

**Minutes of Springfield City  
Council Meeting  
Tuesday, September 15, 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, September 15, 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 presented a Proclamation declaring September 2009 to be National Alcohol and Drug Addiction Recovery Month in the City of Springfield and encouraged all residents to promote the benefits of recovery from substance use disorders and to support community treatment programs.

Mayor Davlin presented a Proclamation declaring October, 2009, Domestic Violence Awareness Month in the City of Springfield and urged everyone to support the goals and ideals of Domestic Violence Awareness Month.

Mayor Davlin presented a Proclamation declaring September 15, 2009, as American Legion Day in the City of Springfield. The 2009 observance of American Legion Day provides an opportunity to recognize Legionnaires in our community for their many contributions to our community.

Mayor Davlin presented a Proclamation to Robbie Collier and Adam Forester for proclaiming September 15, 2009, to be Springfield Christian School Day. Robbie Collier and Adam Forester are an inspiration to us all as they work unselfishly to help children all over the world.

Next Mayor Davlin presented a Proclamation to Rich Bradley declaring Tuesday, September 15, 2009, to be Rich Bradley Day in the City of Springfield, in honor of the many contributions that Mr. Bradley has made to the citizens of Springfield during his extensive broadcast news career.

**ZONING PETITIONS**

The first item on the agenda was docket number 2009-031 for the property located at 850 North Dirksen Parkway.

PETITIONER(S): Michael Kapshandy

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

REQUESTED ZONING RELIEF: Reclassification to B-1, Highway Business Service District, Section 155.033 with a CPU pursuant to Section 155.033-CPU in B-1 and Section 155.210-Package Liquor Sales and a Variance of Section 155.210 to allow the sale of package liquor with a drive-up window.

STAFF RECOMMENDATION: Deny in part and approve in part.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Recommend approval to reclassify the property from B-2, General Business Service District to B-1, Highway Business Service District, and to approve a CPU pursuant to Section 155.033, CPU in B-1 and Section 155.210, CPU-Package Liquor, and to deny the request for a Variance of Section 155.210 to allow the sale of package liquor through a drive up window.

Ald. Simpson Moved to Continue Docket No. 2009-031 to the Council Meeting on October 20, 2009. Ald. Kunz Seconded. The Motion Carried 9/0 Via Voice Vote.

The next item on the agenda was docket number 2009-029, regarding text amendments to Chapter 155.

REQUESTED ZONING RELIEF: Changes to Chapter 155 regarding Temporary Signs, Banners and Balloons.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the petition as submitted amending Chapter 155 regarding Temporary Signs, Banners and Balloons, but restricting the elevation of Balloons over 2 cubic feet to be no higher than 20 feet from ground level.

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

Ald. Simpson Moved to Continue Docket Nos. 2009-009, 2009-010, 2009-011, 2009-012 and 2009-013 to the October 20, 2009, Council Meeting. Ald. Cimarossa Seconded. The Motion Carried 9/0 Via Voice Vote.

The next item on the agenda was docket number 2009-009 for the property located at 3901 Wabash Avenue.

PETITIONER(S): Green Enterprises LP.

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

REQUESTED ZONING RELIEF: Variance of Section 155.300(c) (9) signs that move or give the appearance of movement, and (c) (13) banners and associated stakes and posts.

STAFF RECOMMENDATION: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Deny the petition as submitted.

The next item on the agenda was docket number 2009-010 for the property located at 1200 South Dirksen Parkway.

PETITIONER(S): TR #146 Bank of Springfield.

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

REQUESTED ZONING RELIEF: Variance of Section 155.300(c) (9) signs that move or give the appearance of movement, and (c) (13) banners and associated stakes and posts.

STAFF RECOMMENDATION: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Deny the petition as submitted.

The next item on the agenda was docket number 2009-011 for the property located at 3760 South 6<sup>th</sup> Street.

PETITIONER(S): TR #140 Bank of Springfield.

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

REQUESTED ZONING RELIEF: Variance of Section 155.300(c) (9) signs that move or give the appearance of movement, and (c) (13) banners and associated stakes and posts.

STAFF RECOMMENDATION: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Deny the petition as submitted.

The next item on the agenda was docket number 2009-012 for the property located at 3800 Yucan Drive.

PETITIONER(S): UAP Properties LLC.

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

**REQUESTED ZONING RELIEF:** Variance of Section 155.300(c) (9) signs that move or give the appearance of movement, and (c) (13) banners and associated stakes and posts.

**STAFF RECOMMENDATION:** Denial.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** Deny the petition as submitted.

The final item on the agenda was docket number 2009-013 for the property located at 3861 Wabash Avenue.

**PETITIONER(S):** UAP Properties LLC.

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

**REQUESTED ZONING RELIEF:** Variance of Section 155.300(c) (9) signs that move or give the appearance of movement, and (c) (13) banners and associated stakes and posts.

**STAFF RECOMMENDATION:** Denial.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** Deny the petition as submitted.

### **REGULAR BUSINESS**

Treasurer Langfelder was recognized for the Monthly Treasurer's Report. He indicated the Corporate Fund balance at the end of August 2009 was \$(6,361,640.00). Ald. Simpson Moved to Accept the Treasurer's Report. Ald. Cimarossa Seconded. The Motion Carried 9/0 via voice vote.

Ald. Simpson moved, Ald. Mahoney seconded, To Dispense with the Reading of the Minutes of the September 1, 2009, City Council Meeting and Approve the Minutes. The Motion Carried 9/0 via voice vote.

Ald. Simpson moved, Ald. Mahoney 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.

Ald. Simpson moved, Ald. Mahoney Seconded, To Incorporate the Consent Agenda into the Record of This Council Meeting. The Motion Carried 9/0 via voice vote.

Ald. Simpson Moved To Place The Consent Agenda On Final Passage. Ald. Theilen Seconded. The Motion Carried 8/0. Ald. Edwards, Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen and Griffin voted yes. Ald. Kunz did not vote.

Ald. Simpson Moved to Remove 2009-455 from Committee and place it on the Debate Agenda. Ald. Cimarossa Seconded. The Motion Carried 9/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa Theilen and Griffin voted yes.

Agenda numbers of 2008-337, 2009-190, 2009-387 and 2009-467 remain tabled or in committee.

The first item on the Agenda was Agenda No. 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. Ald. Simpson Moved to Place Agenda No. 2009-455 on Final Passage. Ald. Cimarossa Seconded. Discussion followed.

Ald. Theilen stated he doesn't see why the Council needs to pass this Ordinance.

Christine Zeman stated CWLP is not bound by the Planning & Zoning Commission. Their action in determining what constitutes a hotel and resort and whether a multi-family residence falls within that definition is a separate action rather than an interpretation of an existing lease with CWLP. It was CWLP's determination that given the original proposal that the lease was drafted upon, it did not contemplate multi-family residences. As originally proposed, Mr. Gordon proposed a condo plan; it was CWLP's determination that condominiums are significantly different in nature than a hotel or resort. In addition there was the element of rent. The only other condominium development on Lake Springfield was the Harbor Point (DCR, LLC). A condo plan can be very complex.

Ald. Edwards asked who asked Mr. Gordon to go to Planning & Zoning.

CC Johnson stated Mr. Gordon needed two forms of relief. He needed zoning relief and then the contract language needed cleaned up.

Ald. Kunz stated our staff claimed condo is not resort. The only relief was to appeal. Gordon did appeal and the Planning & Zoning Commission overruled Joe Gooden. Our staff never agreed that condo was the same as resort.

CC Johnson stated that Planning & Zoning is the final adjudicator on this issue. Staff position prior to that time was somewhat irrelevant.

Ms. Zeman stated on appeal, Mr. Gooden's determination should be overturned.

Ald. Edwards asked if a condo is considered more residential than a marina. Christine Zeman stated yes.

Ms. Zeman stated that residences on the lake are private, single family residences. The rental rates for the homeowners around the lake range from \$300 per residence to a couple of thousand. Based on that formula or based on the 4 different townships that assess properties, the rent change. It is the opinion of CWLP that having a specific rental amount makes more sense for the developer, for CWLP and for the homeowner.

Ald. Edwards stated that condos are single family homes. The reason the rate is different is due to when the lease was initiated. He stated he pays \$24 per year until 2012. Then, it jumps to \$1500.

CC Johnson stated the rates for single family residences on the lake is \$300 to \$2000. The rates will increase over time.

Ms. Zeman stated the rates for the condos will increase yearly as well and stated it is generally comparable to rates for single family residences.

Ald. Simpson moved to Amend Agenda No. 2009-455. Ald. Cimarossa Seconded. The amendment included some clean up language to reflect some revisions that CWLP and legal have made to reflect what the lease amendment does. There was nothing substantive according to CC Johnson. It is a final document that the owner is reviewing with this attorney.

Bob Gordon was present to answer any questions regarding this ordinance. Ald. Theilen asked if we are in the right by changing the lease on this property. Mr. Gordon stated he believes he is right. The DCR lease is based on the same thing even though they are a much higher valued property. What is not understood here is the City is going to get more money. He stated there is a precedent with the DCR Lease. It is not new and the City has approved it before. He could argue that he is paying too much because he will not get the services that most people living on the Lake do. The City does not pick up his branches or plow the roads. He is not arguing about the lease fee, he believes it is fair and is willing to accept it.

Kim Curry, 23 Fairview Lane, Springfield, IL., addressed the Council. She stated in 2000 when Bob Gordon requested his original zoning, he and his attorney stated there would be no permanent residences on this property. His current lease even states no permanent residences. Kim Curry asked what happens if Mr. Gordon is not able to sell his units. She is all for capitalism and for Bob having a successful Marina and other businesses for public use on his property. If the City does determine that Bob has the ability to do a private development on his property then many of us believe he should have to purchase the lease from the City.

Tom Hiler, #5 Oak Lane, Springfield, IL., addressed the Council. He stated his concern is that Mr. Gordon is not doing anything with his shoreline. He believes that before Bob is able to build, the Council should require a shoreline stabilization plan and a bond that goes with it and assure that it gets done. Another thing Mr. Gordon has neglected is planting the trees required by his lease.

Larry Michaud, 40 Bay Ridge, Springfield, IL., addressed the Council. He stated it has been very unusual that the City of Springfield gave a lease for a boat ramp, camp ground and a park area to a developer for virtually no cost. Part of the deal was the \$500 a year lease and 1% of net profit. This was a good deal when it occurred. The Marina has done quite well but the City has

not made very much from the 1% of the profit. Larry is also concerned about the shoreline erosion because he is the next neighbor down stream. This neglect should be addressed before any change in their lake lease is approved. He would like to change the lease formula from 1% of net sales to 1% of the gross sales. This would close a loop-hole in the existing lease and give needed revenue to the City of Springfield.

Bob Gordon stated he is not here to renegotiate the lease, only to amend it to allow changes to lot 9. Mr. Gordon stated he has met every requirement in the lease. Every couple of years or so, you will see him before the Council on issues. This is a very unique piece of property. We did exactly what we have been told to do. This is the second largest investment on the lake other than the power plant. If you have seen what he has done it is an amazing place. This lease does not prohibit residential living quarters. The lease is done and the zoning has been approved.

Ald. Lesko asked about the issue with regard to the trees.

Bob Gordon stated he was supposed to plant 150 trees over the course of the first 4 years. Since it took 2 years to get the final plat done and 2 years to negotiate the lease with CWLP, he had to negotiate an extension. There is no place to plant new trees so he would have to cut trees down to plant more trees.

Ald. Cahnman asked if this is passed tonight, when will the construction start and when will it be finished.

Bob Gordon stated he is hoping to get underway and have a roof prior to the first snow fall. He is not going forward with this without having 50% of the units pre-sold. There are many people interested. This project will create jobs, sales tax revenue and fuel tax. The issue here is for an amendment for lot 9 development.

The Motion to Amend Carried 9/0.

The Motion to Place Agenda No. 2009-455, As Amended, on Final Passage Carried 8/1. Ald. Edwards, Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen and Griffin voted yes. Ald. Kunz Voted No.

The next item on the Agenda was Agenda No. 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 . Ald. Simpson Moved to Place Agenda No. 2009-463 on Final Passage. Ald. Cimarossa Seconded. Ald. Theilen asked what the last advertising contract was and how long it ran. Tim Farley stated the last contract was for 5 years as well and it went up \$500. Ald. Lesko asked how much money they are getting to advertise. Tim Farley stated \$100,000.00 per year. The Motion Carried 9/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen and Griffin voted yes.

The next item on the Agenda was Agenda No. 2009-468, "An Ordinance Authorizing A Transfer Of \$1,500,000 In Loan Proceeds From The Corporate Fund To The Self Insurance Fund, And Authorizing A Supplemental Appropriation In The Amount Of \$1,500,000 From Said Loan Proceeds To Pay Health Insurance Costs For The Office Of Budget And Management, For

Emergency Passage. Ald. Simpson Moved to Place Agenda No. 2009-468 on Emergency Passage. Ald. Lesko Seconded. Ald. Simpson Moved to Amend Agenda No. 2009-468 with proposed Amendment No. 1. Ald. Cimarossa Seconded. The Motion to Amend Carried 9/0 via Voice Vote. Ald. Mahoney asked if he could get some information about possibly going with a larger Health Insurance provider. Mayor Davlin stated yes. The Motion to Place Agenda No. 2009-468, As Amended, on Emergency Passage Carried 8/1. Ald. Edwards, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen and Griffin Voted Yes. Ald. Simpson Voted No.

Ald. Simpson Moved To Suspend the Rules and Place on First Reading, Agenda No. 2009-482, "An Ordinance Authorizing the Execution of An Agreement With The Greater Springfield Chamber of Commerce To Provide Economic Development Services To The City For The Time Period Covering March 1, 2009, Through February 28, 2010, In An Amount Not To Exceed \$150,000.00." Ald. Cimarossa Seconded. The Motion Carried 9/0 via voice vote.

Ald. Simpson Moved To Suspend the Rules and Place on First Reading, Agenda No. 2009-483, "An Ordinance to Place Additional Stop Signs At The Intersections of Ash Street and Glenwood Avenue and at College Street and Cedar Street to Create Four-Way Stop Intersections and at the Intersection of Stanford Avenue and 9<sup>th</sup> Street to Create an All-Way Stop Intersection." Ald. Cimarossa Seconded. The Motion Carried 9/0 via voice vote.

Ald. Simpson Moved To Recess the Regular Meeting of the City Council for the Purpose of Holding Executive Session to Discuss Pending Litigation. Ald. Kunz Seconded. The Motion Carried 9/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen and Griffin voted yes. The time was approximately 6:55 p.m.

Ald. Simpson Moved to Adjourn Executive Session and Reconvene the Regular Meeting of the City Council. Ald. Cimarossa Seconded. The Motion Carried 9/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen and Griffin voted yes. The time was approximately 7:13 p.m.

Ald. Edwards stated, regarding the railroad issue, when he brought this ordinance forward, it included everything. It will not be peace milled. It seems that all the tax payers are doing is upgrading Union Pacific's tracks on the tax payer's dime. The City is getting nothing out of this.

Ald. Theilen stated the rail on 19<sup>th</sup> St. was originally designed for freight. Has anyone looked into this option?

Mayor Davlin stated every study done up to this point has been railroad consolidation of getting rid of 19<sup>th</sup> Street. and 3<sup>rd</sup> Street.

Ald. Theilen asked why would the railroad would come through this City if they can go around the City with less controversy.

Mike Norris stated there have been many studies in the past for running the tracks outside of the City, on the other side of I-55. Anytime this has been considered, the price-tag has jumped tremendously. The biggest challenge would be to get the environmental impact study done.

Ald. Griffin asked what the mitigation cost would be for the overpasses or underpasses.

Mike Norris stated without looking at surrounding properties that would be around \$15,000,000.00.

Ald. Cahnman asked what possible legal action the City may take.

Mayor Davlin stated at this point there is no legal action since nothing has been done. Action hasn't been taken by IDOT for their application for high speed rail from Chicago to St. Louis.

Ald. Cahnman asked if Union Pacific agreed, if two additional rail lines were built on 10<sup>th</sup> St., that they would move their freight traffic.

Mayor Davlin stated there was good discussion at the meeting in Chicago but we did not walk away with everything we wanted. Union Pacific and Norfolk Southern did state they will definitely take a look at their options.

Ald. Edwards asked what Senator Durbin's position is on this issue.

Mayor Davlin stated he is helping negotiate.

Ald. Edwards stated Union Pacific owns the tracks but when they start using our money to destroy our City that should be when we need to put an end to it.

Mayor Davlin stated High Speed Rail and Freight Traffic are two different subjects. If Illinois does not get the High Speed Rail, the Freight Traffic is still going to come down 3<sup>rd</sup> Street.

Ald. Edwards stated he was disappointed that the Town Meeting was held in Chicago instead of in Springfield so the Alderman could have been addressed by the Senator.

Mayor Davlin stated the meeting in Chicago was not a Town Meeting.

Ald. Edwards asked if the Mayor could ask the Senator to hold a Town Meeting.

Mayor Davlin stated Ald. Edwards had every right to do that.

Ald. Kunz asked if Union Pacific has said when they are going to start the extra Freight Trains.

Mayor Davlin stated it would be slowly phased in until 2017 starting in the next couple years.

Jim Donelan stated it coincides with the completion of the CenterPoint Intermodal Facilities just south of Joliet. They just broke ground on the facility.

Ald. Kunz stated the City will get some kind of an idea of how this will affect the City when they start running new trains. They will start out with a few and keep adding, it will not be all at once.

Ald. Cahnman asked why Andy Van-Meter with the County may be filing a law suit.

Mayor Davlin stated this does not mean that they are going to file a law suit but they have to go through certain procedures to get the authorization needed from the County Board.

Ald. Theilen asked if it is possible to see and get the support from the Governor and Dick Durbin.

Mayor Davlin stated if that doesn't happen we do have a commitment from IDOT to study 10<sup>th</sup> Street.

Ald. Lesko asked if IDOT is looking at 10<sup>th</sup> St., when will they have a plan.

Mayor Davlin stated we have the report from 2005 that was started in 2002. Illinois was ahead of the curve in some ways because Chicago to St. Louis had already been studied.

Ald. Griffin asked if the stimulus money was tied directly to the High Speed Rail.

Mayor Davlin stated yes.

Ald. Griffin asked if the stimulus money doesn't come through we will still have the Freight Train increase.

Mayor Davlin stated yes. The Freight is coming but we will have less traffic without the High Speed Rail.

Ald. Griffin asked, with the single corridor we have now, will there be a situation with the freight trains and the Amtrak trains running into each other.

Mayor Davlin stated yes.

Ald. Cahnman welcomed back all the National Guard men and women that just came back from Afghanistan and Iraq and thanked them for their service to our country.

Steve Combs, 821 N. 5<sup>th</sup> St., concerned that the City Council was not talking about the Rail Road situation. He is happy to hear everyone talking this. Mr. Combs would like the Council to assure the residents that the City of Springfield will not negotiate away its rights and its ownerships of the property down the 3<sup>rd</sup> St. Corridor. Please take a stand!

Ald. Edwards stated Steve is right and we need to have an ordinance written that states we won't sell our property to Union Pacific.

CC Johnson stated you would have to have an ordinance to sell City property anyway.

Ald. Cimarossa Moved to Adjourn the Meeting at approximately 7:52 p.m. Ald. Simpson seconded. The Motion Carried 9/0 via voice vote.

*Cecilia K. Tumulty*

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