

**Minutes of Springfield City
Council Meeting
Tuesday, February 16, 2010
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, February 16, 2010, 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 5:10 p.m.

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

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

ZONING PETITIONS

The first item on the agenda was docket number 2010-001 for the property located at 1124 North 19th Street.

PETITIONER(S): Terry L. Simmons

PRESENT ZONING CLASSIFICATION: R-2, Single Family and Duplex Residence District.

REQUESTED ZONING RELIEF: Variance of Section 155.062, Permitted obstructions in required yards, and Section 155.112, Surfacing, to allow parking in the front yard without being required to pave the parking area for a period of 2 years.

STAFF RECOMMENDATION: Denial.

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

Ald. Kunz 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 on the agenda was docket number 2010-002 for the property located at 1111 North 2nd Street.

PETITIONER(S): Gerard J. Harbauer

PRESENT ZONING CLASSIFICATION: R-2, Single Family & Duplex Residence District.

REQUESTED ZONING RELIEF: Variance of Section 155.068, Garages or accessory buildings or structures to allow a free standing 12 foot wide by 40 foot long metal roof open car port to be less than 1 foot from the dwelling and less than 1 foot from the South property line. Also to allow a 10 foot by 20 foot utility shed to be less than 1 foot from the south property line.

STAFF RECOMMENDATION: Deny in part and approve in part.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Deny the petition as submitted, but recommend approval of the request for the 10 foot by 20 foot utility shed to be less than 1 foot from the south property line.

Ald. Cahnman Moved to Accept the Petition as submitted. Ald. Simpson Seconded. Ald. Edwards asked if firemen would be able to get through in an emergency. Ald. Cahnman stated he had reviewed the area and also spoke with the neighbor. The neighbor had no objections. Cahnman also spoke with Chief Kulek who indicated there was no issue for fire personnel. Mayor Davlin stated the Petitioner had agreed to move the structure back. Ald. Cahnman stated that the petitioner was here to speak but his preference was to leave the structure where it stands. Davlin asked Joe Gooden if it was his understanding that fire trucks could reach the area. Joe Gooden stated it (the carport) is awfully close to the petitioner's house and the neighbor's house. He could not make an opinion based on what the fire department desired.

The Petitioner, Gerald Harbauer, addressed the Council. He stated the fire department could get to any area regardless of where the vehicles are parked or where the carport stands. Ald. Cahnman stated even if he moves the carport, the truck/camper could still be parked here. Even if he moves the carport, it is still in between the houses. Mayor Davlin stated he had agreed to move the structure back if he had to. Mr. Harbauer stated he could move it. Ald. Simpson asked what the neighbors thought about it. Mr. Harbauer stated he had a letter from his neighbor indicating there he had no objection. Ald. Simpson stated she felt it was rather unsightly and she reminded Mr. Harbauer he had agreed to move it. Mr. Harbauer stated the carport is not an eyesore. It is the same color as his home and it better quality than wood construction. Ald. Edwards stated his concern was firemen and trucks trying to get to the property in an emergency. Mr. Harbauer stated the carport is very sturdy and will hold up to 4 people. Ald. Simpson stated she felt he had agreed to move the carport and this would be evidence of being a good neighbor. Mayor Davlin asked that he be allowed to amend the motion approving the petition as submitted but moving the carport 20 feet from its current location. Mr. Harbauer stated if that's what you want to do.

Mayor Davlin asked Ald. Cahnman to amend his motion to incorporate the alternative site. Ald. Cahnman stated if the petitioner agrees to it. Mr. Harbauer stated he would like it to remain where it is located.

If the motion fails, an alternate motion could be considered.

The Motion failed 5/6. Ald. Kunz, Lesko, Cahnman, Mahoney and Theilen voted Yes. Ald. Edwards, Simpson, Cimarossa, Dove, Griffin and Mayor Davlin Vote No.

Ald. Cahnman moved to Accept the petition as submitted by the Petitioner incorporate the alternate site for the carport. 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 is docket number 2010-003 for the property located at 400 East South Grand – 1325 South 5th.

PETITIONER(S): Joseph M. Bart and Brian J. Shirley

PRESENT ZONING CLASSIFICATION: B-1, Highway Business Service District and R-5, General Residence and Office District.

REQUESTED ZONING RELIEF: Reclassification to B-1, Highway Business Service District Section 155.033.

STAFF RECOMMENDATION Approval.

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

Ald. Mahoney Moved to Accept the Planning and Zoning Commission's Recommendation. Ald. Edwards Seconded. Ald. Mahoney questioned Randy Segatto, the Petitioner's Attorney, asking what the plan was for the property. The property owners were in negotiation with Family Dollar for the property on South Grand. The property owners were talking with Shell Oil for the property on South Fifth. Mr. Segatto stated the South Fifth property would require a zoning change to B-1 which would allow for a car wash.

Ald. Mahoney asked Joe Gooden about the comprehensive plan for the area and whether B-1 is appropriate for the area. He stated that B1 does have some highway business related uses. According to the Regional Planning Commission, the request is in accord with the Comprehensive Plan.

Lorie Schissler, 2132 South Fourth, Springfield, IL., board member of the Near South Neighborhood Association, addressed the Council. She stated that the Association was concerned with any liquor licenses sought by the property owner. The car wash was not a concern.

Randy Segatto stated that the petitioner has to come back to the Council for a CPU for a car wash. A B-1 provides the owners more flexibility. Ultimately, a car wash may not be feasible. The building currently on the property would be demolished.

Ald. Mahoney withdrew his motion and moved to grant S-2 with a CPU for a carwash. He asked if he could do that.

Mr. Segatto stated they would still like B-2. The owners had already withdrawn the request for liquor sales. Again, his clients are tearing down the building and would like the flexibility.

Joe Gooden stated there are 2 tracts of land here. If the council rezones a portion of the property to S-2, it might create a parking issue for the nearby property owners who are zoned R-5.

Ald. Mahoney stated he wants to help the petitioners, but wants to protect the neighborhood as well.

Ald. Simpson moved to continue the matter to March 2, 2010. Ald. Kunz 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 docket number 2010-004 for the property located at 2316 South 6th Street .

PETITIONER(S): Jacob J. Noel

PRESENT ZONING CLASSIFICATION: R-2, Single Family and Duplex Residence District.

REQUESTED ZONING RELIEF: Variance of Section 155.056, Minimum required lot area for dwelling unit, to allow the property to be used as a duplex with 5760 square feet of land instead of the required 6000 square feet.

STAFF RECOMMENDATION: Approval.

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

Ald. Mahoney Moved to Accept the Planning & Commission's Recommendation Ald. Cimarossa Seconded.

Polly Poskin, 2361 So. 7th Street, Spfld, IL., President of the Harvard Park Neighborhood Association, addressed the council. She stated the association was supportive of downsizing the triplex to a duplex. In order to do that, the petitioner needs some square footage. The concern was the apartment above the garage on the property. She stated the city had condemned the apartment unit above the garage. The issue is that if that building were torn down, there would be no need to request the variance. She stated that in 15 years, she has never seen a car in the garage. Removing the garage, there would be plenty of parking area for the duplex.

Ald. Mahoney stated we cannot force the petitioner to do that.

The Petitioner, Jacob Noel, addressed the council. He said he had no intention of tearing the garage down. It would be used as a garage by the renters in the duplex. The Regional Planning Commission had voted on this matter 10/0. He's going to stick with his request. He stated that the building actually is being downsized from a four-plex to a duplex.

Joe Gooden stated that what Ms. Poskin stated was incorrect. The petition is based on the land area and not the area of the structures. Mayor Davlin stated it sounds like its going to be much nicer in the long run.

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 docket number 2010-006 for the property located at 1601 West Washington.

PETITIONER(S): Sacred Heart Griffin High School

PRESENT ZONING CLASSIFICATION: R-2, Single Family and Duplex Residence District

and R-5a, General Residence and Office District.

REQUESTED ZONING RELIEF: Variance of Section 155.068 (b) (2), Garages or accessory buildings or structures and Section 155.480 (k) (3) (ix), Landscape, Screening and Lighting Regulations, to allow construction of a metal frame bleacher with a press box, and a scoreboard to be up to 37 feet and that the lights on the sports field not be full cut-off as required by the ordinance.

STAFF RECOMMENDATION: Approval.

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

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 next item on the agenda was docket number 2010-007 for the property located at 405 West Jackson Parkway.

PETITIONER(S): Richard J. Guidice

PRESENT ZONING CLASSIFICATION: R-2, Single Family and Duplex Residence District.

REQUESTED ZONING RELIEF: Reclassification to OFF, Office District, Section 155.020, with a Conditional Permitted use pursuant with Section 155.020 (c) (7), Conditional Permitted Uses in the Office District, Residential Uses. Variance or waiver of Section 155.111, Access to off-street parking facilities and Section 155.114(b), Regulations for the location of off-street parking facilities.

STAFF RECOMMENDATION: Deny in part and approve in part.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Denial of the petition as submitted but recommends approval of a Use Variance to allow a lobbyist office with a residential sleeping room on the upper level with 400 square feet to be used as the lobbying office and four parking spaces and to continue to be able to back out onto Pasfield Street.

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 last item on the agenda was docket number 2010-008.

PETITIONER(S): City of Springfield

REQUESTED ZONING RELIEF: Amendment of Various Sections in Chapter 155 of the Springfield Zoning Ordinance to include ambulance services in the same zoning districts as police and fire stations.

PLANNING AND ZONING COMMISSION RECOMMENDATION IS:

Recommend approval of the petition as submitted, and also to add ambulance services as a conditional permitted use in the OFF district.

Ald. Cimarossa moved to Accept the Planning & Zoning commission's recommendation. Ald. Kunz Seconded. Ald. Edwards asked if this was a CPU or a zoning change. He stated he had read the summaries. Joe Gooden stated this change would allow ambulance companies in the residential districts, office district, and S-1 district as a CPU which would require a public hearing before this the regional planning commission and this council. It will also allow ambulance companies outright in the S-2, S-3 and B-1 districts as is the case today in the B-2 district.

Ald. Simpson stated she hoped this body would be consistent in either denying or approving the zoning requests in a certain area. She would hope there is no bias on side of town as opposed to another.

The Motion Carried 9/1. Ald. Edwards, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted Yes. Ald. Simpson voted No.

REGULAR BUSINESS

Treasurer Langfelder was recognized for the Monthly Treasurer's Report. He indicated the Corporate Fund balance at the end of January, 2010, was **-\$9,388,664.00**. Ald. Simpson Moved to Approve the Treasurer's Report. Ald. Cimarossa Seconded. The Motion Carried 10/0 via voice vote.

Mayor Davlin asked for a motion to recess the regular meeting of the City Council and convene Executive Session to discuss once case where litigation is pending, one case where litigation is probable and collective bargaining matters. Ald. Simpson moved, Ald. Cimarossa Seconded. The Motion carried via voice vote 10/0. The time was approximately 6:00 p.m

Ald. Simpson Moved to Recess Executive Session and reconvene the regular meeting of the City Council. Ald. Kunz Seconded. The Motion carried via voice vote 10/0. The time was approximately 6:40 p.m.

Ald. Simpson moved, Ald. Cimarossa seconded, To Dispense with the Reading of the Minutes and To Approve the Minutes of the January 19, 2010. The Motion Carried 10/0 via voice vote.

Ald. Simpson moved, Ald. Cimarossa seconded, To Dispense with the Reading of the Minutes and To Approve the Minutes of the February 2, 2010, Council Meeting and Approve the Minutes. 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. Cimarossa Seconded. Ald. Dove requested that he be recorded as voting "No" on Agenda Nos. 2010-030 and 2010-056. Ald. Griffin requested that he be recorded as voting "No" on Agenda No. 2010-056. Further, he wanted to clarify that this ordinance allowed for a promotional exam only as to a firefighter and there

was no testing scheduled for the police department. CC Johnson agreed. On 2010-033, Ald. Griffin stated he doesn't understand it. The contract goes back to November, 2009. We're 6 months from that. Why is this happening six months after the fact. CC Johnson stated that both letters authorize extensions with mutual consent of the parties. The vendors agreed to extend under the same terms and conditions. He requested that he be recorded as voting Present on 2010-033.

Ald. Edwards requested that he be recorded voting No on 2010-033 as did Ald. Cimarossa.

Ald. Cahnman moved to remove 2010-056 from the Consent Agenda and place it on the Debate Agenda. Ald. Cimarossa Seconded. The Motion carried 10/0 via voice vote.

The Consent Agenda passed by a vote of 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted Yes.

Agenda Numbers 2008-337, 2009-387, 2009-582, 2010-001, 2010-003 And 2010-048 Remain Tabled Or In Committee.

Mayor Davlin noted that Agenda Number 2010-003 Regarding Hazel Lane Will Be Pulled From Committee And Heard On March 2, 2010, If No Agreement Is Reached On A Jurisdictional Transfer Prior To That Time. Mayor Davlin stated there have been many meetings with the affected parties and he believes a Jurisdictional Transfer will be approved and settled in the coming days. He thanked the parties for working hard to conclude the matter.

Ald. Cimarossa encouraged the residents of Hazel Lane and Hope School advocates to take down their websites and move forward.

Ald. Simpson Moved to Place Agenda No. 2010-056, "An Ordinance Authorizing Payment In The Amount Of \$59,082.39 To Lincolnland Properties, Inc. Under An Existing Lease Agreement For Rental Of Office Space At 231 S. 6th Street For The Office Of Community Relations (\$35,449.43) And For The Office Of Public Utilities Energy Services Office (\$23,632.96) From March 1, 2010, Through February 28, 2011 on Final Passage. Ald. Kunz Seconded. Ald. Cimarossa stated she had been looking at revenues and expenses and she cannot support spending the additional monies when there was empty office space available within the City. Ald. Cahnman asked CC Johnson if this was an existing lease that we were contractually obligated to pay. The lease ends at the end of 2011. Ald. Griffin stated we're heard that some of the people in the audience tonight are going to go home without a job in a few days. He wants to do whatever it takes to save money to keep even one person working. Ald. Kunz stated there is a signed, 5-year lease. We'll spend that amount of money defending the City in court when we're sued for non-payment. It was suggested that the ordinance remain in committee.

Ald. Cimarossa moved to return this ordinance to the Committee of the Whole for further review. Ald. Cahnman seconded. The Motion Carried 10/0 via voice vote.

Ald. Simpson Moved To Suspend The Rules And Place On First Reading Agenda No. 2010-077, "An Ordinance Authorizing Additional Payment In The Amount Of \$238,520.00 For The Purchase Of Rock Salt From Cargill, Incorporated Salt Division For A Total Amount Not To Exceed \$655,930.00 Under State Contract PSD 4015784 For The Office Of Public Works." Ald. Cimarossa Seconded. The Motion Carried 10/0 via voice vote.

Ald. Simpson Moved To Suspend The Rules And Place On First Reading Agenda No. 2010-078, "An Ordinance Amending Ordinance No. 466-6-94 By Allowing Sanitary Sewer Connections For 3381 City Council Minutes

And 3377 West Washington Street And Authorizing A Supplemental Appropriation In The Amount Of \$15,000.00, For The Office Of Public Works.” Ald. Kunz Seconded. The Motion Carried 10/0 via voice vote.

Mayor Davlin stated there was no one signed up to speak although there were many union members and representatives in the audience. He asked for a show of hands of union members and reps in the audience. Nearly every hand raised.

Ald. Simpson moved to adjourn the meeting at 6:48 p.m. Ald. Cimarossa Seconded. The Motion Carried 10/0 via voice vote.

Cecilia K. Tumulty

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