

**Minutes of Springfield City
Council Meeting
Tuesday, July 20, 2010
City Council Chambers**

PRE-COUNCIL SESSION

Deputy City Clerk Veronica Bigley called the Pre Council Session of the Springfield City Council to Order at 5:00 p.m., Tuesday, July 20, 2010, in the Council Chambers of the Municipal Center West. There were no Ordinances or Resolutions on Emergency Passage. Deputy Clerk Bigley 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.

2010-269 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 PW11-06-32 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 **(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)**

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

2010-243 An Ordinance Accepting And Authorizing The Execution Of Proposal No. UE11-01 with Oros & Busch Application Technologies, Inc. For A Three-Year Term In Amount Not To Exceed \$4,750,000.00 For The Removal And Beneficial Use Of Up To 150,000 Tons Of Filter Plant Lime Material Produced By The Water Purification Plant. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-258 An Ordinance Ascertaining The Prevailing Rates Of Wages For Sangamon County As Required By The Illinois Prevailing Wage Act **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-259 An Ordinance Approving And Authorizing Execution Of Agreement Amendment No. 1 To The Original Engineering Services Agreement With Black & Veatch Corporation And Authorizing An Additional Expenditure In An Amount Not To Exceed \$1,057,500.00 With Said Company For Dallman Power Plant Unit No. 33 Flue Gas Desulphurization System Upgrades For The Electric Division **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-260 An Ordinance Accepting Bids And Authorizing The Execution Of Contract Uw11-05-27 – Factory Street Tank-Surface Preparation And Coating With Tecorp, Inc. In The Total Amount Of \$348,570.00 For The Water Division **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-261 An Ordinance Accepting Bids And Authorizing The Execution Of Contract UE11-05-24 – Street Sweeper For Dallman Power Plant With Key Equipment & Supply Co. In The Total Amount Of \$193,805.00 **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-262 An Ordinance Approving And Authorizing Execution Of A Residential Lease Agreement With Richard Meier And Patricia Meier For A One-Year Term For The Administrative Services Division For The City Of Springfield **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-265 An Ordinance Annexing Certain Described Real Property With No Assigned Address Located In Palisades Subdivision **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-266 An Ordinance Amending Section 90.34.3(A)(4), Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Extend The Hours Of Operation For Sidewalk Café Permits From 9:00 P.M. Until 11:00 P.M., As Amended. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-267 An Ordinance To Increase The Number Of Class “D” Liquor Licenses By One For Cancun III, Inc., 3028 Stanford Avenue **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-268 An Ordinance Authorizing An Increase In The Number Of Class “B” Liquor Licenses By One For Café Andiamo LLC, 206 S. 6th Street **(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 City Council Meeting to Order at 5:30 p.m. All were invited to rise for the Pledge of Allegiance.

Deputy Clerk Bigley 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 ☒ & Mayor Davlin ☒.

ABSENT: None

Mayor Davlin congratulated former Fire Chief John Kulek who had recently retired after 25 years of service in the Fire Department. Mayor Davlin commented that Chief Kulek had seen the department through the most serious financial times the City had ever seen but leaves a lasting legacy at the department. Mayor Davlin wanted to thank Chief Kulek publicly for his service to the City. Chief Kulek stated that it was the honor of a life time to serve as Chief of the Fire Department. He stated that the men and women working on the department as the best trained firefighters and the City is being well served by them. He thanked the Mayor and the Council for their confidence in him and the support given to him as Chief. He couldn't have asked for more.

Mayor Davlin presented a Proclamation to Howard Shepherd in honor of the service which he voluntarily provides to make Springfield a great place to live. Mayor Davlin declared July 20, 2010, to be Howard Shepherd Day in the City of Springfield.

ZONING PETITIONS

The first item on the agenda was docket number 2010-033 for the property located at the 900 Block of South 5th St.

PETITIONER(S): Springfield Clinic LLP, on behalf of J. Andrew Davis Financial Services, Inc.

PRESENT ZONING CLASSIFICATION: OFF, Office District.

REQUESTED ZONING RELIEF: To amend Ordinance Docket No. 2008-088 to allow an advertising sign for Davis Financial to be located on property owned by the Springfield Clinic.

STAFF RECOMMENDATION: Approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval as submitted limiting the non-illuminated sign to 36" X 60" X 12" and subject to the concerns of the traffic engineer.

Ald. Mahoney 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 ☒, and Griffin ☒ voted yes.

The next item on the agenda was docket number 2010-038 for the property located at 2264 South 6th Street.

PETITIONER(S): Roger Alan Dennis, Independent Administrator of the Estate of Elizabeth Ann Dennis.

PRESENT ZONING CLASSIFICATION: S-2, Community Shopping and Office District.

REQUESTED ZONING RELIEF: Variance of Section 155.061, Basic yard requirements, and Section 155.068, Garages or accessory buildings or structures, to allow construction of a 15' x 6' octagon gazebo, 8 feet from the building and adjacent to, but not exceeding, the property line.

STAFF RECOMMENDATION: Approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval as submitted, subject to moving the speaker inside, not adding any outside lighting and complying with City Code.

Ald. Mahoney 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 , and Griffin voted yes.

The next item on the agenda was docket number 2010-039 for the property located at 3400 West Washington Street.

PETITIONER(S): Lewis Memorial Christian Village.

PRESENT ZONING CLASSIFICATION: R-3(b), General Residence District.

REQUESTED ZONING RELIEF: Conditional Permitted Use pursuant to Section 155.018(c)(3), Conditional permitted uses in the R-3, General Residence District Section 155.191, Medical Centers, Clinics, Hospitals, or Nursing Homes and Variances of Section 155.058, Maximum Building Heights, and Section 155.187 (c)(3)(4), General Conditions, to allow operation of a nursing home, including therapy gym and skilled facilities, to allow a maximum building height of sixty (60) feet and to permit a vehicular entrance/exit within 100 feet from an exit or entrance of a school.

STAFF RECOMMENDATION: Approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval as submitted.

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 , and Griffin voted yes.

The next item on the agenda was docket number 2010-040 for the property located at 2917 Fox Bridge Road.

PETITIONER(S): Lester Griffith.

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

REQUESTED ZONING RELIEF: Variance of Section 155.010(c), General Provisions, to allow three residential structures on a residential lot; Section 155.056, Minimum required lot area per dwelling unit, to allow a lot area of 5320 square feet per dwelling unit instead of the 7500 required, and Section 155.061, Basic yard requirements, to allow a rear yard setback of twelve (12) feet instead of the twenty (20) feet required.

STAFF RECOMMENDATION IS: Denial.

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

Ald. Simpson moved to accept the Planning & Zoning Commission's recommendation. 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 docket number 2010-HIST-041 for the property located at 819-821 East Cook Street.

PETITIONER(S): Quasivi Sessi.

PRESENT ZONING CLASSIFICATION: H-3, Historic Zoning District.

REQUESTED ZONING RELIEF: Variance of Sections 155.276, h-3, Historic Zoning District, Bulk Regulations and a Conditional Permitted Use pursuant to Section 155.208, CPU in H-1, H-2, H-3, Historic zoning districts and Section 155.273, H-3, Historic Zoning District conditional permitted uses, to allow sales of cellular phones and accessories, to allow 2 signs on the top sides of the building (one on the east and one on the south) not to exceed a total of 128 square feet.

STAFF RECOMMENDATION: Approval.

HISTORIC SITES COMMISSION RECOMMENDATION: Approval as submitted, provided that the signs are contained on the existing face(s) of the building and do not exceed the parafit walls.

Ald. Mahoney moved to accept the Historic Sites Commission's recommendation. Ald. Edwards seconded. The motion carried 10/0. Ald. Edwards , Simpson , Kunz , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , Dove , and Griffin voted yes.

The last item on the agenda was docket number 2010-042 for the property located at 2711 West Washington. A valid protest petition had been filed however was withdrawn per Joe Gooden.

PETITIONER(S): Terrence J. Farmer and Sandra M. Farmer

PRESENT ZONING CLASSIFICATION: R-5, General Residence District and Office District.

REQUESTED ZONING RELIEF: Reclassification to OFF, Office District, and a Conditional Permitted Use pursuant to Section 155.020, CPU's in Office Districts and Section 155.187, General Conditions, to allow ambulance services.

STAFF RECOMMENDATION: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval as submitted, limited to a maximum of 2 ambulances/rigs on the property.

Ald. Dove moved to deny the Petition as submitted. The motion failed for lack of a second.

Ald. Edwards moved to accept the Planning & Zoning Commission's recommendation. Ald. Cimarossa seconded. The motion carried 9/1. Ald. Edwards , Simpson , Kunz , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , and Griffin voted yes. Ald. Dove voted no.

REGULAR BUSINESS

Treasurer Langfelder was recognized for the Monthly Treasurer's Report. He indicated the Corporate Fund balance at the end of June, 2010, was **-\$564,305.00**. Ald. Cimarossa Moved to Approve the Treasurer's Report. Ald. Simpson Seconded. 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 June 1, 2010, City Council meeting. The motion carried 10/0 via voice vote.

Ald. Simpson moved, Ald. Dove 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. 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.

The first item on the Agenda was Agenda No. 2010-263, An Ordinance Authorizing The Execution Of An Annexation Agreement With Charles R. Martin, Mary Rose Martin And John R. Martin For Real

Property Located On Woodhaven Road. Ald. Simpson moved to Recess the Regular Meeting of the City Council to hold a Public Hearing to consider Agenda No. 2010-263. Ald. Edwards Seconded. The motion carried 10/0 via voice vote.

A Public Hearing was held. No testimony was given.

Ald. Simpson moved to adjourn the Public Hearing and Reconvene the Regular Meeting of the City Council. Ald. Lesko Seconded. The motion carried 10/0 via voice vote.

Ald. Simpson moved to place Agenda No. 2010-263 on final passage. Ald. Lesko 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 Agenda No. 2010-264, An Ordinance Annexing Certain Described Real Property Located On Woodhaven Road (Martin, Et Al.). Ald. Simpson moved to place Agenda No. 2010-264 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.

Mayor Davlin indicated that the Council was going into Executive Session. He asked if the aldermen had anything to discuss. Ald. Theilen asked why Lawrence Avenue had been shut down. Tim Sheehan indicated that Lawrence had been shut down due to a water main break. Crews were working to repair the break today.

Ald. Griffin asked Deputy Chief Dowis about cell phone use in a school zone. He asked if that applied on school days when children were present or was that all the time. Chief Dowis stated that he believed it was on days when children were present but he would check and clarify that issue for the alderman.

Ald. Simpson moved to recess the regular meeting of the City Council for purposes of Executive Session to discuss pending litigation. Ald. Cimarossa seconded. The motion carried 10/0 via voice vote. The time was approximately 5:50 p.m.

Ald. Simpson immediately moved to adjourn Executive Session and reconvene the regular meeting of the City Council. Ald. Cimarossa seconded. The Motion carried 10/0 via voice vote. The time was approximately 6:38 p.m.

Ald. Simpson moved to adjourn the meeting at 6:10 p.m. Ald. Cimarossa Seconded. The Motion Carried 10/0 via voice vote. The time was approximately 6:41 p.m.

Cecilia K. Tumulty

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