

**Minutes of Springfield City
Council Meeting
Tuesday, May 18, 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., Tuesday, May 18, 2010, in the Council Chambers of the Municipal Center West. Clerk Tumulty Read the following **Ordinances and Resolutions on Emergency Passage** into the Record of the Meeting:

2010-193 An Ordinance Authorizing Additional Funding In The Amount Of \$100,000.00 For The Inspection And Repair Of Two City Of Springfield Substation Transformers (Westchester And The Retired Franklin Park Substation) With Jordan Transformers, LLC, For A Total Amount Payable Of \$400,000.00 To Said Vendor **For Emergency Passage.**

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.

2010-194 An Ordinance Setting Salaries For The Mayor, City Clerk, City Treasurer And Aldermen (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-195 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$1,060.00 For The Springfield Fire Department (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-196 An Ordinance Amending Chapter 33, Sections 33.265 And 33.266 Of The 1988 City Of Springfield, Code Of Ordinances, As Amended, By Reducing The Number Of Commissions Appointed To The Springfield Senior Citizens Commission (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-197 An Ordinance Amending Chapter 33, Sections 33.180 And 33.181 Of The 1988 City Of Springfield, Code Of Ordinances, As Amended, By Reducing The Number Of Commissions Appointed To The Commission On International Visitors (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-198 An Ordinance Approving The Reappointment Of John Hine To The Board Of Managers Of Oak Ridge Cemetery (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-199 An Ordinance Authorizing Payment In An Amount Not To Exceed \$135,415.16 To The Sangamon County Board Of Health For Animal Control Services (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-200 An Ordinance Authorizing A Supplemental Appropriation From Fy11 Unbudgeted, Unappropriated State And Federal Asset Forfeiture Fund Balance In The Amount Of \$6,061.00, For The Springfield Police Department (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-201 An Ordinance Accepting And Authorizing Execution Of An Illinois Liquor Control Commission Grant For The "Kids Can't Buy 'Em Here" Campaign, From August 1, 2010, Through June 30, 2011, In The Amount Of \$13,860.00 And Authorizing A Supplemental Appropriation In The Amount Of \$13,860.00 For The Springfield Police Department (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-202 An Ordinance Authorizing Payments To Calvin Mills, A Former Office Of Public Works Employee, and Lawrence Creviston, A Former Springfield Firefighter, For Settlement Of Workers' Compensation Claims (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-203 A Resolution Notifying The State Of Illinois Department Of Transportation That Motor Fuel Tax Funds In The Amount Of \$5,835.65 Have Been Used For Traffic Signal Modernization At 5th And Washington Streets (MFT. Section No. 02-00432-00-T1) For The Office Of Public Works (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-204 An Ordinance Approving And Authorizing The Execution Of A Time And Materials Estimate Offer In An Amount Not To Exceed \$589,100.00 With Toshiba International Corporation For Inspection And Maintenance Of The Dallman Power Plant Unit No. 4 Turbine Valve For The Electric Generation Department (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-205 An Ordinance Approving And Authorizing Execution Of Amendment No. 1 To The Original Telecommunications Fiber Capacity License Agreement Between Illinois Network Alliance, LLC, and The City Of Springfield (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-206 An Ordinance Approving And Authorizing The Execution Of A Telecommunications Fiber Capacity License Agreement Between The City Of Springfield And Memorial Health System (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-207 An Ordinance Approving And Authorizing Execution Of A Residential Lease Agreement With Terry J. House And Charlotte A. House For A One-Year Term For The Administrative Services Division For The City Of Springfield (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-208 An Ordinance Declaring Certain Real Property Owned By The City To Be Surplus Property, Directing The Sale Of Said Property And Authorizing The Publication Of Notice Of Said Sale And Request For Proposals (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

2010-209 An Ordinance Authorizing The Office Of The City Treasurer To Accept Credit And Debit Cards For Payment And Authorizing Acceptance Of A Participant Agreement (**Requested By Timothy J. Davlin**) (**Committee Of The Whole**)

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

2010-173 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$1,184.00 For The Springfield Fire Department. (**Requested by Mayor Timothy J. Davlin**)

2010-174 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$2,500.00 For The Springfield Police Department. (**Requested by Mayor Timothy J. Davlin**)

2010-175 An Ordinance Authorizing A Re-Appropriation Of FY10 Funds In The Amount Of \$187,019.00 Into FY11 Expenditure Accounts For The Springfield Police Department. **(Requested by Mayor Timothy J. Davlin)**

2010-176 An Ordinance Authorizing Settlement Of A Workers' Compensation Claim For John Hildebrand, An Office Of Public Works Employee, For Case No. 09-WC-8945. **(Requested by Mayor Timothy J. Davlin)**

2010-177 An Ordinance Approving A First Supplemental Trust Indenture Providing For Issuance Of City Of Springfield, Sangamon County, Illinois Special Service Area (Legacy Pointe) Ad Valorem Tax Bonds, Series 2010. **(Requested by Mayor Timothy J. Davlin)**

2010-178 An Ordinance Accepting Bids And Authorizing The Execution Of Contract UW10-02-95 - Water Main Installation And Dry Boring Work For The Water Division With J. K. Snyder Co., Inc., and Petersburg Plumbing And Heating Co., in The Total Amount of \$619,690.00. **(Requested by Mayor Timothy J. Davlin)**

2010-179 An Ordinance Accepting The Bid And Authorizing The Execution Of Contract UW11-03-03 – Powdered Activated Carbon With Norit Americas, Inc., in an Amount Not To Exceed \$144,900.00 For The Water Division. **(Requested by Mayor Timothy J. Davlin)**

2010-180 An Ordinance Accepting And Authorizing The Execution Of Quotation EC-2542-10 With Flowserve Us Inc.. in the Amount Of \$510,802.00 For High Pressure Mechanical Seal Upgrades To Two Dallman Power Plant Unit No. 33 Boiler Circulating Pumps For The Electric Division Generation Department. **(Requested by Mayor Timothy J. Davlin)**

2010-181 An Ordinance Accepting And Authorizing The Execution Of Proposal No. St13073 With Siemens Energy, Inc., in an Amount Not To Exceed \$2,621,433.00 For The Fall 2010 Dallman Power Plant Unit No. 32 Full Turbine-Generator Inspection, Repairs, And The Purchase Of Replacement Parts For The Electric Division Generation Department. **(Requested by Mayor Timothy J. Davlin)**

2010-182 An Ordinance Authorizing Payment In An Amount Not To Exceed \$104,600.00 To The Sangamon County Tax Collector For 2009 Real Estate Taxes On Approximately 260 Farm And Residential Parcels For The City Of Springfield. **(Requested by Mayor Timothy J. Davlin)**

2010-183 An Ordinance Approving And Authorizing The Execution Of A Telecommunications Contract Service Agreement Between The City Of Springfield And Illinois National Bank (1 N. Old Capitol Plaza). **(Requested by Mayor Timothy J. Davlin)**

2010-184 An Ordinance Approving And Authorizing The Execution Of A Telecommunications Contract Service Agreement Between The City Of Springfield And Illinois National Bank (307 E. Jackson Street). **(Requested by Mayor Timothy J. Davlin)**

2010-185 An Ordinance Authorizing The Execution Of A Supplemental Agreement with and Additional Payment In The Amount Of \$49,743.00 To Crawford, Murphy & Tilly, Inc., for the Washington Street Bridge Replacement, Structure No. 084-6001 And Section No. 05-00443-00-BR,

For A Total Not To Exceed \$110,633.00, For The Office Of Public Works. **(Requested by Mayor Timothy J. Davlin)**

2010-186 An Ordinance Approving The Final Plat Of R.L. Curry Subdivision, Plat 1 For The Office Of Public Works. **(Requested by Mayor Timothy J. Davlin)**

2010-187 An Ordinance Accepting The Lowest Bids And Authorizing Execution Of Contract Number PW 11-04-17 With Capitol Ready-Mix, Inc., and Henry Nelch & Son Co., to Purchase Ready Mix Cement And Related Materials For The Office Of Public Works In An Amount Not To Exceed \$300,000.00. **(Requested by Mayor Timothy J. Davlin)**

2010-188 An Ordinance Authorizing An Increase In The Number Of Class “B” Liquor Licenses By One For Food & Fuel Mart Inc., 817 South Dirksen Parkway. **(Requested by Mayor Timothy J. Davlin)**

2010-189 An Ordinance Authorizing Execution Of A First Amendment To An Agreement With Ferry & Associates Architects, LLC, and Authorizing Additional Expenditure Of Tax Increment Finance Funds In The Amount Of \$16,351.00 For A Total Amount Not To Exceed \$153,751.00 For Streetscape Plans For 5th, 6th And Washington Streets, In The Downtown TIF District, For The Office Of Planning And Economic Development. **(Requested by Mayor Timothy J. Davlin)**

2010-190 An Ordinance Declaring A Retired Springfield Police Department Canine Known As “Hammer” As Surplus Property And Authorizing Execution Of An Agreement For The Purchase Of Said Canine With John R. Hauversburk, A Former Canine Officer. **(Requested by Mayor Timothy J. Davlin)**

2010-191 An Ordinance Accepting Bids And Authorizing The Execution Of Contract UE11-03-06 - Ready Mix Portland Concrete And Related Items For A Two-Year Term With Capitol Ready-Mix, Inc. And Henry Nelch & Son Co. In A Total Amount Not To Exceed \$250,000.00.

2010-192 An Ordinance Accepting And Authorizing Execution Of An American Recovery Reinvestment Act State Energy Program Grant From The Illinois Department Of Commerce And Economic Opportunity In The Amount Of \$483,000.00 On Behalf Of The Administrative Services Division Energy Services Office And Authorizing A Partial Supplemental Appropriation Of Said Funds In The Amount Of \$241,500.00 To Cover Fiscal Year 2011 Eligible Grant Expenditures.

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

CITY COUNCIL SESSION

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 , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , Ald. Dove , Griffin & Mayor Davlin .

ABSENT: Ald. Edwards and Ald. Kunz

Mayor Davlin and Ald. Cimarossa presented a proclamation to Glenn Yanow; franchise owner of Glen's Baskin Robbins Ice Cream Store on South MacArthur Boulevard and declared Tuesday, May 18, 2010, as Glenn Yanow day in the City of Springfield. Mr. Yanow was named Franchise of the Year by Baskin Robbins Ice Cream, a nation wide chain of ice cream stores. Mr. Yanow thanked everyone for their support.

ZONING PETITIONS

The first 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 & 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 accept the Planning and Zoning Commission's recommendation except for the prohibition on permanent employees. Ald. Cimarossa seconded.

Brad Blodgett, Attorney for the Petitioner, addressed the Council. He stated that he had spoken with the objector and will speak with his client about patrons of the Pasfield House and encourage them to use the parking lot.

A discussion followed on the zoning use of an adjacent property. Mr. Blodgett was encouraged to seek that relief in a subsequent petition.

Ald. Edwards arrived in the Council chamber at 5:37 p.m.

The motion carried by a vote of 7/1. Ald. Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen & Griffin voted yes. Ald. Dove voted no. Ald. Edwards did not vote.

The next item on the agenda was docket number 2010-021 for the property located at SW Corner of Iles Avenue & Archer Elevator Road.

PETITIONER(S): Young Men's Christian Association

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

REQUESTED ZONING RELIEF: Variance of Section 155.310 through 155.315, Residence Office District Sign Regulations, pursuant to Section 155.212, General Provisions and Section 155.213, Applications for Variances of the Springfield Zoning Ordinance to allow sign regulations for the S-2, Community Shopping and Office District to be applied to the property instead of the R-1, Single family Residence sign regulations.

STAFF RECOMMENDATION: Approval.

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

Ald. Griffin moved to accept the Planning & Zoning Commission's recommendation. Ald. Theilen seconded. The motion passed by a vote of 9/0. Ald. Edwards, Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

The next item on the agenda was docket number 2010-023 for the property located at 2000 Lowell Lane.

PETITIONER(S): Christopher D. Oliver.

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

REQUESTED ZONING RELIEF: Reclassify to S-1, Neighborhood Commercial and Office District, Section 155.030 and a Variance of Section 155.098, Retail or service establishments not otherwise covered in this chapter.

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 operation of a business to restore, assemble, repair and offer for sale stringed instruments as well as house wholesale office/showroom for exotic lumber and Luthier/craft supplies, and to allow only on-street parking as it relates to the use granted by this variance.

Ald. Mahoney moved to accept the Planning & Zoning Commission's recommendation. Ald. Edwards seconded. The motion passed by a vote of 9/0. Ald. Edwards, Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

The next item on the agenda was docket number 2010-024 for the property located at Lot 9 Waters Edge.

PETITIONER(S): Lake Springfield Properties, LLC

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

REQUESTED ZONING RELIEF: Variance of Section 155.052, Special requirements for large scale

residential, industrial, multifamily and commercial developments, to allow enclosed decks within 20 feet of the side yard property line by not more than 8 feet for the 2 buildings identified in the petition.

STAFF RECOMMENDATION: Approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the petition as submitted, provided that the traffic engineer's conditions are met for a 2 foot minimum setback of the foundations from the sidewalk, and that none of the decks hang over the sidewalk.

Ald. Edwards moved to accept the Petition as Submitted. Ald. Theilen seconded. The motion passed by a vote of 9/0. Ald. Edwards, Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

The last item on the agenda was docket number 2010-025.

PETITIONER(S): City of Springfield.

REQUESTED ZONING RELIEF: Amendment to various sections of Chapter 155 to define and provide guidelines for seasonal food service establishments.

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

Ald. Lesko moved to accept the Planning & Zoning Commission's recommendation. Ald. Theilen seconded. CC Johnson confirmed that this would allow second use on the same zoning lot for seasonal food establishments. Sign regulations per zoning lot still apply.

The motion passed by a vote of 6/3. Ald. Lesko, Cahnman, Mahoney, Theilen, Dove & Griffin voted yes. Ald. Edwards, Simpson and Cimarossa voted no.

Assistant Corporation Counsel Tracy Johansson asked if the Council could return to Zoning Agenda No. 2010-013.

Ald. Cimarossa moved to recall Zoning Agenda No. 2010-013. Ald. Simpson seconded. The motion carried via voice vote 9/0.

ACC Johansson confirmed that the petitioner had asked for a variance to back onto Pasfield Street, however, the Planning & Zoning Commission did not make a recommendation to approve that variance. That is still an item for the council to consider.

Ald. Cahnman moved to amend the recommendation of the Planning and Zoning commission and allow a variance of Section 155.111 to permit backing on to Pasfield Street, which was identical to the variance received by the adjacent property owner. Ald. Lesko seconded. The motion to amend carried 9/0 via voice vote. The motion on final passage, as amended, carried 8/1. Ald. Edwards, Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen & Griffin voted yes. Ald. Dove voted no.

Zoning Administrator Joe Gooden stated that the Pasfield House will need a conditional permitted use to allow that parking on the zoning lot. That relief was not asked for in this petition. He will have to

ask for that relief in a petition for the Pasfield House.

REGULAR BUSINESS

Treasurer Langfelder was recognized for the Monthly Treasurer's Report. He indicated the Corporate Fund balance at the end of April, 2010, was **-\$10,405,221.00**. Ald. Simpson Moved to Approve the Treasurer's Report. Ald. Mahoney Seconded. The Motion Carried 9/0 via voice vote.

Ald. Simpson moved, Ald. Cimarossa seconded, to dispense with the reading of the minutes and to approve the minutes of the May 4, 2010, City Council meeting. The motion carried 9/0 via voice vote.

Ald. Cimarossa moved, Ald. Cimarossa seconded, to incorporate the pre-council first reading of ordinances into the record of this council meeting. The motion carried 9/0 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 9/0 via voice vote.

Ald. Simpson moved to place the Consent Agenda on Final Passage. Ald. Theilen seconded. Ald. Edwards asked for clarification on Agenda No. 2010-178. CC Johnson explained that the apparent low bidder was deemed to be non-responsive as they did not submit the appropriate documentation on the required apprenticeship program. As such, the Specifications Committee ruled that the bid should go to the second lowest bidder. Michael R. Lied, attorney for Brian J. Shirley (JAYCO Construction) asked to address the council. He submitted a letter which provided information on the apprenticeship program to all of the aldermen. Mayor Davlin stated that the bidder was deemed non-responsive.

Ald. Cahnman asked to be recorded as voting "present" on Agenda Nos. 2010-174 and 2010-175.

The Consent Agenda passed by a vote of 9/0. Ald. Edwards, Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

Michael R. Lied, attorney for Brian J. Shirley (JAYCO Construction), 211 Fulton Street, Peoria, IL., addressed the Council. He stated that he and his client have tried over the last couple of weeks to provide documentation to satisfy Corporation Counsel that Mr. Shirley was a responsive bidder. He had been deemed pre-qualified in the bid package. Mr. Lied provided copies of letters to Laborer's Local 477 regarding the apprenticeship program issue and those letters show that Jayco Construction has an apprenticeship program through the Laborer's Local. He believes the City is operating under mistaken facts and that Jayco was a responsible bidder. He asked the Council to vote no.

Mayor Davlin stated that the information was not provided in a timely fashion. CC Johnson stated that information was requested from all bidders over a period of time which included a deadline. After that deadline passed, Mr. Shirley had not provided the documentation and the bid was deemed non-responsive.

Ald. Simpson moved to remove Agenda Nos. 2010-117, 2010-160 and 2010-161 from Committee and place on the Council's Debate Agenda. Ald. Mahoney seconded. The Motion carried 9/0 via voice vote.

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. 2010-117, An Ordinance Approving And Authorizing The Execution Of Eight Separate Lease Amendments To Existing Farm Leases With Various Tenants. Ald. Simpson moved to place Agenda No. 2010-117 on final passage. Ald. Cimarossa seconded. The Motion carried 9/0. Ald. Edwards, Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

The next item on the Agenda was Agenda No. 2010-148, "An Ordinance Authorizing An Increase In The Number Of Class "B" Liquor Licenses By One For Anna's Place, Inc. D/B/A North Grand Liquor, 100 North Grand Avenue. Ald. Edwards moved to place 2010-148 on final passage. Ald. Griffin Seconded. Ald. Cahnman stated that this was in his ward and he was opposed to another liquor license. He stated that the neighbors and the neighborhood associations were opposed to it.

Trent Slagle, Vice President of Oak Ridge Neighborhood Association, addressed the Council. He stated that he and other members of the association do not support the liquor license. It does not support the neighborhood and has no positive impact on the area. The area has enough liquor licenses. It's not a good thing for any neighborhood.

The petitioner, Jalal Abderahmar stated that when he purchased the property there had been a liquor license at that location. There are other liquor licenses in the area.

Ald. Cahnman urged the Council to vote no on this license. It's bad for the neighborhood.

Former Ward 5 Alderman Bob Vose addressed the Council. He stated he has done a lot for the north end. He's working on a \$200,000 project across from this location and it would not be good for the project or the area. It makes him sad to think about putting a liquor store in that location when he and others are working hard to clean the area up. He asked everyone to vote no on this petition.

Ald. Simpson stated that she is going to vote with Ald. Cahnman. She asked the Council to be consistent in their voting. A similar issue came up in Ward 2 a few months ago. The only difference was there was an attorney representing the petitioner. There was no other difference. She asked for consistency from the Council.

The motion failed 3/6. Ald. Edwards, Simpson, and Cimarossa voted Yes. Ald. Lesko, Cahnman, Mahoney, Theilen, Dove and Griffin voted No.

Ald. Mahoney moved to take Agenda No. 2010-161 out of order. Ald. Cahnman seconded. The motion carried 9/0 via voice vote.

The next item on the Agenda was Agenda No 2010-161, "An Ordinance Amending Chapter 98, Section 98.05 of the 1988 City of Springfield Code of Ordinances, As Amended, Regarding Impoundment For Sound Device Violations. Ald. Cimarossa moved to place 2010-161 on final

passage. Ald. Cahnman seconded. Ald. Mahoney stated that we know where most everyone stands on this issue. He would appreciate a vote either up or down on this ordinance as it stands, without any amendments.

Mayor Davlin asked if anyone who wanted to speak tonight on this issue wanted to speak particularly about the 75 foot rule. Many answered. He stated that the 75 foot rule was state law. The City had nothing to do with enacting that rule. PA 86-1240 was enacted in January of 1991. The enforcement and penalties are legislated by this body. However, to lobby against the 75 foot rule, those individuals needed to lobby their representatives in the State house.

Steven Settingsgaard, Peoria Police Chief, had been invited by Ald. Cahnman to address the council on this issue as Peoria had enacted similar legislation a couple of years ago. Chief Settingsgaard stated that he does not know the situation in Springfield. The City of Peoria enforced their ordinance with citations. There were fairly heavy fines on the noise ordinance but it did not change the behavior of the individuals committing the offenses. There was an outcry by the residents of Peoria to do something about it. He stated he heard the vibration and rattling here tonight coming from the car outside. To change the behavior, it was suggested that the cars be towed. They tried it in Peoria and simply proposing the idea made Peoria a quieter community. He stated that he rarely hears the noise when he drives the streets in Peoria. When he speaks to neighborhood associations in Peoria, they tend to complain about the same issues. Noise was always a priority issue. The excessive noise gave neighborhoods the appearance of being unsafe – even if they weren't. It's been a success in Peoria and that was 4 years ago. There has been no move to repeal it.

Ald. Lesko asked if the police officers use decibel meters. Peoria did not. The ordinance did not require it. It required that the sound be clearly audible from a certain distance. Chief Settingsgaard stated that he has instructed his officers to go after those cases where the violation is clear. The obnoxious and unnecessary noise violations. Ald Lesko asked if there had been cases appealed in Peoria. Chief Settingsgaard stated there have been appeals but not many. The ordinance remains in effect in Peoria.

Ald. Edwards asked if the vehicles in Peoria were ever towed prior to ordinance now in effect. Chief Settingsgaard stated they did not. Ald. Edwards stated there is a gradual or progressively stiffer fine here in Springfield. Ald. Edwards stated that we have issued \$148,000 in fines but cannot collect them. He asked if Peoria was successful in collecting the fines. He stated Springfield has been more aggressive from the beginning and we are always compared to Peoria.

CC Johnson stated the proposal on the table now is identical to Peoria. It's a 25.00 administrative fee. There is no fine. The car is towed.

Mayor Davlin asked for the audience members to be respectful to those speaking.

Chief Settingsgaard stated that under the old ordinance in Peoria, they could not tow cars for loud music. They issued citations and the behavior did not change. When they instituted the tow policy, the behavior changed. Towing the car actually cost the violator less than the citation, however, it changed the behavior.

Ald. Theilen stated that, after reviewing the numbers of tickets issued, the progressive fine policy here in Springfield has been a deterrent. He stated he has one area in his ward that routinely has noise issues. He encourages residents to call the police and ask for a sound detail.

Ald. Cahnman stated the important fact is the number of police calls for noise violations. In 2008, the SPD received 3,408 calls; in 2009 3,700 calls. He asked the Chief if he had that information for Peoria. Chief Settingsgaard did not. The number of cases that end up on his desk are few and far between. However, prior to the ordinance, that was not the case.

Archie Lawrence, President of the NAACP, 316 S. 14th, Springfield, IL, addressed the Council. He stated he is here because the ordinance currently on the books is reasonable. It has progressive steps and it's been effective. He stated he believes the proposed ordinance could lead to racial profiling. The issue is the noise – the volume. He stated currently there is no way to determine 75 feet. There is an enforcement problem. He stated Chief Settingsgaard did not state that when cases go to court, many of those cases have been thrown out because it is difficult to enforce. With the progressive fines in place here, the evidence would tend to shift toward the City. With a tow on the first offense, this could lead to racial profiling. He stated when a car is towed on the first offense, the city may be towing a car that does not belong to the driver. It may be the parent's car. Now you have affected someone else and maybe prohibit them from getting to work. He stated the NAACP feels this is a waste of police resources. Use the ordinance we have and enforce it. Whatever the council does, it should be just and fair.

Christopher Riess, 229 W. Allen Street, Springfield, IL., addressed the Council. He provided a written statement and it is included by reference in these minutes. He spoke in favor of the ordinance.

Bill Castor, President of the Vinegar Hill Neighborhood Association and member of ICON (Inner City Older Neighborhoods Association), Springfield, IL., addressed the Council. He spoke in favor of the ordinance. He stated that the vast majority of members of ICON support the ordinances. He asked for a yes vote from the Council.

Ryne Goodrich, 1324 Holmes, Springfield, IL., addressed the Council. He spoke against the ordinance. He questioned the 3800 calls for service which Commander Markovic referenced in statements made to the committee of the whole last week. How many are noise? Neighbors? How many are repeat calls? In Peoria, are they issuing warnings? If so, how many? He asked how much money has been spent promoting the current law. He has heard that the new law will go into effect September 1st which skips the entire summer. He asked why not promote the current law through the summer.

Also, Mr. Goodrich asked why is it so difficult to track and collect the fines. He stated if the rule is 75 feet – it's 75 feet. He stated Ald. Mahoney was quoted as saying we're talking about situations where you can hear (the noise) a block away. You can hear it booming. It proves that music over 75 feet is subject to serious consequences. He questioned how you could know what 75 feet is. He stated there are a lot of vehicles that you can hear at 75 feet. He stated the council is only looking at one piece of the pie – the rap music. But there are buses, motorcycles, lawnmowers, leaf blowers, construction workers, dogs, neighbors, ice cream trucks, etc. This ordinance only addresses one piece of the pie.

Mr. Goodrich stated there is a lack of dialogue on this issue. This is a waste of tax dollars. He cautioned the council on what groups are profiled next because they might be in the next one.

James Jones, 1816 Albers Street, Springfield, IL., addressed the Council. He spoke against the ordinance. He is a life long resident of Springfield and a parent. Taking one's car because of the music being played is not fair. He stated there are different ways to solving this problem. A majority of the residents on the east side of Springfield live at, or below, the poverty level. How would someone get their car out of the impound who is living in poverty. He suggested that if you don't want to hear the music, make it illegal to buy the music. He also stated this will affect the African Americans more than any other group. He stated that Ald. Simpson is his alderman and she is going to vote for this ordinance. He opposes the ordinance and he wants a fair shake. Music is one of his favorite things.

Jose Luciano, 606 So. Walnut, Spfld, Il., addressed the council. He is a business owner installing car audio systems. This not only affects individuals, but business owners, too. He moved here from New York to begin his business and now this ordinance will negatively affect that business. Even cars with standard car audio systems have the ability to play loudly. This ordinance will impact his ability to support his family. This ordinance attacks a group of people and is not fair.

Pat Grady, Springfield, Il, addressed the council. She supports the ordinance. She stated when someone is playing loud music, drivers cannot hear emergency vehicles. This is a safety issue as well. She emailed the aldermen her statements and hoped they all received them. She stated that driving down the street, you can feel the vibration. She stated she hoped the aldermen were voting for their community.

Allen Perry, 2100 Claremont, Springfield, IL., addressed the council. He stated he does not like loud music in cars – it annoys him. He opposes the ordinance because freedom isn't always convenient. He respects an individual's right to choose what type of music they listen to. He supports someone's right to play loud music. He stated the ordinance is draconian because it seizes personal property. This ordinance infringes on an individual's freedom. He supports an individual's rights. He thinks this ordinance goes too far.

Ald. Mahoney stated he appreciated Peoria Police Chief Settingsgaard coming to Springfield and explaining how Peoria has overcome the issue. He stated he would appreciate everyone's vote on this ordinance.

The motion to place 2010-161 on final passage failed 4/5. Ald. Simpson, Cahnman, Mahoney, and Cimarossa voted yes. Ald. Edwards, Lesko, Theilen, Dove and Griffin voted no.

Ald. Dove made a motion to reconsider. Ald. Theilen seconded. The motion carried 9/0 via voice vote.

Ald. Dove made a motion to Amend 2010-161. Ald. Theilen seconded. The language in ordinance would change to allow for towing on the second offense. The fines would remain the same as they are currently - \$250 - \$500 - \$750. Also, the language changes from 12 months to 24 months.

The motion to amend carried 9/0 via voice vote.

The Motion, as amended, carried 6/3. Ald. Simpson, Lesko, Cahnman, Cimarossa, Theilen, and Dove voted yes. Ald. Edwards, Mahoney and Griffin voted no.

Ald. Simpson asked that her vote on 2010-148, “An Ordinance Authorizing An Increase In The Number Of Class “B” Liquor Licenses By One For Anna’s Place, Inc. D/B/A North Grand Liquor, 100 North Grand Avenue, be changed to reflect a “no” vote. Ald. Cimarossa asked that her vote be changed to no as well. The final vote on 2010-148 will reflect 1/8. Ald. Edwards voted yes. Ald. Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove and Griffin voted no.

The next item on the Agenda was Agenda No. 2010-160, “An Ordinance Amending Chapter 76, Section 76.44 Of The 1988 City Of Springfield Code of Ordinances, As Amended, to Provide for the Impoundment of Vehicles and Assessment of Costs Upon the Commission Of Delineated Offenses.” Ald. Simpson moved to place 2010-160 on final passage. Ald. Cahnman seconded. The motion failed 4/5. CC Johnson stated that possession of cannabis in small amounts is a misdemeanor under state law. Only larger amounts qualify for felony charges. Under the city code and if the charges are written pursuant to the Cannabis Control Act, the vehicle could be towed. Ald. Griffin stated that is his concern here. If 2 people get pulled over, one guy will get a ticket and one guy will get a ticket and get his car towed at the discretion of the officer. CC Johnson stated that is the case now. Regardless of whether it’s written a city code violation or state offense – both would be eligible for a tow. Currently, the fine is \$125 and this would bump it up to \$500.

Ald. Edwards stated that is the crux of this ordinance – the fine – the revenue. Ald. Theilen stated we also added a list of violations and impounding. Ald. Edwards stated you could impound the vehicle under state law prior to this ordinance.

Mayor Davlin stated impounding vehicles was typically not done. CC Johnson stated there are few state offenses that require a mandatory tow. The majority of the offenses here do not require a mandatory tow.

The motion on final passage carried 8/1. Ald. Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove and Griffin voted yet. Ald. Edwards vote no.

The Next Item On The Agenda was No. 2010-193, “An Ordinance Authorizing Additional Funding In The Amount Of \$100,000.00 For The Inspection And Repair Of Two City Of Springfield Substation Transformers (Westchester And Retired Franklin Park Substation) With Jordan Transformers, LLC, For A Total Amount Payable Of \$400,000.00 To Said Vendor, For Emergency Passage.” The Ald. Simpson moved to place Agenda No. 2010-193 On Emergency Passage. Ald. Lesko seconded. The motion carried 10/0. Ald. Edwards, Simpson, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin and Mayor Davlin voted yes.

Ald. Simpson moved to suspend the rules and place on first reading Agenda No. 2010-210, “An Ordinance Authorizing The Execution Of An Intergovernmental Agreement With The Curran-Gardner Townships Public Water District Regarding Water Service.” Ald. Lesko seconded. The motion carried 9/0 via voice vote.

Ald. Simpson moved to suspend the rules and place on first reading Agenda No 2010-211, “An Ordinance Authorizing The Establishment Of A Qualified Reserve Account Instrument In An Amount Not To Exceed \$22,000,000.00 For The Electric Revenue Bond Senior Lien Debt Service Reserve Account For The City Of Springfield, Illinois, Office Of Public Utilities Electric Fund.” Ald. Cimarossa seconded. The motion carried 9/0 via voice vote.

Ald. Simpson moved to suspend the rules and place on first reading Agenda No 2010-212, “An Ordinance Accepting Bids And Authorizing The Execution Of Contract Ue10-10-68 – Dallman Unit 33 Flue Gas Desulphurization System Upgrade General Construction With Mc Industrial, Inc. In A Total Amount Not To Exceed \$18,562,905.00 For The Office Of Public Utilities.” Ald. Lesko seconded. The motion carried 9/0 via voice vote.

Ald. Simpson moved to suspend the rules and place on first reading Agenda No 2010-213, “An Ordinance Amending Chapter 131, Section 131.07(A) Of The 1988 City Of Springfield Code Of Ordinances, As Amended, By Adding The Offense Of Possession Of A Synthetic Form Of Cannabis Commonly Known As K2.” Ald. Cimarossa seconded. The motion carried 10/0 via voice vote.

Ald. Cimarossa stated that she believed what happened tonight was kind of sad because there has been a lot of confusion about the noise ordinance. This was not about the kind of music being played. She stated this boils down to a lack of respect for others.

Ald. Theilen stated that he believes the Council was attempting to deter the noise and not simply punishing people.

Stephen Riley, 203 E. Jackson, Chicago, Il., addressed the Council. He is Chairman of the Board of Omnibus Educational Management. He provided a collage for the aldermen to review. He reminded the council that 42 years ago last month Dr. Martin Luther King was assassinated and 46 years ago this coming November, Pres. John F. Kennedy was assassinated. They were his boyhood heroes. He stated that he is working as a PE teacher and computer technician at District 186. He stated he has fulfilled his desire to return to the classroom. He stated he will be interviewing Mayor Davlin over the coming weeks and will contact the aldermen as well.

Ald. Simpson moved to adjourn the meeting at 7:00 p.m. Ald. Cimarossa Seconded. The Motion Carried 9/0 via voice vote.

Cecilia K. Tumulty

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