



## **COMMITTEE AGENDA**

**Tuesday, September 8, 2009**

**City Council Chambers**

**5:30 p.m.**

<b>Ward 1</b>	Frank Edwards	<b>Ward 6</b>	Mark Mahoney
<b>Ward 2</b>	Gail Simpson	<b>Ward 7</b>	Debbie Cimarossa
<b>Ward 3</b>	Frank Kunz ( <b>Chair</b> )	<b>Ward 8</b>	Kris Theilen
<b>Ward 4</b>	Frank Lesko ( <b>Vice Chair</b> )	<b>Ward 9</b>	Steven Dove
<b>Ward 5</b>	Sam Cahnman	<b>Ward 10</b>	Tim Griffin

- 1. Treasurer's Report**
- 2. Approval of August 25, 2009 Committee Meeting Minutes.**
- 3. Ordinances Tabled or Remaining In Committee:**

**2008-337** A Resolution To Abandon The Construction Of Hunter Lake (**Requested By Ald. Edwards**) (**Utilities**) (**Remains In Committee 12/10/08**)

**2009-190** An Ordinance To Increase The Number Of Subclass 1 Liquor Licenses By One For Capitol City Lodge 1160 Elks D/B/A Capitol City Lodge 1160, 1800 E. Brown Street (**Requested By Ald. Dove**) (**Public Affairs And Safety**) (**Remains In Committee 4/20/09**)

**2009-387** An Ordinance Prohibiting The Appointment Of New Employees For All City Offices (**Requested By Ald. Edwards**) (**Remains In Committee 8/5/09**)

- 3. Ordinances for Committee Consideration:**

**2009-449** An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$6,250.00 For Lincoln Library (**Requested By Mayor Timothy J. Davlin**)

Lincoln Library has received a donation from the Estate of Margaret A. Braverman.

**2009-450** An Ordinance Authorizing Payments To John Friedmeyer And Vanessa Tyus For Settlement Of Workers' Compensation Claims (**Requested By Mayor Timothy J. Davlin**)

John Friedmeyer (date of hire: 6/19/89) was working as a TDL on July 28, 2008. He reported neck & shoulder pain after lifting a manhole cover and pulling wires. He was treated conservatively for a disc herniation. On October 23, 2008, he underwent anterior cervical fusion at the C6-7 level. He filed a workers' compensation claim (No. 09-WC-016777) and is

willing to settle his claim in the amount of \$83,090.00 representing a permanent partial disability equivalent to 25% loss of use of man as a whole.

Vanessa Tyus (date of hire: 3/8/99) was an outreach worker for the Springfield Health Department. On July 23, 1999, she reported pain in her wrists caused by repetitive work activities. Ms. Tyus underwent left carpal tunnel repair on September 26, 2006, and right carpal tunnel repair on November 21, 2006. She resigned from her position on September 15, 1999 and later filed a workers' compensation claim (No. 00-WC-05900). She is will to settle her claim in the amount of \$55,350.00 representing a permanent partial disability equivalent to 54.1% loss of use of man as a whole.

**2009-451** An Ordinance Approving The Reappointments Of Judith Feurer, William Feurer, Stephen Myers, Grainne Mahoney And Ed Mahoney III To The Historic Sites Commission And Authorizing A Waiver Of Section 36.05(C) Regarding Residency Requirements For Stephen Myers (**Requested By Mayor Timothy J. Davlin**)

Pursuant to Section 101.03(b) and (c) of the 1988 City of Springfield Code of Ordinances, As Amended, the Mayor, with the advice and consent of the Council, desire to reappoint Judith Feurer, Stephen Myers, William Feurer, Grainne Mahoney and Ed Mahoney, III, to serve 3 year terms on the Historic Sites Commission. Mr. Myers' appointment to the Commission requires a waiver of the City's Residency Requirements. He resides in Athens, Il. If approved, all terms will expire on August 20, 2012.

**2009-452** An Ordinance Approving The Reappointment Of Clarice R. Ford, Ed.D. To The Springfield Community Relations Commission (**Requested By Mayor Timothy J. Davlin**)

Pursuant to Section 93.03 of the 1988 City of Springfield Code of Ordinances, As Amended, the Mayor, with the advice and consent of the Council, appoints members to the Community Relations Commission for three year terms. No member shall serve more than two successive terms. While this is a reappointment, the first appointment terms was for a two month period to complete the unexpired term for Jimmy Rice. Dr. Clarice R. Ford resides in the City of Springfield.

**2009-453** An Ordinance Approving The Reappointment Of David White To The Commission On International Visitors (**Requested By Mayor Timothy J. Davlin**)

Pursuant to Section 33.180(b)(c) of the 1988 City of Springfield Code of Ordinances, As Amended, the Mayor, with the advice and consent of the Council, appoints members to the Commission on International Visitors to serve three year terms. David White's term has expired and he has expressed a desire to be reappointed to serve through January 1, 2012. Mr. White resides in the City of Springfield.

**2009-454** An Ordinance Approving The Appointment Of Richard E. Hart And Leonard M. Lieberman To The Board Of Managers Of Oak Ridge Cemetery (**Requested By Mayor Timothy J. Davlin**)

Pursuant to Section 92.15(b) and (c) of the 1988 City of Springfield Code of Ordinances, as amended, the Mayor, upon advice and consent of the City Council, shall appoint members to serve on the Oak Ridge Cemetery Board of Managers for three year terms. Richard E. Hart and Leonard M. Lieberman have expressed a desire to serve on the Board of Managers. In order to

provide continuity on the board, Oak Ridge Cemetery had requested that terms be staggered. This ordinance will provide a one-time waiver of the requirements of section 92.15(c) to allow a one-time waiver. The ordinance will authorize the appointment of Richard E. Hart, 5112 Eagle Ridge, for a three-year term to expire September 2011 and Leonard M. Lieberman, 3169 Elmhurst Drive, to serve a two-year term expiring September 2010.

**2009-455** An Ordinance Amending Ordinance No. 566-10-00, “An Ordinance Approving And Authorizing The Execution Of A Lakeshore Lease Between The City Of Springfield And Lake Springfield Properties, LLC, For The Office Of Public Utilities,” As Amended, By Approving And Authorizing Execution Of A Second Amendment To Said Lakeshore Lease To Provide For Development Of Multi-Family, Owner-Occupied Residences (**Requested By Mayor Timothy J. Davlin**)

Description: This ordinance amends Ordinance No. 566-10-00, as amended by Ordinance No. 22-01-08. Ordinance No. 566-10-00 authorized the approval of a 60-year lakeshore lease between the City of Springfield and Lake Springfield Properties, LLC (Master Lessee) for approximately 22 acres south of Lake Springfield, west of Interstate 55 and north of the Chatham/East Lake Drive exit, principally for the development and operation of a marina. Pursuant to the original lakeshore lease, the Master Lessee may, subject to City Code Zoning provisions, also use the premises in accordance with a proposal dated October 22, 1999, and submitted to the City for certain subleases. However, neither the proposal nor the lakeshore lease authorizes multi-family, permanent owner-occupied residences or condominiums.

Ordinance No. 22-01-08 amended the original lakeshore lease because the Master Lessee was unable to secure the final plat approval contemplated under the original lease and has been unable to enter into any subleases. It is now necessary to amend the original lakeshore lease, as amended, to authorize development of 16 multi-family owner-occupied units on Lot 9 of the leased premises, which would also require an annual rent for each unit of \$500.00 with incremental increases thereafter as specified in this proposed lease amendment. Other lease revisions under this Amendment include extending the term through October 31, 2089, and amending the definition of open space. All other terms and conditions under the original lakeshore lease, as previously amended, remain in full force and effect, unless modified by this amendment. Zoning for multi-family residences at this location was approved June 22, 2009.

**2009-456** A Resolution Notifying The State Of Illinois Department Of Transportation That Motor Fuel Tax Funds In The Amount Of \$900,640.66 May Be Used For Various Eligible Projects, Pursuant To The Illinois Highway Code, For The Office Of Public Works (**Requested By Mayor Timothy J. Davlin**)

This Resolution informs IDOT that the City will spend \$227,126.67 from its MFT fund for the FAU Overlay Project.

**2009-457** A Supplemental Resolution Notifying The State Of Illinois Department Of Transportation That Additional Motor Fuel Tax Funds In The Amount Of \$1,331,268.74 May Be Used For Various Projects For The Office Of Public Works (**Requested By Mayor Timothy J. Davlin**)

This Supplemental Resolution outlines to IDOT that we may spend an additional \$180,605.54 from MFT funds to pay for the Washington-Lewis to Glenwood Project.

**2009-458** An Ordinance Annexing Certain Described Property With No Address Assigned But Commonly Known As Riverside Park (**Requested By Mayor Timothy J. Davlin**)

This ordinance will annex certain described property with no address assigned but commonly known as Riverside Park.

**2009-459** An Ordinance Authorizing Execution Of A Subrecipient Agreement For Grant Number 08-SR-0011 With Fifth Street Renaissance To Carry Out Eligible Activities In Conjunction With The Homelessness Prevention And Rapid Re-Housing Program Using Community Development Block Grant Funds In An Amount Not To Exceed \$124,853.00, For The Office Of Planning And Economic Development (**Requested By Mayor Timothy J. Davlin**)

An ordinance authorizing the Office of Planning & Economic Development to enter into Subrecipient Agreement 08-SR-0011 with Fifth Street Renaissance to carry out eligible homeless and re-housing assistance activities in conjunction with the Homelessness Prevention and Rapid Re-housing Program using Community Development Block Grant (CDBG) funds, specifically designed by HUD, in an amount that does not exceed \$124,853. This amount is a portion of the entire HPRP funding of \$516,191. HPRP is one of the federal government's Recovery projects as authorized under the American Recovery and Re-investment Act of 2009.

**2009-460** An Ordinance Authorizing Execution Of A Subrecipient Agreement For Grant Number 08-SR-0012 With Helping Hands Of Springfield To Carry Out Eligible Activities In Conjunction With The Homelessness Prevention And Rapid Re-Housing Program Using Community Development Block Grant Funds In An Amount Not To Exceed \$195,669.00, For The Office Of Planning And Economic Development (**Requested By Mayor Timothy J. Davlin**)

An ordinance authorizing the Office of Planning & Economic Development to enter into Subrecipient Agreement 08-SR-0013 with Helping Hands of Springfield, Inc., to carry out eligible homeless and re-housing assistance activities in conjunction with the Homelessness Prevention and Rapid Re-Housing Program using Community Development Block Grant (CDBG) funds, specifically designated by HUD, in an amount that does not exceed \$195,669.00. This amount is a portion of the entire HPRP funding of \$516,191. HPRP is one of the federal government's Recovery projects as authorized under the American Recovery and Re-investment Act of 2009.

**2009-461** An Ordinance Authorizing Execution Of A Subrecipient Agreement For Grant Number 08-SR-0013 With M.E.R.C.Y. Communities, Inc. To Carry Out Eligible Activities In Conjunction With The Homelessness Prevention And Rapid Re-Housing Program Using Community Development Block Grant Funds In An Amount Not To Exceed \$195,669.00, For The Office Of Planning And Economic Development (**Requested By Mayor Timothy J. Davlin**)

An ordinance authorizing the Office of Planning & Economic Development to enter into Subrecipient Agreement 08-SR-0013 with M.E.R.C.Y Communities, Inc., to carry our eligible homeless and re-housing assistance activities in conjunction with the Homelessness Prevention and Rapid Re-housing Program using Community Development Block Grant (CDBG) funds, specifically designated by HUD, in an amount that does not exceed \$195,669.00. This amount

is part of the entire HPRP funding of \$516,191. HPRP is one of the federal government's Recovery projects as authorized under the American Recovery and Re-investment Act of 2009.

**2009-462** An Ordinance Authorizing The Execution Of A Redevelopment Agreement With Owen A. Anderson, Jr. For Use Of Enos Park Neighborhood Tax Increment Finance Funds In An Amount Not To Exceed \$216,885.00, For Renovation Of Property Located At 513-515 E. Miller Street, 710 N. 5<sup>th</sup> Street, 704-706 N. 5<sup>th</sup> Street, 708 N. 5<sup>th</sup> Street, 717 N. 6<sup>th</sup> Street And 716-724 N. 5<sup>th</sup> Street, For The Office Of Planning And Economic Development **(Requested By Mayor Timothy J. Davlin)**

TIF funding for roof replacement, new water heaters, new HVAC, façade improvement and new windows at the addresses noted above, located in the Enos Park Neighborhood TIF. The total amount of assistance is \$216,885.00.

**2009-463** An Ordinance Authorizing Execution Of A Five-Year Contract (CV09-12) With Royse Wagner, Incorporated For Advertising Agency Services From September 1, 2009, Through August 31, 2014, In An Amount Not To Exceed \$910,000.00 For The Springfield Convention And Visitors Bureau **(Requested By Mayor Timothy J. Davlin)**

A five year contract between the Springfield Convention and Visitors Bureau and Royse Wagner Inc., to provide advertising agency services beginning September 1, 2009 through August 31, 2014.

**2009-464** An Ordinance Accepting And Authorizing The Execution Of Fair Housing Assistance Program Grant #FF205K095006 In The Amount Of \$18,120.00 From The U.S. Department Of Housing And Urban Development To The Springfield Office Of Community Relations From October 1, 2009, To September 30, 2010, And Authorizing A Supplemental Appropriation Of Said Grant Funds **(Requested By Mayor Timothy J. Davlin)**

The grant funds will be used for rental of office space and equipment, janitorial services, advertising, contractual services and printing.

**2009-465** An Ordinance To Increase The Number Of Class "E" Liquor Licenses By One For Lutheran Retirement Center Association D/B/A Concordia Village, 4101 W. Iles Avenue **(Requested By Mayor Timothy J. Davlin)**

Lutheran Retirement Center Association d/b/a Concordia Village has applied for a Class "E" liquor license for the establishment located at 4101 W. Iles Avenue. If approved, this ordinance will increase the number of Class "E" liquor licenses from 26 to 27. A Class "E" license entitles the licensee to sell beer and wine only, by the drink or pitcher, as part of a restaurant business, for consumption on the premises only and is a 1 a.m. license.

**2009-466** An Ordinance Authorizing The Execution Of A Professional Services Agreement With Hanson Professional Services Inc., For Preliminary Engineering Services For The 8<sup>th</sup> Street Parking Ramp Construction Documents And Authorizing The Use Of Central Area Tax Increment Finance Funds In An Amount Not To Exceed \$45,000.00 For The Office Of Public Works **(Requested By Mayor Timothy J. Davlin)**

This ordinance authorizes Hanson Professional Services to prepare construction documents in accordance with the 8<sup>th</sup> Street Ramp Condition Evaluation report previously prepared by Hanson and oversee the construction phase to completion.

**2009-467** An Ordinance Amending Chapter 98, Section 98.05 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Regarding Impoundment For Sound Device Violations. **(Requested By Mayor Timothy J. Davlin)**

Proposed amendment to Chapter 98:

**§ 98.05.1. Vehicle Seizure and Impoundment.**

(a) A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in violation of section 98.05 herein shall be subject to seizure and impoundment under this section. A motor vehicle used in violation of section 98.05 shall be declared a public nuisance. Upon the first offense, the owner of record of such vehicle shall be liable for the towing and storage of the vehicle. For a second offense within a two-year period involving the same vehicle, the owner of record of such vehicle shall be liable to the city for a penalty of \$250.00 in addition to fees for the towing and storage of the vehicle. For a third or subsequent offense within a two-year period, the owner of record of such vehicle shall be liable to the city for a penalty of \$500.00 in addition to fees for the towing and storage of the vehicle.

(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under subsection (c) of this section and of a right to request a hearing under subsection (d) of this section. Said vehicle shall be impounded pending the completion of hearings provided for in subsections (c) and (d) herein, unless the owner of the vehicle pays for the towing and storage of the vehicle, as well as posting a cash bond with the city in the amount of \$250.00 for a second offense and \$500.00 for a third or subsequent offense in a two-year period.

(c) Whenever the owner of a vehicle seized pursuant to this section requests a preliminary hearing within 24 hours after the seizure, a hearing officer of the city shall conduct such preliminary hearing at the next administrative court date to be held within 7 days after said seizure. All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines that there is probable cause to believe that the vehicle, operated with the permission, express or implied, of the owner, was used in the commission of a violation of this section, the hearing officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle posts with the city a cash bond in the amount of the fees for the towing and storage of the vehicle, as well \$250.00 for a second offense and \$500.00 for a third or subsequent offense in a two-year period. If the hearing officer determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.

(d) Within ten days after a vehicle is seized and impounded pursuant to this section, the city shall notify by certified mail, return receipt requested, the owner of record at his/her last known address, as indicated by the vehicle's registration, of his/her right to request a hearing

before the hearing officer that will be conducted to determine whether the subject vehicle is eligible for impoundment pursuant to this section. However, no such notice need be sent to the owner of record if the owner is personally served with the notice within ten days after the vehicle is impounded, and the owner acknowledges receipt of the notice in writing. The notice shall state the penalties that may be imposed if no hearing is requested, including that a vehicle not released by payment of the penalty and fees and remaining towing/storage facility may be sold or disposed of by the city or the tow operator in accordance with applicable law. The owner of record seeking a hearing must file a written request for a hearing with the city legal department no later than 15 days after the notice was mailed or otherwise given under this subsection. The hearing shall be scheduled and held unless continued by order of the hearing officer, no later than 45 days after the request for a hearing has been filed. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle was used in the commission of a violation of this section, the hearing officer shall enter an order requiring the vehicle to continue to be impounded until the owner pays the fees for the towing and storage of the vehicle, plus a penalty of \$250.00 for a second offense and \$500.00 for a third or subsequent offense in a two-year period. The penalty and fees shall be a debt due and owing the city. However, if a cash bond has been posted, the bond shall be applied to the penalty. If the hearing officer determines that the vehicle was not used in commission of such a violation, the vehicle and the cash bond shall be returned to the owner and the city shall be liable for the towing and storage fees.

(e) Any motor vehicle that is not reclaimed within 30 days after the expiration of the time during which the owner of record may seek judicial review of the city's action under this section, or the time at which a final judgment is rendered in favor of the city, may be disposed of as an unclaimed vehicle as provided by law. As used in this section, the "owner of record" of a vehicle means the record title holder and proof of same need not be made by certified documentation from the Secretary of State's Office or another state's department of vehicle registration and licensing.

(f) This section shall not replace or otherwise abrogate any existing state or federal laws or local ordinances pertaining to vehicle seizure and impoundment. Nothing herein precludes prosecution for violation of this section in addition to or in lieu of the procedures set forth in this section.

(g) Notwithstanding any other provision of this section, whenever a person with a lien of record against a vehicle impounded under this section has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he/she agrees in writing to refund to the city the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties and fees imposed under subsection (a).

(h) In addition to any towing and storage fees and penalties imposed, the owner of record of a vehicle impounded pursuant to this section shall be liable to the city for an administrative fee of \$25 unless the hearing officer determines that no violation occurred pursuant to subsection (c) or (d) herein.

4. **Unfinished Business**
5. **New Business**
6. **Citizen Requests to Address Committee**
7. **Adjournment**

*Cecilia K. Tumulty*  
Cecilia K. Tumulty, C.M.C.  
City Clerk