

**Amended Minutes of Springfield City
Council Meeting
Tuesday, November 17, 2009
City Council Chambers**

City Clerk Cecilia Tumulty called the Pre Council Session of the Springfield City Council to Order at 5:00 p.m., Tuesday, November 17, 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 the Committee of the Whole. The Pre Council Session Concluded at 5:05 p.m.

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

Clerk Tumulty called the roll of City Council members.

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

ABSENT: Ald. Dove

Proclamations: Mayor Davlin welcomed visiting Mayor Minoru Omamiuda, Ashikaga, Japan, to Springfield. Mayor Davlin stated that Springfield had been named Sister City of the Year by the Illinois Municipal League. Ashikaga and Springfield are celebrating the 20th Anniversary of the Sister City program. Mayor Davlin presented a proclamation to Mayor Omamiuda. Mayor Omamiuda made a few brief remarks and introduced Masao Morita, Chief, Mayor's Office, and Akira Onuki, Chairman of Ashikaga Board of Education.

Mayor Davlin then recognized Jim and Tim Rusciocelli, owners of Evans Restoration, who refurbished Engine 14 following an arson fire. Evans Restoration came forward and completely restored the Engine at no cost to the City. Mayor Davlin thanked Evans Restoration on behalf of the City and the Springfield Fire Department.

ZONING PETITIONS

The first item on the agenda was docket number 2009-038 for the property located at 701 Corporate Court.

PETITIONER(S): H & I Real Estate, LP

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

REQUESTED ZONING RELIEF: The Petition was amended to seek a variance of Section 155.320(a)(b)(d), permitted accessory on-premise signs, to allow for

more than one pole sign on a zoning lot, to allow a sign within 100 feet of another sign on the same zoning lot with the proper ground cover requirements as described in Section 155.480 and having the dimensions at no greater than 45.5 square feet and in the same location as currently constructed.

STAFF RECOMMENDATION: Approval.

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

Ald. Edwards Moved to Accept the Planning & Zoning Commission's Recommendation. Ald. Kunz Seconded. The Motion Carried 9/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen & Griffin Voted Yes.

The next item on the agenda was docket number 2009-039 for the properties located at 2191, 2193, 2199 & 2205 Adlai Stevenson Drive.

PETITIONER(S): Estate of Robert J. Gatschenberger, Muriel H. Gatschenberger, Trustee

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

REQUESTED ZONING RELIEF: Conditional Permitted Use pursuant to Sections 155.033, Conditional Permitted Uses in B-1, and Section 155.210, Conditional Permitted Uses, Package Liquor.

STAFF RECOMMENDATION: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

Approval of the Petition for a Conditional Permitted Use pursuant to Sections 155.033, Conditional Permitted Uses in B-1, and Section 155.210, Conditional Permitted Uses, Package Liquor, all for the Western most unit which carries the address of 2191 Adlai Stevenson Dr.

Ald. Simpson Moved to Deny the Petition as Submitted. Ald. Cimarossa Seconded. Ald. Simpson stated that she had provided copies of 341 signatures of the neighboring residents. She stated the only development in Ward 2 seems to be liquor stores and taverns. She stated that without question, the whole city devalues the residents of Ward 2. She stated the Council needs to send a message to the residents that we do care.

Gordon Gates, Attorney at Law, representing the Gatschenberger Trust and A T & W Grocery. Mr. Gates stated that he had not seen the signed petitions that Ald. Simpson presented. He was unaware of any objections as no objectors appeared and testified at the Planning & Zoning Commission meeting. No neighbors showed up to object. Mr. Gates presented signed petitions by residents of the Ward who supported the project and his clients desire to expand their business. He stated he is curious as to who began the petition gathering effort. He would have liked to discuss it prior to this evening. He stated that the matter as painted by Ald. Simpson is not accurate. In fact, the opposite is true. A similar petition was presented to the Council 2 years ago with a favorable recommendation and was derailed by Ald. Simpson at that time. He was retained in the

hopes of presenting an acceptable petition. He looked at the information provided by the City's Clerk's office pursuant to a FOIA of liquor licenses. He presented a map of the area with a 2 mile radius of his client's store. Contrary to Ald. Simpson's statement, the area is not inundated with package liquor stores. The opposite is true. There is one package liquor store. The remaining establishments are taverns with package liquor licenses and Wal-Mart. One is in the County. His client does not want to be a package liquor store. His client wanted to have the most restrictive license available. His client wants to sell wine and beer until 10:00 p.m.

Mr. Gates stated this establishment is not a package liquor store. This is essentially a 7-11 convenience store. The difference here is that this store is owned and operated by people who live and work in Springfield. He stated that if the public is not buying their beer and wine from his clients, then they are buying it from the Ranger gas station and Wal-Mart and that is money leaving Springfield. His clients are a local, mom and pop shop. The money spent there will stay in Springfield. The majority of their sales will continue to be crackers, kitty litter, etc. However, because of the existence of CVS, the Ranger Store, and their ability to sell package liquor, his clients will lose those customers. His clients want the ability to compete. The basic consumer will not stop twice when they can stop and get everything they need at one place. Mr. Gates stated the argument that has been made by Ms. Simpson would make sense if two things were true: if this area was steeped in liquor sales and if this establishment was designed to be a liquor store. Both statements are untrue. His client would like to stay in business, in Ward 2, but if they aren't allowed to compete with WalMart and CVS, they won't be able to continue. Mr. Gates noted the lack of traffic congestion on Stevenson Drive as well as the numerous vacant buildings in the area. He suggested this neighborhood will dry up if businesses are not welcomed in the area.

Mr. Gates recognized that Ms. Simpson votes her conscious on these issues. He stated that this is a city-wide issue when there is sales tax being generated and jobs being created by a local business. This benefits the City and the County.

Mr. Cahnman asked if Mr. Gates would like a postponement given that he was unaware of the objections filed. Mr. Gates respectfully declined the offer to postpone the issue. Generally speaking, he would like to work with the neighborhood association however, he feels it's a futile effort.

Ald. Simpson stated that she wanted to make something very clear. She stated that even if Walgreens asked for her support on a liquor issue – she would not. She stated that almost every corner in her ward has some liquor related business. Ald. Simpson read a letter from the neighborhood associations into the record. That letter is incorporated into these minutes.

Ald. Simpson stated that it is not fair that her constituents have to pay for a poor business decision by Mr. Gates' clients. She stated that the petitioners stated that they cannot make it if they are not allowed to sell beer and wine. Ald. Simpson stated that the majority of the clientele at this convenience store are the residents of the apartment buildings directly behind this location. She further stated that some of those apartment buildings are boarded up and a constant problem for the police department. Ald. Simpson then stated that she has been advised that the groceries being sold are outdated

and are of no real value to the community. Ald. Simpson stated the residents of this area have the right to a quality of life without having to be inundated by businesses that cater to a select segment. She stated that their only clientele are the residents of the apartment building behind the store.

The Motion to Deny the Petition as submitted on Final Passage failed 4/5. Ald. Simpson, Cahnman, Mahoney and Griffin Voted Yes. Ald. Edwards, Kunz, Lesko, Cimarossa, and Theilen Voted No.

Ald. Kunz Moved to Accept the Planning & Zoning Commission's Recommendation. Ald. Edwards Seconded. The Motion Carried 6/3. Ald. Edwards, Kunz, Lesko, Cimarossa, Theilen and Griffin voted Yes. Ald. Simpson, Cahnman and Mahoney Voted No.

The next item on the agenda was docket number 2009-040 for the property located at 400 South Grand Avenue East.

The Petitioners submitted a request to continue the matter for 60 days. Ald. Mahoney Moved to Continue until December 15, 2009. Ald. Edwards Seconded. The Motion Carried via Voice Vote.

The next item on the agenda was docket number 2009-042 for the property located at 842 North Ninth Street.

PETITIONER(S): Frank W. McNeil

PRESENT ZONING CLASSIFICATION: I-1, Light Industrial District.

REQUESTED ZONING RELIEF: Variance of Section 155.112, Surfacing and Section 155.480, Landscape, Screening and Lighting provisions, to allow the use of ground millings in lieu of paving, and to waive any landscaping, screening and lighting regulations.

STAFF RECOMMENDATION: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Denial of the petition as submitted, but recommend approval of a Variance of Section 155.112, Surfacing, to allow 18 months to properly pave the property.

Ald. Cahnman Moved to Accept the Planning & Zoning Commission's recommendation. Ald. Kunz Seconded. The Motion Carried 9/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen & Griffin Voted Yes.

The final item on the agenda was docket number 2009-044 for the property located at the 1600 Block Archer Elevator Road.

PETITIONER(S): Wesley K. Corgan

PRESENT ZONING CLASSIFICATION: R-1, Single Family Residence District, Section 155.016.

REQUESTED ZONING RELIEF: Reclassification to R-2, Single Family and Duplex Residence District, Section 155.017.

STAFF RECOMMENDATION: Denial.

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

Ald. Griffin Moved to Accept the Planning & Zoning Commission's recommendation. Ald. Edwards Seconded. The Motion Carried 9/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen & Griffin Voted Yes.

REGULAR BUSINESS

Treasurer Langfelder was recognized for the Monthly Treasurer's Report. He indicated the Corporate Fund balance at the end of October 2009 was -\$6,124,156.00. Ald. Simpson Moved to Accept the Treasurer's Report. Ald. Cimarossa Seconded. The Motion Carried 9/0 via voice vote.

Ald. Simpson moved, Ald. Kunz said seconded, To Dispense with the Reading of the Minutes of the November 3, 2009, City Council Meeting and Approve the Minutes. The Motion Carried 9/0 via voice vote.

Ald. Simpson moved, Ald. Kunz Seconded, To Incorporate the Pre-Council First Reading of Ordinances into the Record of This Council Meeting. The Motion Carried 9/0 via voice vote.

The Next Matter On The Agenda Was The Consent Agenda. Ald. Simpson moved, Ald. Kunz seconded, To Incorporate the Pre-Council Reading of the Consent Agenda into the Record of This Council Meeting. The Motion Carried 9/0 via voice vote.

Ald. Simpson Moved to Remove Agenda No. 2009-540 from the Consent Agenda and place it on the Debate Agenda. Ald. Kunz Seconded. The Motion Carried 9/0 via voice vote.

Ald. Simpson Moved To Place The Consent Agenda On Final Passage. Ald. Cimarossa Seconded. The Motion Carried 9/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen and Griffin voted yes. Ald. Cahnman Voted Present on Agenda Nos. 2009-545 and 2009-546.

Agenda numbers of 2008-337, 2009-387, and 2009-467 remain tabled or in committee.

The first item on the agenda was 2009-540, "A Resolution Notifying The State Of Illinois That The City May Spend \$1,437.50 Of Its Allotment Of Motor Fuel Tax Funds For 9th Street Resurfacing From South Grand Avenue To Laurel Street (Section No. 09-State-00-RS) For The Office Of Public Works. Ald. Simpson Moved to Place 2009-540 on Final Passage. Ald. Kunz Seconded. Ald. Cahnman Moved to Amend Agenda No. 2009-540. Ald. Cimarossa Seconded. Mayor Davlin stated the dollar figure was amended from

\$1437.50 to \$2587.50. The Motion to Amend Carried via Voice Vote. The Ordinance on Final Passage, as Amended, Carried 9/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen & Griffin Voted Yes.

The next item on the Agenda was 2009-547 , “A Resolution Referring A Petition To The Springfield Planning And Zoning Commission For Public Hearing And Consideration Proposing An Amendment To Various Sections In Chapter 155 Regarding Ambulance Services.” Ald. Simpson Moved to Place 2009-547 on Final Passage. Ald. Cimarossa Seconded. Ald. Edwards stated that he does not support this ordinance. He does not want to see this in residential areas. We have a lot of commercial areas in the City and that is where they should be located. Mayor Davlin stated that may be the case after the Planning & Zoning Commission hears the petition. Ald. Edwards stated he does not want to see the City going down that road. Ald. Mahoney stated they all have to come before the Council now. Ald. Cimarossa stated that she believes the public should have the opportunity to weigh in on this issue. The Motion carried 6/3. Ald. Simpson, Kunz, Lesko, Cahnman, Cimarossa, & Theilen Voted Yes. Ald. Edwards, Mahoney and Griffin Voted no.

The next item on the Agenda was 2009-548, “An Ordinance Authorizing Execution Of A Redevelopment Agreement With Adams Street Historic Restoration, LLC, For Rehabilitation Of The Buildings Located At 412, 414 And 416 East Adams Street Utilizing Central Area Tax Increment Finance Funds In A Total Amount Not To Exceed \$939,300.00, For The Office Of Planning And Economic Development.” Ald. Simpson Moved to Place 2009-548 on Final Passage. Ald. Kunz Seconded. Ald. Edwards stated that he is really struggling with this ordinance. The Council asked for a list of the individuals involved in this project and nothing has been submitted. Ald. Edwards stated that Mr. Ferry was asked who was involved and Mr. Ferry has not supplied the information. Ald. Edwards stated that if someone is asking for TIF money, the Council has the right and the public has the right to know who is involved.

Bruce Ferry, Ferry Architects, Inc., stated that he did not mean to conceal any information, however, the other investors were concerned about the entire project. However, he has spoken to the other investors and they are Eck, Schaefer and Punk, LLC, an accounting firm, who hopes to occupy 10,000 square feet of this project. This is based on the project moving forward with TIF money.

The Motion Carried 9/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen & Griffin Voted Yes.

The next item on the Agenda was 2009-550 A Resolution Estimating Real Property Taxes To Be Levied Against Fiscal Year 2010 And Finance Expenditures For Fiscal Year 2011, For Emergency Passage. Ald. Simpson Moved to Place 2009-550 on Emergency Passage. Ald. Kunz Seconded. The motion carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Griffin and Mayor Davlin voted Yes. CC Johnson stated this estimation is based on the same rate (.9385%) as last year.

The next item on the Agenda was 2009-551, An Ordinance Accepting Bids And Authorizing The Execution Of Contract UW10-06-32 – Chemical Feed Building Addition With Evans Construction Co. In An Amount Of \$3,981,418.00 For The Water Division Purification Plant For Emergency Passage. Ald. Griffin Moved to Place 2009-551 on Emergency Passage. Ald. Cimarossa Seconded. The Motion carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Griffin and Mayor Davlin voted Yes.

Ald. Cahnman moved for an omnibus vote on Agenda Nos. 2009-552 and 2009-553. Ald. Cimarossa Seconded. The Motion Carried 9/0 via voice vote.

Mayor Davlin read each ordinance into the record:

2009-552 An Ordinance Authorizing Acceptance And Execution Of Economic Development Initiative-Special Project Grant Agreement B-08-Sp-II-0697 In The Amount Of \$196,000.00 And Economic Development Initiative-Special Project Grant Agreement B09-Sp-II-0181 In The Amount Of \$665,000.00 For A Total Amount Of \$861,000.00 From The U.S. Department Of Housing And Urban Development In Connection With Edwin Watts Southwind Park And Authorizing A Supplemental Appropriation Of Said Grant Funds For The Office Of Planning And Economic Development, For Emergency Passage.

2009-553 An Ordinance Authorizing Execution Of Subrecipient Agreement Numbers 08-Sr-0009 And 08-SR-0010 With The Springfield Park District For Improvements To Edwin Watts Southwind Park Using Economic Development Initiative-Special Project Funds In An Amount Not To Exceed \$861,000.00, For Emergency Passage.

Ald. Edwards moved to Place 2009-552 and 2009-553 on Emergency Passage. Ald. Simpson Seconded. Ald. Kunz asked why we were doing the work for another taxing body. Mayor Davlin stated that the grant came with the help of Sen. Dick Durbin's office. The City was the pass through agency.

The Motion carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Griffin and Mayor Davlin Voted Yes.

The next item on the Agenda was 2009-554, An Ordinance Accepting Grant No. 10-363007 From The Illinois Department Of Commerce And Economic Opportunity, Under The Marketing Partnership Grant Program, In The Amount Of \$37,527.50, And Authorizing A Supplemental Appropriation Of Said Grant Funds For The Springfield Convention And Visitors Bureau, For Emergency Passage. Ald. Simpson moved to Place 2009-554 on Emergency Passage. Ald. Kunz Seconded. The Motion carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Griffin and Mayor Davlin voted Yes.

Ald. Mahoney moved to suspend the rules and place on first reading Agenda No. 2009-569, An Ordinance Amending Chapter 76, Section 76.44 of the 1988 City of Springfield

Code of Ordinances, As Amended, to Provide for the Impoundment of Vehicles and Assessment of Costs upon the Commission of Delineated Offenses. Ald. Simpson Seconded. The Motion Carried via voice vote.

Ald. Mahoney asked for an update on the leaf pick up project from Dir. Norris. Dir. Norris stated that approximately 7500 cubic yards of leaves. We're still getting a few calls. There are a couple of problem areas and he's working on those areas with the waste companies. Ald. Mahoney stated that the bags are to be picked up in 5 days if they have stickers. If they do not have stickers, the people will be charged. We'll see how it works out. Ald. Lesko asked what will happen to those areas that were missed. Dir. Norris stated no area was intentionally overlooked, but the majority of the haulers were working very hard to get all of the leaves picked up. There are some areas that will undoubtedly get overlooked. Ald. Kunz stated that the majority of Ward 3 was only picked up once. He stated he felt some areas were just forgotten. Ald. Mahoney stated it's embarrassing that many communities can pick up all their leaves and Springfield cannot. Dir. Norris stated it's about money. Ald. Theilen stated he felt Allied Waste should be chastised because there were areas that were just left out.

Mayor Davlin presented a proclamation to Julio Barrenzuelahas, a salsa dancer and teacher, declaring Mr. Barrenzuelahas as Salsa Ambassador of Springfield, IL. A copy of the proclamation is attached to these minutes.

Gary Smith, Springfield, Il., addressed the council about a sewer issue at 3381 W. Washington, Springfield, IL. Mr. Smith stated he purchased the property in January. It had City water on the property. He paid the tap fee of \$5,000 and there is still no sewer at that location.

Ald. Simpson Moved to Adjourn the Meeting at approximately 6:20 p.m. Ald. Kunz Seconded. The Motion Carried 9/0 via voice vote.

Cecilia K. Tumulty

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