

**Minutes of Springfield City
Council Meeting
Tuesday, June 16, 2009, 2009, 6:00 p.m.
City Council Chambers**

City Clerk Cecilia called the Pre Council Session of the Springfield City Council to Order at 5:00 p.m., Tuesday, June 16, 2009, 2009, in the Council Chambers of the Municipal Center West. Clerk Tumulty 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 5:10 p.m.

Mayor Davlin called the Meeting to Order at 5:30 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

Mayor Davlin recognized Tyre Rees, the City Traffic Engineer, who is retiring after 14 years with the City and a 50 year engineering career. Mayor Davlin wished him well and congratulated him.

Mayor Davlin recognized Mike Galco, Chairman of the Springfield & Sangamon County Planning & Zoning Commission, who is retiring after 28 years on the Commission. Mayor Davlin wished him well and congratulated him.

ZONING PETITION

The first item on the agenda was docket number 2009-018 for the property located at 30 Greencastle Circle.

PETITIONER(S): Charles & Bambi Redpath

PRESENT ZONING CLASSIFICATION: R-1, Single Family Residence District.

REQUESTED ZONING RELIEF: Variance of Section 155.062(c), Permitted Obstructions in Required Yards, to allow construction of an inground swimming pool and erection of a 6 foot privacy fence in the required front yard, 15 feet from the property line.

STAFF RECOMMENDATION: Approval

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the petition as submitted.

Ald. Edwards Moved to Accept the Planning & Zoning Commission's Recommendation. Ald. Kunz Seconded. The Motion Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin Voted Yes.

The remaining petitions set forth on the Zoning Agenda were taken out of Order and are listed here as they were voted on by the Council.

The next item was docket number 2009-020 for the property located at 110 North 9th Street.

PETITIONER(S): Salvation Army and Landmark Central Ltd

PRESENT ZONING CLASSIFICATION: B-2, General Business Service District.

REQUESTED ZONING RELIEF: Reclassification to S-3, Central Shopping District.

STAFF RECOMMENDATION: Approval

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the petition as submitted.

Ald. Cahnman Moved to Accept the Planning & Zoning Commission's Recommendation. Ald. Edwards Seconded. The Motion Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin Voted Yes.

The next item was docket number 2009-021 for the property located at 228-229 Maggie Drive.

PETITIONER(S): Southwoods Development of Springfield LLC

PRESENT ZONING CLASSIFICATION: R-1, Single Family Residence District.

REQUESTED ZONING RELIEF: Variance of Section 155.061, Basic Yard Requirements, to allow a front yard of 20 feet for lot 114, and a front yard of 20 feet and a rear yard of 15 feet for lot 117.

STAFF RECOMMENDATION: Denial

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the petition as submitted

Ald. Dove Moved to Accept the Planning & Zoning Commission's Recommendation. Ald. Edwards Seconded. The Motion Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin Voted Yes.

The last item was docket number 2009-019 for the property located at 101 West Washington Street.

PETITIONER(S): Ameren Service

PRESENT ZONING CLASSIFICATION: B-2, General Business Service District.

REQUESTED ZONING RELIEF: Variance of Section 155.062, Permitted Obstructions in Required Yards and Section 155.480, Landscaping, Screening and Lighting Regulations, to allow a solid fence and remediation in the required front yard, side yard and visibility triangle.

STAFF RECOMMENDATION: Approval

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the petition as submitted subject to compliance with the recommendations of the City Traffic Engineer, and a 5 year time limit placed on the Variances.

Ald. Cahnman Moved to Accept the Planning & Zoning Commission's Recommendation. Ald. Simpson Seconded the Motion Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin Voted Yes. Steve Burns, representing Ameren, asked for clarification on the variances for landscaping. Mayor Davlin suggested that Mr. Burns meeting with Tracy Johansson from Corporation Counsel's office in order to resolve any question he had on the landscaping and parking issue.

REGULAR MEETING

Treasurer Langfelder was recognized for the Monthly Treasurer's Report. He indicated the Corporate Fund balance at the end of May was -6,730,210.00. Ald. Simpson Moved to Accept the Treasurer's Report. Ald. Cimarossa Seconded. 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. Dove seconded, To Dispense with the Reading of the Minutes of the Special City Council Meeting of May 26, 2009, 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 Dispense with the Reading of the Minutes of the June 2, 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. Dove 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. Simpson Moved To Place The Consent Agenda On Final Passage. Ald. Cimarossa Seconded. Ald. Moved to Remove Agenda No. 2009-308 from the Consent Agenda and Place it on the Debate Agenda. Ald. Cimarossa Seconded. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes. The Motion to Place the Consent Agenda on Final Passage, as Amended, Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

Agenda Numbers 2008-337, 2009-281 and 2009-290 Remain Tabled Or In Committee.

A Public Hearing Regarding Agenda No. 2009-281 Was Rescheduled from June 2, 2009, for the June 16, 2009, Meeting. Ald. Simpson Moved To Continue That Public Hearing To July 7, 2009, At 5:30 P.M Ald. Lesko Seconded. The Motion Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin Voted Yes.

The Next Item On The Agenda Was No. 2009-287, An Ordinance Repealing Ordinance 239-04-09 Amending Chapter 170, Section 170.10.25(B)(2) Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Revise The Residential Fee Schedule For Building Permits; Reinstating The Previous Schedule; And Authorizing Reimbursement Of Funds Paid Under That Fee Structure. Ald. Simpson Moved To Place Agenda No. 2009-287 On Final Passage. Ald. Kunz Seconded. Ald. Simpson Moved to Amend 2009-287, revising the fee schedule to reflect a cost of \$.12 per square foot to determine the Permit Fee. Ald. Cahnman Seconded. Mayor Davlin stated this is the Agreement worked out with the Home Builder's Association. Dean Gravin, 1616 Briarcreek, Springfield, IL, Pres of the Association, stated that this Amendment was discussed and approved by all individuals present at the meeting. There was initially some opposition, however, the parties worked it out. Square footage of the house versus a value of the home was to be used to determine the fee. Ald. Edwards stated that he believes the City is losing revenue on this ordinance. Mr. Gravin stated that you could have an inflationary clause built into the ordinance.

Ald. Kunz stated the City is going to lose money on this ordinance. This ordinance was brought to the City by the Home Builders Association. This was not initiated by the City. The old ordinance had a built in inflationary clause. Now under this ordinance, each new City Council will have to revise the schedule and vote to increase it to keep up with inflation. Mr. Gravin stated that all parties voicing an objection were at the meeting and their concerns were addressed. Ald. Kunz stated, again, that the Home Builders Association asked for this Ordinance. The City will lose money. Ald. Edwards stated that he believed this will end up costing the little guy more money. Mayor Davlin stated that this will be cost neutral based on last years figures. Ald. Kunz asked John Sadowski what the old method to determine the permits was based on. Mr. Sadowski stated that the fee was based on the cost of construction. Basically, everything but the cost of the land. Ald. Edwards stated the little guy is going to end up making up the difference and he doesn't think that is right. Ald. Cimarossa stated that the permit fees are used to pay for the cost of the inspection. Ald. Kunz stated, again, the City is going to lose money. If we are doing this on the residential side, why not be fair and do this on the Commercial permits as well. He guessed because the City would lose more money. He stated we should have done the entire fee schedule rather pick and choose. Ald. Dove stated that he was at the meeting and he stated all of those in attendance were in agreement. Ald. Cahnman asked how we could tie this ordinance to the consumer price index. Mr. Gravin stated he was unaware of any barometer that could

measure the annual price of building. Ald. Lesko asked how much money we will lose if we pass this ordinance. John Sadowski stated they ran the numbers on 30 permit applications. The price should be \$.13 per square foot in his opinion. Based on \$.12 per square foot, the City will lose \$4,000 to \$5,000 each year in permits. Ald. Cimarossa stated she thought it was a good compromise. The Motion Carried to Amend Carried 6/4. Ald. Simpson, Cahnman, Mahoney, Cimarossa, Dove & Griffin Voted Yes. Ald. Edwards, Kunz, Lesko and Theilen Voted No.

Ordinance 2009-287, as Amended, on Final Passage, Carried 7/3. Ald. Simpson, Kunz, Cahnman, Mahoney, Cimarossa, Dove & Griffin Voted Yes. Ald. Edwards, Lesko and Theilen Voted No

The Next Item on the Agenda was 2009-308, An Ordinance Authorizing Additional Payment In The Amount Of \$32,000.00 For A Total Amount Not To Exceed \$117,000.00 To Lake Area Disposal Service, Inc., Waste Management Of Illinois, Inc., Illini Disposal, Inc., And Allied Waste Transportation, Inc. D/B/A Allied Waste Services Of Sangamon County For Collection And Disposal Of Yard Waste Within The City And Lands Owned By The City, For The Office Of Public Works. Ald. Simpson Moved to Place 2009-308, on Final Passage. Ald. Cimarossa Seconded. Ald. Mahoney asked Dir. Norris if this was to pay for the spring yard waste collection. Norris stated yes. Ald. Mahoney stated that the waste companies, through agreement with the City, were to pick up bagged yard waste even if there were no stickers on the bags. Each customer would then be charged \$2.00 per bag. He had tested the Agreement to see if the haulers were picking up the bags. He stated they were not. The waste haulers were just doing what they wanted to do. They were to pick up the bags and the issue of payment was between the haulers and their customers. He stated it's not just him; there are other homes in his neighborhood with bags out as well. Mayor Davlin instructed Norris to contact the waste haulers and remind them of their obligation under the ordinance. He stated he would do so. Ald. Mahoney asked if Wynne (Coplea), who is now at CWLP, was still in charge of that program. Same phone number, etc. Norris stated that was correct. The Motion Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin Voted Yes

The Next Item On The Agenda Was No. 2009-319, An Ordinance Authorizing Acceptance Of Payment For Copies And License Fees By Credit And Debit Cards, For The Office Of City Clerk. Ald. Lesko Moved to Recess the Regular Meeting in order to conduct a Public Hearing as required by State Statute. Ald. Cimarossa Seconded. The Motion Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin Voted Yes.

A Public Hearing was convened. No testimony was offered.

Ald. Lesko Moved to Adjourn the Public Hearing and Reconvene the Regular Meeting of the City Council. Ald. Kunz Seconded. The Motion Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin Voted Yes

Ald. Simpson Moved to Place 2009-319 on Final Passage. Ald. Cimarossa Seconded. The Motion Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin Voted Yes.

The Next Item on the Agenda Was No. 2009-320, An Ordinance Authorizing Payment Of A Workers' Compensation Award To Robert Nation, An Office Of Public Utilities Employee, For Workers' Compensation Case Number 07-WC-009402, For Emergency Passage. Ald. Simpson Moved To Place Agenda No. 2009-320 On Emergency Passage. Ald. Kunz Seconded. The Motion Carried 11/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin and Mayor Davlin Voted Yes.

The Next Item on the Agenda Was No. 2009-321, An Ordinance Approving The Revised Final Plat Of Cobblestone Estates, Twenty Fifth Addition, For The Office Of Public Works, For Emergency Passage. Ald. Simpson Moved To Place Agenda No. 2009-321 On Emergency Passage. Ald. Kunz Seconded. The Motion Carried 11/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin and Mayor Davlin Voted Yes.

The Next Item on the Agenda Was No. 2009-322, An Ordinance Amending An "Ordinance Designating Enterprise Zones Within The Territorial Boundaries Of The City Of Springfield, Illinois, A Municipal Corporation, And Providing For Certain Tax Incentives And Reimbursements Therein", For Emergency Passage. Ald. Simpson Moved To Place Agenda No. 2009-322 On Emergency Passage. Ald. Cimarossa Seconded. He asked how much more land was being included. Mike Farmer stated approximately 2 acres. Ald. Simpson Moved to Amend 2009-322. CC Johnson stated the amendment affects the Fifth (5th) whereas clause in the Ordinance. Delete everything after the existing Enterprise Zone. No further language after that paragraph. Ald. Kunz Seconded. The Motion to Amend 2009-322 Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, & Griffin Voted Yes.

Ordinance 2009-322, as Amended, on Final Passage, Carried 11/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin and Mayor Davlin Voted Yes.

The Next Item on the Agenda Was No. 2009-323 An Ordinance Authorizing The Execution Of An Intergovernmental Agreement Between The City Of Springfield And The State Of Illinois Department Of Agriculture For Fire Protection And Fire Prevention Services At The Illinois State Fairgrounds In The Amount Of \$116,200.00 For The Period Covering July 1, 2008, Through June 30, 2009, For Emergency Passage. Ald. Simpson Moved To Place Agenda No. 2009-323 On Emergency Passage. Ald. Kunz Seconded. Ald. Edwards stated that the amount of the contract keeps going down. Mayor Davlin stated they've now thrown in another \$236,000 and put a new roof on the building. There is no rent for the building and the City utilizes the entire building. No payment for utilities was made. Mayor Davlin stated we can't get any more out of the State for these services. The Motion Carried 11/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin and Mayor Davlin Voted Yes.

Ald. Simpson Moved To Suspend The Rules, Assign To Utilities Committee And Place On First Reading, Agenda No. 2009-350, An Ordinance Approving A Three-Year Property And Extended Coverage Insurance Policy For 40 City Of Springfield Properties Through R.W. Troxell & Company And Approving Payment Of The First Year's Premium In The Amount Of \$1,655,065.00 For The Office Of Public Utilities. Ald. Cimarossa Seconded. The Motion Carried by Voice Vote.

Ald. Griffin reminded everyone about "Relay for Life" this Saturday evening at 5:00 at the State Fairgrounds. It's a great cause and he encouraged everyone to attend.

Ald. Theilen asked if, since so much had been reported recently about lawsuits, would Corporation Counsel like to discuss any updates in Executive Session. She indicated that was up to the Council. Mayor Davlin suggested that Ald. Theilen meeting with Corporation Counsel if he had any questions.

Ald. Mahoney stated that he had been talking with Joe Davis and Jenifer Johnson about combining committees. He had suggested a Committee of the whole on the 2nd and last Tuesdays of the month. There would be no individual committees and the entire council would meet. Ald. Cahnman stated that a Committee of the whole is a good idea, but he would like to see the City return to broadcasting the meeting. Ald. Mahoney stated that Joe Davis would continue working on it. The luxury of a committee of the whole would be that everyone would be in attendance for any debate. This could also streamline Council meetings. Another thought would be to increase the dollar amount of contracts that require City Council approval. Ald. Kunz stated that many of the ordinances the Council must vote on are ridiculous. If there was a 10% limit (dollar figure) of total amount of contracts, that is reasonable. Ald. Cahnman stated that he believed the Committee of the Whole should be broadcast. This is a democracy. Ald. Theilen stated we need to deal with one thing at a time.

Peggy Knowles, Homeless United for Change (HUC) addressed the Council. She is a member of the HUC. She presented a signed Petition asking the City to open a Permanent Emergency Bed Overflow Shelter. The Petition was presented in memory of Tim Hawker, a spokesperson for the homeless who had recently passed away. She stated HUC is looking for houses paint and is willing to establish a tent city to end this situation. Ald. Cahnman stated that the Round Up program was established to fund the homeless issue. The July bill from CWLP would have the insert and he encouraged everyone to sign up.

Ald. Edwards asked where we were on the pilot and on native load figures. GM Renfrow stated he did not have that information tonight but would get it for the alderman. Ald. Kunz asked if we would meet the target set during the budget. Renfrow stated the pilot does not start until September of this year when the new plant comes on line.

Ald. Griffin Moved to Adjourn the Meeting at approximately 6:20 p.m. Ald. Simpson 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