8
Physical Exams			Current Month	Previous Month	Previous YTD	YTD
Patients Seen			4	3	10	12
Health Assessments			Current Month	Previous Month	Previous YTD	YTD
Alton Jail Screenings			1	9	8	12
Sexual Health Clinics			Current Month	Previous Month	Previous YTD	YTD
STD Exams			38	50	156	145
Patients Treated			21	25	70	68
Partners Treated			3	10	15	16

Hep C Tests	4	17	4	33
HIV Tests thru STD Clinic	32	44	123	112
Well Woman Blood Draws	10	15	53	39
Well Woman Office Visits	9	9	21	27
Clinical Breast Exams	9	9	28	27
Pelvic Exams	3	5	10	13
Pap Tests	3	5	n/a	8
HIV Program	Current Month	Previous Month	Previous YTD	YTD
Individuals Counseled but Not Tested	1	1	5	5
Individuals Provided Risk Reduction Counseling	1	3	213	8
Individuals Tested Anonymously	0	0	0	0
Individuals Tested Confidentially	2	9	35	19
Surveillance Based Partner Services	0	0	n/a	0
Linkage to Care / Adherence Counseling	0	0	n/a	0
Category B - Community HIV Testing	0	0	n/a	0
Jail Project Grant HIV Testing	0	0	n/a	0
Epidemiology	Current Month	Previous Month	Previous YTD	YTD
Analyzed Surveillance Reports	85	107	222	261
Created / Updated Epi Reports	114	150	172	355
Surveillance Calls	9	22	16	34
Outbreaks / Cluster Illness Investigated	0	0	1	0
Special Requests for Data Analysis	5	41	40	49
Email Consultations	110	127	382	348
Breast & Cervical Cancer Screening Program	Current Month	Previous Month	Previous YTD	YTD
Clinical Office Visits	86	70	419	269
Mammograms, Ultra Sound, Breast Related Procedures	159	121	562	506
Pap Smears, Colposcopy, Related Procedures	53	36	226	133
Women Referred to Treatment Act	2	3	4	10
Number of Women Enrolled This Month	54	85	n/a	219
Number of Abnormal Tests and Women in Diagnostics	26	24	n/a	74
Number of Provider Outreach Contacts	5	1	n/a	12
Home Visits Made	3	7	0	12
Case Managing	54	40	271	174
Wise woman Program	Current Month	Previous Month	Previous YTD	YTD
Office Visits	14	15	64	45
Lab Procedures	11	15	132	41
Abnormal Referrals	1	0	n/a	3
Alert Referrals	1	1	2	4
Number of Lifestyle Interventions (LSI) - Level 1	12	13	n/a	40

Number of Lifestyle Interventions (LSI) - Level 2	33	26	n/a	99
Number of Lifestyle Interventions (LSI) - Level 3 Classes	37	0	n/a	37
Vision & Hearing Program	Current Month	Previous Month	Previous YTD	YTD
Day Cares/Schools Reached	7	12	37	31
Vision Screens Performed	274	595	1086	1086
Vision Re-screens	4	8	19	12
Vision Referrals	5	7	18	12
Hearing Screens Performed	299	618	1136	1134
Hearing Re-screens	5	3	6	8
Hearing Referrals	2	3	1	5
Miscellaneous	Current Month	Previous Month	Previous YTD	YTD
Presenting In-services, Workshops, Meetings, Conferences	0	1	11	5
Participants/Audience	0	32	95	111
Community Events/Health Fairs	0	0	3	0
Media Contacts, Press Releases, PSAs	0	0	0	0
Attended In-services, Workshops, Meetings, Conferences	20	0	64	32
Phone Consults Logged by Nursing Staff	1511	1768	5912	4957
Off Site Clinics Held	1	0	1	2
Off Site Clinic Clients/Participants	1	0	9	11
International Travel Consultations	5	11	16	20
Pregnancy Tests for WIC Eligibility	13	16	59	39
Nurse Consults	8	19	42	35

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Mr. Holliday read a report on the IPHA Legislative news update.

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Ms. Tracy moved, seconded by Mr. Asadorian to recess this session of the Madison County Board of Health Meeting until Wednesday June 19, 2013. **MOTION CARRIED.**

ATTEST: Debbie Ming-Mendoza
County Clerk

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