

**Minutes of Springfield City  
Council Meeting  
Tuesday, May 19, 2009, 5:30 PM.  
City Council Chambers**

Deputy City Clerk Camille called the Pre Council Session of the Springfield City Council to Order at 5:00 p.m., Tuesday, May 19, 2009, in the Council Chambers of the Municipal Center West. Deputy 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 5:15 p.m.

Mayor Davlin called the Meeting to Order at 5:30 p.m. All were invited to rise for the Pledge of Allegiance.

Deputy Clerk Camille called the roll of City Council members.

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

ABSENT: None

Proclamations: None

**ZONING PETITIONS**

Ald. Griffin Moved to Continue Docket Nos. 2009-009, 2009-010, 2009-011, 2009-012 and 2009-213 to September 15, 2009 at the request of the Petitioner. 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 Next Item On The Agenda Was Docket Number 2009-014 For The Property Located At 219 S. 4<sup>th</sup> Street.

PETITIONER(S): Westminster Presbyterian Church and the Fred Wanless Trust, Owner

PRESENT ZONING CLASSIFICATION: S-3, Central Shopping District.

REQUESTED ZONING RELIEF: Variance Of Section 155.300(B)(8), General Sign Regulations, Memorial Plaques And Cornerstones, And Section 155.320(E), Permitted Accessory On-Premise Signs To Allow A Memorial Plaque Approximately 12 Square Feet Instead Of The 4 Square Feet Allowed And To Allow The Plaque 6 Feet In Height On The Eastern Most Boundary Of The Property.

STAFF RECOMMENDATION: Approval

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the Petition as Submitted Subject to Approval by the City Traffic Engineer.

Alderman Cahnman Moved To Accept The Planning And Zoning Commission Recommendation. Alderman Theilen Seconded The Motion. The Motion Carried 9/0. Ald. Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, And Griffin Voted Yes. Alderman Edwards did not vote.

The Next Item On The Agenda Was Docket Number 2009-015 For The Property Located At 701 N. 1<sup>st</sup> Street.

PETITIONER(S): Memorial Medical Center

PRESENT ZONING CLASSIFICATION: R-5(B), Office District (Old).

REQUESTED ZONING RELIEF: Variance Of Section 155.058, Maximum Building Height To Allow Construction Of A Parking Structure To Be More Than 50 Feet In Height But No More Than 70 Feet In Height.

STAFF RECOMMENDATION: Approval

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the Petition as Submitted.

Alderman Cahnman Moved To Accept The Planning And Zoning Commission Recommendation. Alderman Griffin Seconded The Motion. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

The Next Item On The Agenda Was Docket Number 2009-016 For The Property Located At 426 South Grand East And 1309 South 5<sup>th</sup> Street.

PETITIONER(S): D.J. Development, LLC

PRESENT ZONING CLASSIFICATION: B-1, Highway Business Service District.

REQUESTED ZONING RELIEF: Amend Zoning Ordinance 98-037 Granted July 21, 1998, To Remove The Condition That Alcohol Not Be Sold After 10:00 P.M.

STAFF RECOMMENDATION: Approval

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the Petition as Submitted.

Alderman Mahoney Moved To Accept The Planning And Zoning Commission Recommendation. Alderman Cimarossa Seconded The Motion. The Motion Carried 10/0. Ald.

Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

The Final Item On The Agenda Is Docket Number 2009-017 For The Property Located At 3300 East Clearlake.

PETITIONER(S): SSS Development, Inc

PRESENT ZONING CLASSIFICATION: B-1, Highway Business Service District and B-2, General Business Service District.

REQUESTED ZONING RELIEF: Variance Of Section 155.320 Permitted Accessory On-Premise Signs, To Allow Petitioner To Relocate An Existing Sign And Allow More Than One Pole Or Pylon Sign In The Front Yard And To Allow Two Ground Signs Less Than 100 Feet Apart.

STAFF RECOMMENDATION: Approval

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the Petition as Submitted

Alderman Kunz moved to accept the planning and zoning commission recommendation. Alderman Edwards seconded the motion. The motion carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

### **REGULAR BUSINESS**

Ald. Simpson moved, Ald. Cimarossa said seconded, To Dispense with the Reading of the Minutes of the May 5, 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. Simpson Moved To Place The Consent Agenda On Final Passage. 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.

Agenda numbers of 2008 – 337, 2009 – 190, 2009 – 260, 2009 – 264 and 2009 - 265 remain tabled or in committee.

The Next Item On The Agenda Was No. 2009–223, An Ordinance Accepting The Lowest Responsible Bid And Authorizing The Execution Of Contract Number PW10–03–11 With William A. Schroeder For The Enos Park Sidewalk Replacement Program In An Amount Not To Exceed \$316,429.50, Utilizing The Enos Park Tax Increment Finance Funds, For The Office Of The Public Works, As Amended. Ald. Cahnman Moved To Place Agenda No. 2009 – 223 On Final Passage. Ald. Kunz Seconded. Corporation counsel stated she had received an e-mail from Ald. Griffin concerning this ordinance, and the timing of when this bidder signed up for an apprenticeship program. She consulted the city code and the provisions detailing a qualified bidder. The city code states that a qualified bidder must be a participant in or be qualified to participate in an apprenticeship program at the time of bidding. At the time of this bid Mr. Schroeder was qualified to be a participant in an apprenticeship program and, therefore, he was qualified to respond to the bid. Alderman Griffin stated that he believed the qualifications for bidding were met after the fact. Mayor Davlin stated that we use the same language that is used in the state contracts. He believed that removing a few words from city code would alleviate this problem in the future. It did not solve the problem tonight; however a revision of city code could be initiated.

Alderman Griffin stated he was told that an official objection to this award had been received by the city. Corporation counsel Johnson stated that she believed that the objection had nothing to do with this issue and the objection was not founded as written. Corporation counsel Johnson stated that currently city code requires a bidder to be qualified to participate in an apprenticeship program. The code does not mandate that they participate in an apprenticeship program. Alderman Edwards asked if we awarded the bid to him, did he go and sign up for the apprenticeship program. Mayor Davlin stated that we had not awarded the bid, that's what we were trying to do. Alderman Edwards stated that we set the rules and then we change the rules to accommodate someone. He believed that we set the rules in an effort to be fair to everyone. Corporation counsel Johnson reminded Alderman Edwards that the city code states that the bidder must be qualified to participate in an apprenticeship program. Again, it does not mandate that he participate in a program. He stated that he understood and that he could vote no. Alderman Cahnman asked if we reject this bid, could the city be sued. Corporation Counsel Johnson asked Alderman Cahnman if he really wanted her to answer that question. Alderman Edwards stated that if the aldermen are concerned about being sued, then why are we voting on these ordinances anyway? Ald. Kunz stated we vote on these ordinances because it's over \$15,000.00 and we're required to vote. We should pass an ordinance that awards the bid to the lowest bidder. Ald. Theilen suggested that the ordinance be returned to committee for further consideration, and to discuss the intent of the code. Mayor Davlin stated that the intent does not matter. The legality is that he is a responsible bidder. Ald. Cahnman urged the Council to vote on the measure as the people in Enos Park are suffering under these sidewalk conditions. Alderman Dove asked Corporation Counsel Johnson to prepare an ordinance to amend the city code to strike those three words. Mayor Davlin stated that ordinance would be prepared and it would go on first reading the next time around.

The Motion Carried 6/4/1. Ald. Simpson, Kunz, Cahnman, Cimarossa, Dove and Mayor Davlin Voted Yes. Ald. Edwards, Lesko, Mahoney and Griffin Voted No. Ald. Theilen Voted Present.

The Next Item On The Agenda Was 2009 – 228, An Ordinance Authorizing Execution Of An Amendment To An Agreement With, And Authorizing Payment Of \$25,000.00 To David L.

Jacobson And Associates Limited For Consultation Services For Litigation For The Office Of Corporation Counsel. Alderman Simpson moved to place 2009 – 228 on Final Passage. Ald. Cimarossa Seconded. Agenda No. 2009-228 Passed By a Vote of 9/1. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen and Dove Voted Yes. Ald. Griffin Voted No.

The Next Item On The Agenda Was 2009-261, An Ordinance Authorizing Execution Of A Redevelopment Agreement With National Railroad Passenger Corporation (Amtrak) For Rehabilitation Of The Station Located At 301 E. Washington Street Using Central Area Tax Increment Finance Funds In An Amount Not To Exceed \$571,500.00, For The Office Of Planning And Economic Development. Alderman Cahnman moved to place 2009 – 261 on Final Passage. Ald. Cimarossa Seconded. Mayor Davlin stated that the agreement needs to be amended to redact the word “owner” and replace it with “lessee”. Ald. Cahnman Moved to amend the agreement as stated. Ald. Cimarossa Seconded.

Mayor Davlin stated that the work on this agreement began under the last city council. It became bogged down. Two weeks ago, Mayor Davlin contacted Joe Caico, union representative for Union Pacific. He got this resolved in the last few days. Ald. Cahnman asked if Derek James was present from Amtrak. He was not. Jenny Clafland, Operations Manager for the Bureau of Railroads for the State of Illinois addressed the Council. When Amtrak was created, all of the freight railroads, stations, equipment and staff were turned over to Amtrak. Amtrak is the only lessee. They operate the building. The railroad gets no income from the building. Amtrak is the “absentee landlord” of the station. However, they have no other involvement. The state of Illinois did a major renovation of the station from 1990 to 1992 and spent over a half million dollars. The station improvement program has received no funding in the last few years. This station needs work, again. She stated we could consider this a community resource much like the airport. It is well documented that investments in stations spur economic development. Ald. Griffin asked if Amtrak initiated this ordinance to apply for the TIF money. Ms. Clafland stated it was a joint venture. Ald. Edwards stated that the taxpayers already subsidize Amtrak with millions of dollars. He feels they should make the improvements. He believes the station is their obligation. Ald. Mahoney stated that is a discussion to have with your state legislator. He stated this is a gateway to the City – inside the City.

Ald. Edwards reiterated that Economic Development usually provides 20% of the improvements, not 70%. Ald. Cahnman stated this is a gateway to the City. The Amtrak station is used more than Capital Airport. Of all the stations between St. Louis and Chicago, the Springfield station is the 2<sup>nd</sup> most used station in Illinois. Ald. Simpson asked if Bloomington used TIF money to upgrade their station. Ms. Clafland stated it was a joint venture with Department of Transportation and Amtrak. The City gave the property underlying for the station. Currently, there is no funding for the Station Improvement Program.

Ald. Griffin asked if we sent a City inspector to the station, who would be the recipient of that violation and what would happen? Ms. Clafland stated it would be Amtrak and Amtrak would cease to operate there. CC Johnson stated we would probably cite both Amtrak and the State. Ald. Cahnman stated that this ordinance provides 80% of the funding from the Downtown TIF and 20% by Amtrak. He stated that Amtrak must have some money. She stated yes. These improvements would bring the station into ADA compliance.

Ald. Theilen asked how Amtrak was coming up with the money. Ms. Clafland stated they are federal funds.

Agenda No. 2009-261 Passed By a Vote of 6/4. Ald. Simpson, Kunz, Cahnman, Mahoney, Cimarossa, Theilen Voted Yes. Ald. Edwards, Lesko, Dove and Griffin Voted No.

The Next Item On The Agenda Was No. 2009-266, An Ordinance Authorizing Payment Of A Workers' Compensation Award To Kriscenda M. Knox, An Office Of Public Utilities Employee, For Workers' Compensation Case Number 06-Wc-48994, For Emergency Passage." Ald. Simpson Moved To Place Agenda No. 2009-266 On Emergency Passage. Ald. Cimarossa 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. 2009-267, "A Resolution Authorizing The Office Of Planning And Economic Development To Prepare And The Mayor To Submit To The U.S. Department Of Housing And Urban Development An Amendment To The City's Fy08 Action Plan, Year Four Of The Five-Year 2005-2009 Consolidated Plan, For The Use Of Community Development Block Grant (CDBG) Funds And Home Investment Partnerships (Home) Funds For The Consolidated Program Year That Begins July 1, 2008, For Emergency Passage. Ald. Simpson Moved To Place Agenda No. 2009-267 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.

Ald. Simpson Moved To Suspend The Rules, Assign To Public Affairs Committee And Place On First Reading, Agenda No. 2009-294, "An Ordinance Authorizing The Execution Of An Intergovernmental Agreement With Sangamon County Department Of Public Health For Boarding Services Of Unclaimed, Impounded Animals In An Amount Not To Exceed \$97,160.00 From May 1, 2009, Through April 30, 2010, And Authorizing A Supplemental Appropriation In The Amount Of \$97,160.00 From Unanticipated, Unbudgeted Fund Balance." 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 To Suspend The Rules, Assign To Public Affairs Committee And Place On First Reading, Agenda No. 2009-295, "An Ordinance Authorizing Execution Of An Amendment To A Redevelopment Agreement With The Illinois Community College System Foundation For The Office Of Planning And Economic Development." 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 To Suspend The Rules, Assign To Public Affairs Committee And Place On First Reading, Agenda No. 2009-296, An Ordinance Accepting The Lowest Responsible Bid And Authorizing Execution Of Contract Number Cs 09-01-101 With Evans Construction Co. For The 1908 Race Riot Commemoration Sculpture Site Work At Union Plaza Park In An Amount Not To Exceed \$31,500.00, Plus An Additional \$6,000.00 For Work Related To Unforeseen Circumstances, For A Total Amount Not To Exceed \$37,500.00 And Authorizing A Reappropriation Of FY09 Fund Balance In The Amount Of \$23,000.00 And Authorizing A Supplemental Appropriation In An Amount Of \$14,500.00 From Tax Increment Finance Funds.

Ald. Griffin 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 To Suspend The Rules, Assign To Finance Committee And Place On First Reading, Agenda No. 2009-297, "An Ordinance Amending Chapter 100, Section 100.30 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Increase The Amount Of Net Hotel/Motel Tax Revenue That Is Deposited Into Fund 095 From One-Third To One-Half. Ald. Mahoney Seconded. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

Ald. Mahoney Moved to Suspend the Rules, Assign To Finance Committee And Place On First Reading, Agenda No. 2009-298, "An Ordinance Amending Chapter 37, Article IX Of The 1988 City Of Springfield, Illinois, Code Of Ordinances, As Amended, To Designate A Percentage Of Revenue Received From The City's Simplified Municipal Telecommunications Tax For Capital Improvements. 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. Mahoney stated that a Special City Council Meeting had been scheduled Tuesday, May 26, 2009, immediately following the Finance Committee Meeting. At that time, the Infrastructure Ordinances and related Tax Ordinances would be on the Agenda. Ald. Kunz stated that he felt it was a waste of money to schedule a special meeting when we're meeting again in two weeks. Ald. Mahoney stated we're getting into the construction season and he did not want to wait any longer. Ald. Griffin stated he felt it was premature to go forward given that the State would be putting out their Capital Plan very soon. We don't know what our matching funds would be. Ald. Mahoney stated the City's Plan has nothing to do with the State Plan and there would be no matching funds. They will be focusing on State Routes, not City Streets. Ald. Kunz stated if the telecomm tax is passed, the administration will have to implement cuts. Ald. Mahoney stated that ordinance would not affect the City budget until next year and that give the administration plenty of time to figure that out. Ald. Edwards stated he understood what Ald. Mahoney was trying to do. Other council members had asked for Special Meetings and they had been accommodated.

Treasurer Langfelder was recognized for the Monthly Treasurer's Report. He indicated the Corporate Fund balance at the end of April -1,967,089.00. 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. Edwards stated there are people here tonight who are presenting a petition to the Council stating their objections to the annexation of Hazel Lane and Rita Road to the City. That petition is incorporated into these minutes. Mayor Davlin stated the annexation went on First Reading tonight so there is no discussion tonight. The annexation will be heard at the Public Works Committee on Thursday, May 28, 2009, at 5:15 p.m.

Ald. Cahnman thanked the Mayor for appointing the members to the Homeless Advisory Committee. He thanked each member for serving on the Committee. He urged the public to sign up for the Round Up Program that will benefit the homeless.

Ald. Theilen asked if the issue around the Hazel Lane annexation was the road surrounding Hope School the biggest concern. Mayor Davlin stated it was. Ald. Theilen asked if there was any agreement that could be offered without annexing the property. Mayor Davlin stated the issue is in the Court system right now, but it's not working too well right now. The matter will be heard in Public Works Committee on Thursday.

Susan Yates, 1040 W. Maple Avenue South, Springfield, IL. She thanked the Council for considering the annexation of her property. Her elderly mother who lives with her has COPD and congestive heart failure. She further stated that it is a sad state of affairs when you cannot open your windows because of the smoke from burning fires. She has complained to the County Board members, other County officials, but to no avail. They cannot open their windows due to the smoke. The smoke is causing a serious health problem for her mother. Jerome is preparing to annex the property; however, she wants to be annexed to Springfield. Mayor Davlin stated that the Mayor of Jerome had indicated that they are looking toward implementing a leaf banning burn. Ald. Cimarossa stated she had spoken with a Woodside Township Official and urged them to take the lead to introduce a leaf burning ordinance.

Mayor Davlin recognized members of the Boy Scout Troop who were in the audience.

Ald. Griffin Moved to Adjourn the Meeting at approximately 6:27 p.m. Ald. Cimarossa 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*

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