

**Minutes of Springfield City
Council Meeting
Tuesday, February 3, 2009, 6:00 p.m.
City Council Chambers**

Deputy City Clerk Veronica Camille called the Pre Council Session of the Springfield City Council to Order at 5:30 p.m., Tuesday, February 3, 2009, in the Council Chambers of the Municipal Center West. Clerk Camille Read the Ordinances and Resolutions to be considered at the Next Regularly Scheduled Meeting into the Record of the Meeting and Assigned the Ordinances to their Proper Committees. The Pre Council Session Concluded at 5:45 p.m.

Mayor Davlin called the Meeting to Order at 6:00 p.m. All were invited to rise for the Pledge of Allegiance.

City Clerk Tumulty called the roll of City Council members.

PRESENT: Alderman Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin & Mayor Davlin.

ABSENT: None

Ald. Simpson Moved to Recess the Regular Meeting of the City Council for the Purpose of Holding Executive Session to Discuss Setting a Price for Sale or Lease of Property Owned by the City. Ald. Lesko Seconded. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes. The time was approximately 6:02 p.m.

Ald. Simpson Moved to Adjourn Executive Session and Reconvene the Regular Meeting of the City Council. Ald. Dove Seconded. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes. The time was approximately 6:17 p.m.

Ald. Simpson moved, Ald. Mahoney seconded, To Dispense with the Reading of the Minutes of the January 21, 2009, City Council Meeting and Approve the Minutes. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

Ald. Simpson moved, Ald. Cimarossa Seconded, To Incorporate the Pre-Council First Reading of Ordinances into the Record of This Council Meeting. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

The Next Matter On The Agenda Was The Consent Agenda. Ald. Simpson moved, Ald. Cimarossa seconded, To Incorporate the Pre-Council Reading of the Consent Agenda into the Record of This Council Meeting. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

Ald. Cimarossa Moved To Place The Consent Agenda On Final Passage. Ald. Dove Seconded. Ald. Edwards asked for information regarding 2009-023. He had received information that the business (Bar None, 427 E. Monroe Street) had been operating after 1:00 a.m. He further stated that he had received information that there was no building permit for the repairs/renovation of the building. Chief Caldwell stated that he had received no reports nor were there calls for service to the establishment. CC Johnson stated that her office had received no reports from Business Licensing that the establishment had violated City Code. Ald. Theilen stated that he had seen a notice placed on the business by the Building & Zoning Department. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

Agenda Numbers 2008-337, 2008-625, 2008-935, 2009-002 and 2009-003 Remain Tabled Or In Committee.

Ald. Edwards Moved to Remove 2009-002 from Committee and place it on the Debate Agenda. Ald. Kunz Seconded. The Motion Carried 9/1 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes. Ald. Cahnman Voted No.

The Next Item On The Agenda Was 2008-921, "An Ordinance Repealing Ordinance Number 342-05-08 Authorizing Execution Of A Development Agreement With Abundant Faith Ministry To Provide Infrastructure Improvements For A 60-Unit Supportive Living Facility At 2521 Empowerment Drive Utilizing Home Funds In An Amount Not To Exceed \$75,000.00, For The Office Of Planning And Economic Development." Ald. Edwards Moved To Place Agenda No. 2008-921 On Final Passage. Ald. Theilen Seconded. The Motion Carried 9/1. Ald. Edwards, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes. Ald. Simpson Voted No.

The Next Item on the Agenda Was 2009-002, "An Ordinance Amending Chapter 37, Section 37.81 of The 1988 City Of Springfield, Illinois, Code of Ordinances, As Amended, By Increasing the City's Simplified Municipal Telecommunications Tax From 1% to 6%." Ald. Edwards Moved to Place 2009-002 on Final Passage. Ald. Simpson Seconded. Mayor Davlin stated that this is the funding for Lincoln Library. Several aldermen have indicated their support for the Ordinance as a mechanism to fund the library. Mayor Davlin further stated that there is also support to amend the ordinance to reduce the amount from 6% to 4%. Ald. Cimarossa Moved to Amend the Ordinance from 6% to 4%. Ald. Simpson Seconded. Mayor Davlin Stated the Motion Carried Via Voice Vote. Ald. Griffin stated that it was his belief that due to the reduction to 4%, the administration believed the Libraries would remain open. Mayor Davlin stated that the libraries would remain open. However, hours of operation may change, all current vacancies would remain vacant and there would be no new vehicle for the library. There would have to be a number of changes. But, Mayor Davlin stated the library could survive on 4%. In answer to Ald. Edwards question, this would be in addition to the funding from the Corporate Fund. Ald. Simpson stated she was going to support this ordinance but wanted to explore excluding senior citizens from this tax increase.

Ald. Mahoney stated that he could not support this ordinance. He felt there had not been enough cuts in the budget. He could not support going back to the tax payers. Mayor Davlin stated that it is a matter of prioritizing. He asked the aldermen to tell him what they want cut. He further

stated that since he came to office, overall headcount is down. His office is down 7%; Public Works is down 11%. Ald. Edwards stated that he believed it's going to get worse and we're talking tonight about maintaining the status quo. Mayor Davlin stated if the funding mechanisms are passed, the delivery of services to city residents can continue. Ald. Edwards stated he agreed with Ald. Mahoney and he is disgusted.

Mayor Davlin stated, again, this is where the aldermen need to tell him where their priorities lie. He'll make the cuts. Ald. Mahoney stated if the Council votes for this now, he feels the council is letting the Mayor and his administration off the hook. Ald. Theilen stated that he was not intending to see the ordinance come out of committee tonight. He believes there are other council members who feel the same. He feels the libraries are important, but he wanted to see more cuts before there were more revenue enhancements. He intended to vote present on this ordinance.

Ald. Cimarossa stated that proposed amendment to the budget were due on January 30th. As of today, she had not seen any. She stated she had heard there were aldermen who wanted to lay city workers off and asked if that is what we are looking at?

Ald. Kunz stated we'll cut across the board. It's up to the Mayor who gets laid off. He said we're out of money just like GM and everyone else. It's life. He asked the council to vote their conscience. Ald. Cimarossa agreed.

Ald. Mahoney stated we should not nickel and dime the budget. He said we should tell the Mayor to come up with a budget that reflects no pilot and a budget that reflects no telecomm tax.

Mayor Davlin stated he had been asked to prepare proposed budgets with no adverse affects to police, fire or public works. He stated in order to do that, every other person would have to be laid off.

Ald. Griffin stated he wanted to address the budget just like the water rate increase. He asked for proposed budgets that reflect cuts of \$1,000,000 to \$12,000,000. In this matter, the aldermen can see what the impact would be on the City. As part-time aldermen, he does not believe the aldermen have the resources or time to go through the budget books and decide what should be cut or who should be laid off.

Ald. Cimarossa stated it comes down to people and services. Mayor Davlin stated that's what we do.

Ald. Cahnman stated that he had heard Ald. Cimarossa was looking at furlough days. Ald. Cimarossa stated it was a suggestion as she had not heard anything from anyone else. Mayor Davlin stated that all employees except police, fire & public works would have to be furloughed for 75 days.

Ald. Cahnman asked how much money would be generated by the increase in telecomm tax. That figure would be approximately \$2.4 million.

Ald. Griffin stated he would have a hard time supporting this ordinance on the fly tonight. He believed it was tied to the budget process. He had met with the Mayor and he wants to see more

negotiation and more proposals to cut money from the budget. He wants to apply this concept to the whole City and not just the libraries.

Ald. Edwards stated that every time the council has done that, the Council has gotten no cooperation from the Administration. He's been told that it's not the council's job to cut positions – only money.

Ald. Cimarossa stated how do we know what positions are necessary and which are not.

Ald. Cahnman moved to return the ordinance to committee. Ald. Lesko Seconded. The Motion Carried 6/4. Ald. Simpson, Lesko, Cahnman, Cimarossa, Theilen & Dove Voted Yes. Ald. Edwards, Kunz, Mahoney, & Griffin Voted No.

The Next Item On The Agenda Was No. 2009-011, “An Ordinance Prohibiting The Appointment Of New Employees For All City Offices, As Amended.” Ald. Griffin Moved To Place Agenda No. 2009-011 On Final Passage. Ald Theilen Seconded. Mayor Davlin stated that his administration has done the best job they could with what they have. They only post positions when absolutely necessary. He has postponed hiring or filling vacancies. All positions are reviewed by himself, Ken Crutcher, Larry Selinger.

Ald. Griffin stated he feels this would keep the council in the process. He stated that given the circumstances, this is one way to monitor positions and control costs. Ald. Simpson asked how the council will determine which positions will be approved or denied. What criteria will be used? Ald. Griffin stated that this is one measure to control costs. Ald. Edwards stated there are 15-17 days left in the month. There won't be time to negotiate anything or propose amendments to the budget. Although it was sent back to committee, he stated the telecomm ordinance will pass. We should have just voted on it. He further stated it will be interesting to see what kind of negotiations will take place.

Ald. Cahnman stated that the Administration has kept the council advised of new hires. In reviewing the positions, it did not seem that any were out of the ordinary. He felt that was good enough. Ald. Griffin stated that the current process does not allow the council to weigh in prior to the hiring taking place. It's all after the fact. Mayor Davlin stated if any position filled seems out of ordinary, please let him know. He'll bring the Director in and a full review will take place.

Ald. Edwards stated it should be interesting to see what happens when they take this back to their constituents and tell them its status quo again. We're going to keep doing what we're doing. Mayor Davlin stated that Ald. Edwards knew exactly how we got here. It's police and fire pension funding. That's where the money is going. Ald. Edwards stated he realized that and that we're all in this together.

The Motion Failed 4/6. Ald. Edwards, Lesko, Theilen and Griffin voted yes. Ald. Simpson, Kunz, Cahnman, Mahoney, Cimarossa and Dove Voted No.

The Next Item On The Agenda Was No. 2009-035, “An Ordinance Amending Chapter 131, Of The 1988 City Of Springfield Code Of Ordinances, As Amended, By Adding The Offenses Of Unlawful Possession Of Cannabis, Unlawful Possession Of Drug Paraphernalia And Unlawful

Sale Or Possession Of Tobacco, As Amended.” Ald. Simpson Moved To Place Agenda No. 2009-035 On Final Passage. Ald. Cimarossa Seconded. Ald. Theilen stated he had researched this issue on municode.com and could not find any city where there was any significant decline. Chief Ralph Caldwell addressed the Council and stated that Commander Bob Markovic had researched and spoken with the Aurora, Champaign, Urbana, Joliet and Bloomington had these procedures in place and loved it. He was skeptical but it apparently works wonders. The offense does not go on the individual’s record and sometimes the State’s Attorney doesn’t want to bother with such a small amount. His department is looking at bringing other charges to administrative court. Ald. Theilen stated he wasn’t as concerned with the revenue as he was with a decline in usage or a decline in statistics. Ald. Cahnman asked about the discretion an officer has with regard to this ordinance.

Chief Caldwell stated his officers will use discretion on each occasion. Those individuals with a history with the police department will be taken to jail. Others will be charged with this ordinance violation. Ald. Cahnman asked what happens if the fine is not paid? CC Johnson stated standard collections practices will apply.

Ald. Griffin stated he had a concern with the discretion an officer has in this type of matter. CC Johnson stated there are many ordinance violations on the books that mirror state statute. This is not a new concept. Underage drinking and disorderly conduct are just two instances where an individual can be charged in State Court or in Administrative Court. Ald. Cahnman stated he intended to support the ordinance. He encouraged the aldermen to support it and commended Ald. Simpson in bringing it forward.

The Motion Carried 7/3. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney and Cimarossa Voted Yes. Ald. Theilen, Dove and Griffin Voted No.

The Next Item On The Agenda Was No. 2009-036, “An Ordinance Authorizing A Change In The Scope Of Contract FD09-05-29 With Henson Robinson Co. For Roof Replacement At Firehouse #7 And Authorizing An Additional \$3,427.00 Payment For A Total Amount Not To Exceed \$58,313.00, For Emergency Passage.” Ald. Simpson Moved To Place Agenda No. 2009-036 On Emergency Passage. Ald. Cimarossa Seconded. The Motion Carried 11/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin & Mayor Davlin.

Ald. Simpson Moved To Suspend The Rules, Assign To Finance Committee And Place On First Reading, Agenda No. 2009-064, “An Ordinance Amending Chapter 100 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, By Imposing A 5% Tax On The Privilege Of Purchasing Package Alcoholic Liquor At Retail.” Ald. Cahnman Seconded. The Motion Carried via voice vote.

Ald. Simpson Moved To Suspend The Rules, Assign To Public Affairs Committee And Place On First Reading, Agenda No. 2009-065, “A Resolution Welcoming And Supporting The Honorable Patrick J. Quinn As The 41st Governor Of The State Of Illinois.” Ald. Cimarossa Seconded. The Motion Passed 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin voted Yes.

Ald. Cimarossa stated that she would like to schedule a Special City Council meeting next Tuesday, February 10, 2009, immediately following the Public Works Committee meeting. There isn't much time left.

Mayor Davlin stated he would have the proposed budgets ready per tonight's meeting with his suggested cuts by Tuesday.

Ald. Simpson Moved to Adjourn the Meeting at approximately 7:00 p.m. Ald. Kunz Seconded. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin voted Yes.

Cecilia K. Tumulty

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