

**Minutes of Springfield City
Council Meeting
Wednesday, August 4, 2010
City Council Chambers**

PRE-COUNCIL SESSION

City Clerk Cecilia Tumulty called the Pre Council Session of the Springfield City Council to Order at 5:00 p.m., Wednesday, August 4, 2010, in the Council Chambers of the Municipal Center West.

Clerk Tumulty read the following **Ordinances and/or Resolutions on Emergency Passage** into the record of this Council meeting.

2010-283 An Ordinance Authorizing Execution Of Contracts For The Purchase Of Real Estate From Sangamon County, As Trustee, Utilizing The City's Community Development Block Grant Funds In An Amount Not To Exceed \$50,000.00 For Purchase And Demolition Costs, **For Emergency Passage. (Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Clerk Tumulty Read the following Ordinances and Resolutions to be considered at the Next Regularly Scheduled City Council Meeting and Assigned the Ordinances to the Committee of the Whole.

2010-284 An Ordinance Amending Various Sections Of Chapter 38, Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Decrease The Minimum Contract Amounts For Which City Council Approval Is Required. **(Requested By Ald. Tim Griffin) (Committee Of The Whole)**

2010-285 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$18,156.55 For The Office Of Communications To Purchase Broadcast Equipment And Related Expenses For The Audio-Visual Unit. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-286 An Ordinance Approving The Reappointment Of Leonard M. Lieberman To The Board Of Managers Of Oak Ridge Cemetery. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-287 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$10,000.00 For The Office Of Budget And Management. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-288 An Ordinance Authorizing Execution Of A Quitclaim Deed Conveying Certain Described Real Property Formerly Known As Dodge Street Between Rutledge Street And Reisch Street To The Board Of Trustees Of Southern Illinois University. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-289 An Ordinance Annexing Certain Described Real Property Located At 92 Island Bay Lane (James Atherton). **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-290 An Ordinance Declaring Certain Electric Division Equipment As Surplus Property And Accepting And Authorizing The Execution Of Proposal No. UE11-06 From Mervis Industries, Inc. In The Amount Of \$10,500.00 for The Removal And Salvage Of Said Property For The Electric Division

Generation Department. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-291 An Ordinance Authorizing Execution Of Change Order No. 1 With, And Authorizing Additional Payment Of \$177,575.24 For A Total Not To Exceed \$1,247,387.35 Under Contract Pw 10-06-37 To, P.H. Broughton & Sons, Inc. For The 2009 Bituminous Overlay Program. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-292 An Ordinance Approving The Location And Sketch Map Of Mill Creek Estates, Phase Ii, For The Office Of Public Works. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-293 An Ordinance Regarding The Variance Request Of Section 153.157(L) Pertaining To Restriction Of Access For Mill Creek Estates, Phase Ii, For The Office Of Public Works. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-294 An Ordinance Authorizing Execution Of A Professional Services Agreement With Jenni Gardner For Geographic Information System Mapping And Database Services In An Amount Not To Exceed \$25,000.00 For The Office Of Public Works. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-295 An Ordinance To Decrease The Number Of Class “A” Liquor Licenses By One And Increase The Number Of Class “F” Liquor Licenses By One For BH Plaza Inc. D/B/A The Plaza, 406 E. Adams Street. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-296 An Ordinance To Decrease The Number Of Class “A” And Subclass “2” Liquor Licenses By One Each And Increase The Number Of Class “M” Liquor Licenses By One For Central Pointe, Inc. D/B/A Bar None, 427 E. Monroe Street. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Clerk Tumulty Read the **Consent Agenda** into the record of this Council meeting.

2010-269 An Ordinance Authorizing Payments To Morton Spence And Michael Williams, Former Office Of Public Utilities Employees, And To Mark Yoggerst, An Office Of Public Works Employee, For Settlement Of Workers’ Compensation Claims **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-270 An Ordinance Authorizing Execution Of An Agreement To Extend Contract #Cs07-05-37 Through July 31, 2011, With Lincoln Land Fs, Inc., And Authorizing An Additional \$2,500,000.00 For A Total Not To Exceed \$11,421,114.66 For Purchase Of Automotive Fuel For Various Departments **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-271 An Ordinance Accepting Bids And Authorizing The Execution Of Contract Ue11-06-31 – Byproduct Hauling For The Dallman Power Plant With Curry Ice & Coal, Inc.; Donley Trucking, Inc.; Norris Lime Service, LLC; Rex D. Evans d/b/a Evans Cartage; And Beelman Truck Co. In An Amount Not To Exceed \$500,000.00 **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-272 An Ordinance Authorizing The Transfer Of Funds In The Total Amount Of \$120,000.00 From Three Separate Water Fund Accounts To Another Water Fund Account, And

Authorizing Payment In An Amount Not To Exceed \$120,000.00 To The Department Of Public Works For Repairs To Long Bay Lane At Center Park At Lake Springfield **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-273 An Ordinance Accepting The Lowest Responsible Bid And Authorizing Execution Of Contract Number Pw 11-06-32 With Sangamo Construction Company For Streetscape Projects Located In The Downtown Area Utilizing Central Area Tax Increment Finance Funds In An Amount Not To Exceed \$960,631.67 For The Office Of Public Works **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-274 An Ordinance Authorizing Execution Of An Agreement With The State Of Illinois Department Of Transportation For Construction On Meadowbrook Road From Iles Avenue To Greenbriar Drive At An Estimated Cost To The City Of \$1,068,224.00 (Mft Section 09-00465-00-Pv, Job Number C-96-283-10 And Project Number Ara-5146(078)), And Authorizing A Waiver Of The Requirements Of Section 38.48 Of The City's Purchasing Code For The Office Of Public Works **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-275 An Ordinance Authorizing Execution Of A Supplemental Agreement With Coombe-Bloxdorf, P.C., For Preliminary Engineering (PE I And PE II) For The Design Of Meadowbrook Road From Greenbriar Drive To 200 Feet South Of Iles Avenue In An Additional Amount Of \$10,236.53 For A Total Amount Not To Exceed \$84,184.53 And Authorizing A Waiver Of The Requirements Of Section 38.48 Of The City's Purchasing Code For The Office Of Public Works **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-276 An Ordinance Authorizing A Decrease In The Number Of Class AA, A, D And E Liquor Licenses Due To Voluntary Relinquishment Or Non-Renewal Of Licenses **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-277 An Ordinance To Decrease The Number Of Class E Liquor Licenses By One And To Increase The Number Of Class D Liquor Licenses By One For Fulgenzi's Pizza & Pasta, Inc., 1168 Sangamon Avenue **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-278 An Ordinance Amending Chapter 90, Section 90.35(D) Of The 1988 City Of Springfield Code Of Ordinances, As Amended, By Adding Holders Of Class D And E Liquor Licenses To State Fair Permits, **As Amended. (Requested By Ald. Lesko) (Committee Of The Whole)**

2010-279 An Ordinance Providing An Exemption Of Section 80.08(C) Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Allow The Muscular Dystrophy Association To Solicit Contributions At Various Intersections From September 1-6, 2010 **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-280 An Ordinance Authorizing Execution Of An Amendment To Extend A Redevelopment Agreement With Springfield Housing Authority For Redevelopment Of The Former Major Byrd Hi-Rise Site **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-281 An Ordinance Authorizing Execution Of An Agreement With Horace Mann Service Corporation For Redevelopment Assistance For The Property Located At 1 Horace Mann Plaza Utilizing Central Area Tax Increment Finance Funds In An Amount Not To Exceed \$1,960,000.00,

For The Office Of Planning And Economic Development (**Requested By Mayor Timothy J. Davlin**)
(**Committee Of The Whole**)

2010-282 An Ordinance Amending Chapter 152, Section 152.06, Of The 1988 City Of Springfield Code Of Ordinances, As Amended Regarding Alterations To Signs (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

The Pre Council Session Concluded at 5:10 p.m.

CITY COUNCIL MEETING

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

ABSENT: None

Mayor Davlin thanked representatives from Liberty Mutual Insurance Company, Lisa Radan and Jason Garrett, for their gift of \$10,000 which helped to fund the downtown fireworks show on July 4, 2010. Mayor Davlin also thanked ICG Viper Mine for their gift of \$7,000 to fund the downtown fireworks show. Without these gifts, the City of Springfield would not have been able to have a show. Ms. Radan thanked Mayor Davlin and the citizens of Springfield for their support. Only 10 communities were chosen and she was proud that Springfield was one.

Ald. Simpson moved, Ald. Cimarossa seconded, to dispense with the reading of the minutes and to approve the minutes of the July 20, 2010, City Council meeting. The motion carried 10/0 via voice vote.

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.

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. Simpson moved to place the Consent Agenda on Final Passage. Ald. Lesko seconded. Ald. Kunz, Cimarossa and Theilen voted present on 2010-281. Ald. Cahnman voted no on 2010-278. The motion carried 10/0. Ald. Edwards , Simpson , Kunz , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , Dove , and Griffin voted yes.

Agenda Numbers 2008-337, 2009-387, 2009-582, 2010-001, 2010-048, 2010-131, 2010-143, 2010-144, 2010-158 Remain Tabled or In Committee.

Ald. Simpson moved to remove 2010-143 and 2010-144 from committee and place final passage. Ald. Edwards seconded. The motion carried 10/0 via voice vote.

Ald. Simpson moved for an omnibus vote on 2010-143 and 2010-144. Ald. Cahnman seconded. The motion carried 10/0 via voice vote.

Mayor Davlin read each ordinance into the record.

2010-143 A Resolution Notifying The State Of Illinois That The City May Spend \$266,000.00 Of Its Allotment Of Motor Fuel Tax Funds For Preliminary Engineering Services For The Reconstruction Of Stanford Avenue From 6th Street And Fox Bridge Road And New Alignment From Fox Bridge Road To Taylor Avenue

2010-144 An Ordinance Authorizing Execution Of An Agreement With Hanson Professional Services Inc., For Preliminary Engineering Services For The Reconstruction Of Stanford Avenue From 6th Street To Fox Bridge Road And New Alignment Of Stanford Avenue From Fox Bridge Road To Taylor Avenue, In An Amount Not To Exceed \$266,000.00 And Authorizing A Waiver Of The Requirements Of Section 38.48 Of The City's Purchasing Code For The Office Of Public Works

Ald. Simpson moved to place 2010-143 and 2010-144 on final passage. Ald. Cimarossa seconded. The motion carried 10/0. Ald. Edwards , Simpson , Kunz , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , Dove , and Griffin voted yes.

The next item on the Agenda was 2010-283, An Ordinance Authorizing Execution Of Contracts For The Purchase Of Real Estate From Sangamon County, As Trustee, Utilizing The City's Community Development Block Grant Funds In An Amount Not To Exceed \$50,000.00 For Purchase And Demolition Costs, For Emergency Passage. Ald. Cahnman moved to place Agenda No. 2010-283 on Emergency Passage. Ald. Theilen seconded. Dir. Norris addressed the Council. He stated that some of the aldermen had contacted him about some of the properties on the list. He stated he had reviewed the list and supports purchasing these properties to get them demolished, cleaned up and sold. The monies being used here, CDBG monies, cannot be used for salaries.

Treasurer Langfelder addressed the council. He supplied the aldermen with a list of the properties to be bought and demolished. That list is attached to these minutes and incorporated by reference. He explained the list shows who last owned the properties, the violations for garbage and weed removal, those with liens, etc. Of the 48 properties, 31 had liens on them and only 4 had no liens or violations. He questioned why CC Johnson and her office did not taken them to small claims court.

CC Johnson stated that in many cases – they had taken the owner to court. In many cases, however, the owner does not have the money to restore, clean up, improve, etc., the property. It's no coincidence that the list in front of the aldermen are "problem properties." All of the properties have been through administrative court. In addition to garbage and weeds, there are other housing violations on the books.

Dir. Norris stated that some of these properties have been on the books since 2005. Since that time, there have been numerous owners and that complicates things.

Ald. Cahnman asked if the fines run with ownership or with the property. CC Johnson stated that it depends on the circumstances of acquisition.

Treasurer Langfelder stated that he has spoken with a foreclosure specialist. He stated that municipalities have within the first 3 years to foreclose on the property and that would alleviate the properties being abandoned or being run down over a number of year. He stated we're better off processing the liens on the front end and try to acquire the property at that time, rather than years later before they are run down.

The motion carried 10/0. Ald. Edwards ☒, Simpson ☒, Kunz ☒, Lesko ☒, Cahnman ☒, Mahoney ☒, Cimarossa ☒, Theilen ☒, Dove ☒, and Griffin ☒ voted yes.

Ald. Simpson moved to suspend the rules and place on first reading Agenda No. 2010-297, "An ordinance Approving Appointments to the Citizens Infrastructure Review Board." Ald. Dove seconded. The motion carried 10/0 via voice vote.

Ald. Simpson moved to suspend the rules and place on first reading Agenda No. 2010-298, "An ordinance Approving A Fall 2010 Street Overlay Program for the Office of Public Works." Ald. Cimarossa seconded. The motion carried 10/0 via voice vote.

Ald. Edwards stated he wanted to bring up the overlay program. He stated he believed there was about \$2 million there and the Council had committed to spending in on infrastructure program. He wanted to see the ordinance drafted to spend \$1 million on sidewalks and \$1 million on overlay. Mayor Davlin stated agenda No. 2010-298 is a shell ordinance. You don't want to put the dollar amount in until you get the bids back. You can change it in committee.

Joe McMenamin, 1300 Pine Valley Court, Springfield, IL., addressed the Council in reference to 2010-281, the Horace Mann TIF ordinance. He stated that he does not support the Council's decision to allow Horace Mann to utilize TIF funding for the improvements they seek to make at the property's location. He cited the SJ-R's editorial which also did not support the project. He stated the TIF will expire in 2016. At that time, the TIF will have in excess of \$24 million dollars. He stated the Council has the authority to terminate a TIF district early rather than continue it. He state the economic times have changed. The Council could terminate the TIF and allow those tax dollars to back to the taxing authorities. He stated this is a gift of \$1.9 million dollars to Horace Mann. He stated the choice has to be made between needs – Horace Mann needs and the City of Springfield's needs – the school districts needs, etc.

Ald. Edwards stated this council tried to end the TIF district. It can only be terminated when there are no bonds associated with it. He stated Mayor Davlin changed some of the TIF rules to allow the taxing bodies to access the TIF money. He stated that any business that accesses the TIF money gets a tax holiday – not just Horace Mann. He stated the money being used to improve Horace Mann means jobs in this community.

Ald. Griffin asked for a breakdown of how the TIF money could be returned to the taxing bodies at the end of the TIF. Mayor Davlin stated that you could figure out the percentage from your tax bill. He stated the school district does not want to see this TIF end because they get more back in the refunding formula than they do from the TIF itself.

Ald. Cahnman stated that while these projects could be done solely by Horace Mann, using TIF monies will allow the projects to be completed quickly. He suggested that once the improvements are complete, Horace Mann could be paying more in property taxes.

Ald. Simpson moved to adjourn the meeting at 6:00 p.m. Ald. Cimarossa Seconded. The Motion Carried 10/0 via voice vote.

Cecilia K. Tumulty

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