

**Minutes of Springfield City
Council Meeting
Tuesday, March 2, 2010
City Council Chambers**

Deputy City Clerk Veronica Bigley called the precouncil session of the Springfield City Council to order at 5:00 p.m., Tuesday, February 2, 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 this meeting and assigned the ordinances to the Committee of the Whole. The precouncil session concluded at approximately 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: Ald. Simpson , Kunz , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , Ald. Dove , Griffin & Mayor Davlin .

ABSENT: Alderman Edwards

Proclamations: Mayor Davlin presented a proclamation declaring March, 2010, as American Red Cross Month in the City of Springfield. Roger Dahl, President and CEO of the American Red Cross Illinois Chapter thanked Mayor Davlin and the City Council for their support.

ZONING PETITIONS

The only matter on the Zoning Agenda was Agenda No. 2010-003 for the property located at 400 E. South Grand Avenue.

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 grant the reclassification to B-1, however, prohibited the following uses: automotive, truck or boat sales or rentals, any trailer or mobile home camps or travel trailer parks, amusement parks, warehouses and kennels. Ald. Theilen seconded. The motion carried 9/0. Ald. Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Ald. Dove, and Griffin voted yes.

REGULAR BUSINESS

Ald. Simpson moved to recess the regular meeting of the City Council to hold executive session to discuss collective bargaining matters. Ald. Cimarossa Seconded. The motion was unanimous. Ald. Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes. The time was 5:35 p.m.

Ald. Simpson moved to adjourn executive session and reconvene the regular meeting of the City Council. Ald. Theilen seconded. The motion was unanimous. Ald. Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Ald. Dove, and Griffin voted yes. The time was approximately 5:56 p.m.

Ald. Simpson moved, Ald. Kunz seconded, to dispense with the reading of the minutes and to approve the minutes of the February 16, 2010, City Council meeting. The motion carried 9/0 via voice vote.

Ald. Simpson moved, Ald. Cimarossa seconded, to incorporate the precouncil first reading of ordinances into the record of this City Council meeting. The Motion carried 9/0 via voice vote.

Ald. Simpson Moved, Ald. Lesko Seconded, to incorporate the precouncil reading of the consent agenda into the record of this City Council meeting. 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. Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove and Griffin voted yes.

Agenda numbers of 2008-337, 2009-387, 2009-582, 2010-001, 2010-003 and 2010-066 remain tabled or in committee. Agenda No. 2010-003 regarding Hazel Lane will be pulled from Committee and heard on March 23, 2010, if no agreement has been reached on Jurisdictional Transfer prior to that time.

Ald. Dove moved to take Agenda No. 2010-066 from Committee and place on the Debate Agenda. Ald. Kunz seconded. The motion carried 9/0 via voice vote

The first item on the Agenda was No. 2010-066, An Ordinance Renaming That Portion Of Road Now Known As Westwood Road To Westwood Terrace For The Office Of Public Works. Ald. Simpson Moved to Place 2010-066 on final passage. Ald. Cimarossa seconded. Ald. Dove stated that he had spoken with numerous residents on Westwood Terrace and they were confused as to the action being taken. The road will remain "Westwood Terrace." Mayor Davlin stated that Bill Denham had signed up to speak on this issue. Mr. Denham stated he did not wish to speak. Mr. Denham provided a written statement which is incorporated by reference.

The Next Item On The Agenda was No. 2010-079, "An Ordinance Authorizing The Execution Of A Three-Year Contract With McGladrey & Pullen LLP To Perform The City's Annual Audits For Fiscal Years 2010 Through 2012 For A Total Amount Not To Exceed \$328,977.00 And Authorizing Payment In The Amount Of \$106,430.00 For Fiscal Year 2010 For The Office Of Budget And Management, For Emergency Passage." Ald. Simpson moved to place Agenda No. 2010-079 on emergency passage. Ald. Kunz seconded. Ald. Simpson moved to amend Agenda No. 2010-079. Ald. Kunz seconded. Mayor Davlin stated the amendment was for an additional \$13,000 to cover additional single audits within programs up to three (3). We have to account

for each program audit separately. The motion carried 9/0 via voice vote. The motion, as amended, passed 10/0. Ald. Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin and Mayor Davlin voted yes.

The next item on the Agenda was No. 2010-080, "An Ordinance Accepting And Authorizing Execution Of An Illinois Clean Diesel Grant Program Grant Agreement With The Illinois Environmental Protection Agency In The Total Amount Of \$95,495.00 On Behalf Of The Administrative Services Division Vehicle Maintenance Facility And Authorizing A Supplemental Appropriation Of Said Funds For Emergency Passage." Ald. Simpson moved to place Agenda No. 2010-080 on emergency passage. Ald. Kunz seconded. The motion carried 1-10/0. Ald. Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin and Mayor Davlin voted yes.

The next item on the Agenda was No. 2010-081, "An Ordinance Amending Ordinance Number 63-02-10 By Authorizing Expenditure Of Funds In The Amount Of \$25,476.00 For The Capitol Avenue Project From 5th To 7th Streets (MFT, Section #09-00447-03-Pv) For The Office Of Public Works, For Emergency Passage. Ald. Simpson moved to place Agenda No. 2010-081 on emergency passage. Ald. Dove seconded. The motion carried 10/0. Ald. Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin and Mayor Davlin voted yes.

The next item on the Agenda was No. 2010-082, "An Ordinance to Decrease the Number of Class "D" Liquor Licenses Due To Closure Of Business By Bogey Concepts, Inc. D/B/A Sammy's Sports Bar & Grill, 217 S. Fifth Street, For Emergency Passage." Ald. Cahnman Moved To Place Agenda No. 2010-082 On Emergency Passage. Ald. Simpson seconded. The motion carried 10/0. Ald. Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin and Mayor Davlin voted yes.

The next item on the agenda was No. 2010-083, "An Ordinance To Increase The Number Of Class "D" Liquor Licenses By One For New Beginning 217, LLC, D/B/A Willy P's Tap And Grill, 217 S. Fifth Street, For Emergency Passage." Ald. Cahnman moved to place Agenda No. 2010-083 on emergency passage. Ald. Kunz seconded. Ald. Theilen stated it has come to his attention that one of the partners was indebted to the city for a substantial sum of money on TIF loans. He asked the council to return the ordinance to committee until further investigation is completed.

Dennis Polk, 739 So. 5th Street, Spfld, IL., addressed the City Council. He stated that Sound Partners, LLC, currently has a development agreement with the city on another piece of property. Mr. Polk stated there is a credit due and owing that has never been applied to the loan. Ald. Theilen stated that members of the downtown TIF district had contacted him with this information. Mr. Polk stated that the property at 500 So. 6th Street has been returned to the bank. The monies owed on the property at 217 So. 5th Street is owed by the tenant and not the owner of the property. Ald. Theilen stated if there is money owing to the city no permits should be issued. Mr. Polk stated that this is a new LLC. No monies are owed by this LLC. Ald. Theilen stated he doesn't want to rush into this.

Ald. Griffin asked what happens if this doesn't go through. Mr. Polk stated that St. Patrick's Day is the biggest day of the year. He wants to take advantage of that.

Ald. Theilen asked what about scheduling a special City Council meeting following the meeting of the Committee of the Whole. Mr. Polk stated that would only allow him 4 days to get ready, hire staff and purchase product in the hopes of opening for the biggest day of the year.

Ald. Cahnman stated that this is a new LLC and they do not owe any money to the City. Penalizing the business does not make sense.

The motion for emergency passage failed 6/3. Ald. Kunz, Lesko, Cahnman, Mahoney, Cimarossa and Dove voted yes. Ald. Simpson, Theilen and Griffin Voted No.

Ald. Simpson moved to schedule a special City Council meeting on Friday, March 5, 2010, at 12:00 noon to consider Agenda No. 2010-083, "An Ordinance To Increase The Number Of Class "D" Liquor Licenses By One For New Beginning 217, LLC D/B/A Willy P's Tap And Grill, 217 S. Fifth Street. Ald. Lesko seconded. The motion carried 9/0. Ald. 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. 2010-099, "An Ordinance Authorizing A Supplemental Appropriation Of Fy11 Funds In The Amount Of \$142,808.00 For The Office Of Communications To Purchase Broadcast Equipment And Related Expenses For The Audio-Visual Unit. Ald. Kunz seconded. The motion carried 9/0 via voice vote.

Ald. Simpson moved to suspend the rules and place on first reading Agenda No. 2010-100, "An Ordinance Authorizing The Execution Of A Collective Bargaining Agreement With The International Union Of Operating Engineers, Local 399, From November 3, 2008, Through October 31, 2009." Ald. Kunz seconded. The motion carried 9/0 via voice vote.

Ald. Cimarossa moved to suspend the rules and place on first reading Agenda No. 2010-101, "An Ordinance Authorizing Additional Payment To Heyl, Royster, Voelker & Allen, P.C., And Brown, Hay & Stephens LLP, As Additional Counsel In U.S. District Court Case No. 07-3075, Larry M. Washington, Et Al. v. City Of Springfield, Et Al., In The Amount Of \$75,000.00 Each For A Total Amount Not To Exceed \$550,000.00 For The Office Of Corporation Counsel. Ald Simpson seconded. The motion carried 9/0 via voice vote.

Ald. Theilen presented a letter to Police Chief Bobby Williams and Officer Joe Arnold commending Arnold for the excellent job he had done as the NPO in his area for the last three (3) years.

Ald. Griffin asked for an update on Hunter Lake. He asked if there had been any response from EPA. Eric Hobbie from CWLP stated there had been no word.

Ald. Griffin asked for a status on the Gravel Pits. Eric Hobbie stated they (CWLP) are working on a plan to put the gravel pits to use.

Ald. Griffin asked for an update on the Sportsman Club lease issue. CC Johnson stated there had been no change.

Ald. Griffin asked if the council will be receiving a copy of the State Police report. We were spending more money on legal fees in the case. He wondered if the council would be able to view that report. CC Johnson stated the State Police Report has nothing to do with that case.

We, the city, are obligated to defend these individuals since the allegations occurred during their scope of employment. The case is set for trial November, 2010. A hearing had been held on the issue of releasing the report and there has been no decision yet.

Ald. Griffin asked if there was a budget recovery plan given the status of the City's budget and layoffs. If things change, are we calling people back to work?

Mayor Davlin stated he has told every union, especially the ones who signed agreements to avoid layoffs there will be a review of revenues to determine where we are. He stated his staff will review the numbers monthly and bring that information to the council. We are still in negotiations with some of the unions and more votes on concessions are scheduled.

Ald. Griffin asked how we're going to allocate funds or revenues that come in. Mayor Davlin stated it will be spread all over the city to re-hire those laid off.

Ald. Cahnman stated that Firehouse No. 3 on North Grand near Osborn was going to be closing for 6 six days. He asked that he and all of the aldermen be notified in advance of the media when a similar situation occurs to prepare for the questions that come from constituents and the media.

Ald. Cimarossa stated she is very disheartened about what has occurred at the City. It concerns her a great deal that public safety is at risk. We've had some very situations in the last couple of days. She knows Mayor Davlin is working with unions. She stated she wants to see the administration review management positions as well now that layoffs have occurred. With fewer individuals working, there should be fewer management positions needed. Mayor Davlin agreed.

Ald. Theilen asked about a rumor he had heard where a couple of individuals who were on the layoff list had received new jobs. Eric Hobbie stated he knew nothing about it. Mayor Davlin stated positions had to be posted.

Ald. Kunz moved to adjourn the meeting at approximately 6:24 p.m. Ald. Theilen seconded. The motion carried 9/0 via voice vote.

Cecilia K. Tumulty

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