

**Minutes of Springfield City  
Council Meeting  
Tuesday, March 23, 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, March 23, 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

Proclamations: Mayor Davlin presented a proclamation to Beverly Peters, President of Delta Sigma Theta Sorority. Ms. Peters accepted the proclamation and stated that Delta is a member of the Complete Count Committee. Ms. Peters stated that it is vitally important for all citizens of Springfield to complete and return the 2010 Census form. The Census information concerns all citizens of Springfield. Federal and State funds will be disbursed to the City of Springfield to the areas that most need it and to the people who need it.

Pat Daniels, Illinois Emergency Management Association, Coordinator for the State Radon Program, made a presentation to the council concerning Radon Awareness.

**ZONING PETITIONS**

The first item on the agenda was docket number 2010-009 for the property located at 2143 North 11th Street.

PETITIONER(S): Joanne Lanzotti, David Lanzotti and Howard Furkin

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

REQUESTED ZONING RELIEF, AS AMENDED: Reclassification to S-2, Community Shopping & Office District, Section 155.031, with a Conditional Permitted Use pursuant with Section 155.031 (c)(3), Taverns, Section 155.031 (c) (4), Residences, to allow residences located on the first floor, and Section 155.200, Taverns. A variance for Section 155.069, Fences, to allow a solid fence in a required side yard of a corner lot.

STAFF RECOMMENDATION: Deny in part and approve in part.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Recommend approval of the Petition as amended, conditioned upon the addition of an ADA accessible parking space, and also conditioned upon removal of a portion of the fence in compliance with the Traffic Engineer's request.

Ald. Lesko moved to accept the Planning & Zoning Commission recommendation. Ald. Kunz 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 2010-010 for the property located at 1602 East Adams Street.

PETITIONER(S): Silas and Loretta Johnson

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

REQUESTED ZONING RELIEF: Reclassification of property to R-3(a)(b), General Residence District with A Conditional Permitted Use pursuant to Section 155.018(c), Conditional Permitted Uses in R-3.

STAFF RECOMMENDATION: Denial.

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

As no Certification of Publication form was submitted by the petitioner, the petition could not be properly heard by the Council. Ald. Theilen moved to continue the matter to April 20, 2010. Ald. Mahoney 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 2010-011 for the property located at 704 South Grand Avenue West.

PETITIONER(S): Medics First, Inc.

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

REQUESTED ZONING RELIEF, AS AMENDED: Reclassification to OFF, Office District, Section 155.020, with a Conditional Permitted Use for Ambulance Services, Section 155.020(c)(11), and a variance of Section 155.480(i) Transitional Buffer Yard Requirement and Landscaping to allow use of the existing landscaping as a buffer.

STAFF RECOMMENDATION: Deny in part and approve in part.

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

Ald. Mahoney moved to accept the Planning & Zoning Commission 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 2010-012 for the property located at 2945 Clear Lake Avenue.

PETITIONER(S): Kelfitz, LLC, and Ronald Metzger

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

REQUESTED ZONING RELIEF: Variance of Section 155.031-4, Wholesale establishments with not more than 2500 square feet of accessory storage per establishment, to allow for the construction of a minimum 14,144 square foot building for storage along with a 2128 square foot retail showroom/office building.

STAFF RECOMMENDATION: Approval.

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

Ald. Kunz moved to accept the Planning & Zoning Commission 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 2010-013 for the property located at 401 West Jackson Parkway.

PETITIONER(S): Anthony J. Leone Jr.

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 to Section 155.020 (c) (7), Conditional Permitted Uses in the OFF Office District, Residential Uses, a Variance of Section 155.111, Access to off-street parking facilities and Section 155.114 (b), Regulations for the location of off-street parking facilities and to Vary Section 155.097, Parking requirements, an Office Building requiring at least one accessory parking space for each 200 feet of floor space.

STAFF RECOMMENDATION: Deny in part and approve in part.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Denial of the petition as submitted, but recommend approval of a use variance to allow a lobbyist's office limited to 400 square feet, three parking spaces, a residential sleeping room on the upper level and no permanent employees.

Ald. Cahnman moved to continue the matter to April 20, 2010. Ald. Kunz 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 2010-014 for the property located at 2801 Mansion Road.

PETITIONER(S): Renken Properties, LLC

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

REQUESTED ZONING RELIEF: Variance of Section 155.114(b), Regulations for the location of  
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off-street parking facilities, to allow a 3.5 foot front yard setback instead of the 15 foot required for the southern portions of Lot 196, adjacent to Mansion Road.

STAFF RECOMMENDATION: Approval.

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

Ald. Edwards moved to accept the petition as submitted. Ald. Simpson Seconded. The motion carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove and Griffin voted yes.

The final item on the agenda is docket number 2010-015.

PETITIONER(S): Realty Acquisitions Group, LTD

PRESENT ZONING CLASSIFICATION: OFF, Office District

REQUESTED ZONING RELIEF: Reclassification to S-1, Neighborhood Commercial and Office District, Section 155.030.

STAFF RECOMMENDATION: Approval.

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

Ald. Cimarossa moved to accept the Planning & Zoning Commission recommendation. Ald. Edwards Seconded. The motion carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove and Griffin voted yes.

### **REGULAR BUSINESS**

Treasurer Langfelder was recognized for the Monthly Treasurer's Report. He indicated the Corporate Fund balance at the end of February, 2010, was **-\$9,664,952.00**. Ald. Cimarossa Moved to Approve the Treasurer's Report. Ald. Theilen Seconded. The Motion Carried 10/0 via voice vote.

Ald. Mahoney moved, Ald. Cimarossa seconded, To Dispense with the Reading of the Minutes and To Approve the Minutes of the March 2, 2010. 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. Kunz Seconded. Ald. Theilen and Griffin requested that they be recorded as voting "No" on Agenda No. 2010-085. Ald. Edwards requested that he be recorded voting No on 2010-083. 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 April 6, 2010, in the event Agenda No. 2010-129, introduced tonight, does not pass regarding an Agreement on Jurisdictional Transfer.

Mayor Davlin asked for a motion to recess the regular meeting of the City Council and convene Executive Session to discuss one 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 5:52 p.m

Ald. Simpson Moved to Recess Executive Session and reconvene the regular meeting of the City Council. Ald. Mahoney Seconded. The Motion carried via voice vote 10/0. The time was approximately 6:16 p.m.

The Next Item On The Agenda was 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 Moved To Place Agenda No. 2010-101 On Final Passage. Ald. Kunz Seconded. The motion passed by a vote of 9/1. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, & Dove voted yes. Ald. Griffin voted No.

Ald. Cimarossa Moved To Suspend The Rules And Place On First Reading Agenda No. 2010-129, "An Ordinance Authorizing Execution Of Agreement With Woodside Township Road District For Jurisdictional Transfer Of A Portion Of Hazel Lane For The Office Of Public Works." Ald. Edwards Seconded. The motion carried 10/0 via voice vote.

To Suspend The Rules And Place On First Reading Agenda No. 2010-130, "An Ordinance Amending Chapter 82 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Provide An Eligibility Threshold For Vehicle Immobilization Of \$100.00." Ald. Simpson Seconded. The motion carried 10/0 via voice vote.

Ald. Griffin Moved To Suspend The Rules And Place On First Reading Agenda No. 2010-131, "A Resolution Recommending Debts Owed To The City Be Collected Through The Use Of A Collection Agency." Ald. Edwards Seconded. The motion carried 10/0 via voice vote.

Mayor Davlin wished Brian Cannady from WAND-TV good luck as he is moving to Kansas City, Missouri, to pursue other opportunities.

Ald. Cimarossa asked about the state of Access Channel 4. Ernie Slottag addressed the Council and stated that the council meeting was not on the air tonight because a generator had overheated. He stated the council passed an ordinance on the consent agenda tonight that would allow the City to purchase a server to get Access 4 up and running. He stated programming is ready to go. They are working with CACC to get programs produced.

Dave Burns, BA for IBEW Local 193 addressed the council concerning the layoff situation of IBEW/CWLP members. He stated he disagreed with the 58 layoffs of his members and they are going to investigate the City's statement that "lack of funds" was the cause of the layoffs. He attributes the

layoffs to the fact that his members refused to take furlough days. They are due to return to work at the end of the money. He expressed his concern about lower management staff at CWLP and the snide comments that are made to or about his members.

Mr. Burns stated his members would have agreed to furlough days if he and the members felt that times were difficult enough to warrant furlough days. He urged the council to look at the T & D and the Power Generation site as far as the flow chart of people. He stated he believes that the size of management at CWLP is too big. He doesn't believe that enough fat has been trimmed from the CWLP budget. Mr. Burns stated the MISO numbers were not in yet, but he hoped those numbers would show that CWLP is making money. Historically, his members could information at the daily sales at CWLP. However, access to those numbers is prohibited. The biggest issue is that his members want their voice heard. Since the new power house was built, he has asked to sit down with management and work out something with his members. Mr. Burns asked for that meeting for quite some time and they are finally meeting.

Mr. Burns stated there are no electricians at the new house (Dallman 4) but there are some operators. However, those operators are doing work that is covered by the contract with IBEW. This is of great concern to his members. Mr. Burns also stated that a precipitator at the plant had to be cleaned recently. In the name of efficiency, a middle manager decided to employ an out of town contractor to come in and do some high pressure cleaning. The precipitator is specifically covered by IBEW members.

Ald. Cimarossa asked about the Respect and Diversity in the Workplace Training that was to be done at CWLP. Dir. Selinger stated that training is just about complete however, the trainers come from the State of Illinois and we have to set the dates up with them. It has taken a while, but we're coming along. There is no charge for the training.

Ald. Cahnman asked Mr. Burns how he intended to prove the allegations he had made. Mr. Burns stated through grievance, arbitration or litigation.

Ald. Edwards stated he would like to see the daily number on sales by CWLP at the Committee of the Whole meeting. Mayor Davlin stated we're working on finding a format for all sales receipts and hopefully that can be done by the end of the month. Ald. Kunz stated you have to wait until MISO weighs in on costs, etc

Jennifer Johnson, 30 Hazel Lane, Springfield, IL. She asked for clarification on the Hazel Lane issue. Ald. Cimarossa provided Ms. Johnson with her copy of the ordinance.

Christine Davis, 1610 E. Adams, Spfld, IL. She stated she understood the zoning matter she wanted to speak about (1602 E. Adams) had been continued. She stated she objects to the re-zoning of the property. She stated she and her neighbors had signed a petition objecting to the zoning. The requested use of the property will be for 16-18 year old troubled females. She stated the house is in the middle of the area. She stated there are social service agencies all around her. She stated she and her neighbors need area without this type of neighbor right next door. She admires the work done on behalf of these young women however; it should not be done right in the middle of a residential area. She sees nothing but problems with it. She asked the council to seriously consider this when it comes before the Council.

Mayor Davlin stated he didn't think there was anything to worry about. When the Council hears the petition in 30 days, he didn't believe the zoning would be approved.

Robert Davis, 1512 E. Adams, Springfield, IL. He stated he objects to the zoning petition as well. He stated Rock Island, Il., had approved such a zoning request and after one year, the house was closed due to the numerous problems that had occurred. He asked why anyone would want that chaos in their neighborhood. It is a direct threat to their safety. He stated he will be here next month when the Council hears the petition.

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

*Cecilia K. Tumulty*

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