

**Minutes of Springfield City
Council Meeting
Tuesday, October 19, 2010
City Council Chambers**

PRE-COUNCIL SESSION

City Clerk Cecilia Tumulty called the Pre Council Session of the Springfield City Council to Order at 5:05 p.m., October 19, 2010, in the Council Chambers of the Municipal Center West.

Clerk Tumulty read the following **Ordinances and/or Resolutions on Emergency Passage** into the record of this Council meeting.

2010-385 An Ordinance Authorizing Payment In An Amount Not To Exceed \$75,920.00 To The Sangamon County Board Of Health For Animal Control Services, **For Emergency Passage (Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-386 An Ordinance Authorizing The Execution Of Contract Number Pw 11-07-40 With Siciliano Inc For Old State Capitol Underground Parking Garage Tunnel Repairs In An Amount Not To Exceed \$430,254.00 For The Office Of Public Works, **For Emergency Passage (Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-387 An Ordinance Accepting The Lowest Evaluated Bid And Authorizing Execution Of Contract Number Pw 11-09-64 With Otto Baum Company, Inc. For The 2010 Residential Sidewalk Program In An Amount Not To Exceed \$689,911.00, For The Office Of Public Works, **For Emergency Passage (Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

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.

2010-388 An Ordinance Amending Chapter 31, Section 31.34, Pertaining To Requirements For Primary Elections **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-389 An Ordinance Approving An Amended Professional Management Compensation Plan For Non-Exempt, Non-Union Employees Pursuant To Section 36.42 Of The 1988 City Of Springfield Code Of Ordinances, As Amended **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-390 An Ordinance Authorizing Settlement Of U.S. District Court Case No. 08-Cv-3071, *John D. Fleck V. J. Zeid Langan And Ryan Irwin* **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-391 An Ordinance Approving The Appointment Of Anthony D. Schuering To The Lincoln Library Board Of Trustees **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-392 An Ordinance Approving The Appointment Of Kathleen E. Spindell To The Historic Sites Commission **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

- 2010-393** An Ordinance Approving The Appointment Of Heather Easley To The Police Community Review Commission **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**
- 2010-394** An Ordinance Authorizing Payment To Garland Akers, A Former Temporary Office Of Public Utilities Employee, For Settlement Of A Workers Compensation Claim For Case Number 10-Wc-7064 **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**
- 2010-395** An Ordinance Approving And Authorizing The Execution Of A Proposal With Ceram Environmental, Inc. In The Amount Of \$590,000.00 For The Purchase And Delivery Of 53 Replacement Catalyst Module Sets For The Dallman Power Plant Unit No. 33 Selective Catalytic Reduction (SCR) System For The Electric Generation Department **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**
- 2010-396** An Ordinance Approving And Authorizing Execution Of A Machinery Health Management Contract Services Proposal With Emerson Process Management LLP In The Amount \$62,813.00 For Power Generation Equipment Vibration Analysis And Reporting For A Three-Year Term For The Electric Division **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**
- 2010-397** An Ordinance Accepting A Proposal With And Authorizing Payment To TRC Engineers, Inc. In An Amount Not To Exceed \$73,000.00 For The Performance Of Dynamic Data Review And Simulation Studies For The Electric Division **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**
- 2010-398** An Ordinance Approving And Authorizing The Execution Of A Memorandum Of Agreement Between The United States Army Corps Of Engineers And The Illinois State Historic Preservation Agency Regarding The Demolition Of Several Buildings For The Electric Division Water Works Improvement Project **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**
- 2010-399** An Ordinance Authorizing The Execution Of A Professional Services Agreement With Hanson Professional Services Inc., For Engineering Services For The Municipal Parking Garage Façade Replacement At 7th And Monroe Streets In An Amount Not To Exceed \$287,000.00, For The Office Of Public Works **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**
- 2010-400** An Ordinance To Decrease The Number Of Class F Liquor Licenses By One For Club Secrets Inc., 620 S. 1st Street **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**
- 2010-401** A Resolution Providing Public Notice Of Regular Meetings Of The Council Of The City Of Springfield, Illinois, For The 2011 Calendar Year, As Amended **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**
- 2010-402** An Ordinance Establishing The Holidays For The City Of Springfield For The Calendar Year 2011 **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**
- 2010-403** An Ordinance Approving A Four-Way Stop Intersection At Yale Boulevard And Wellesley Avenue **(Requested By Ald. Mahoney) (Committee Of The Whole)**

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

2010-369 An Ordinance Authorizing Payment To Richard D. Hill, A Former Office Of Public Utilities Employee, For Settlement Of A Workers Compensation Claim For Case Number 08-Wc-005955 (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-370 An Ordinance Authorizing A Transfer Of Funds From One Budget Line To Another Within The Same Fund In The Amount Of \$300,000.00 For The Office Of Public Works (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-371 An Ordinance Authorizing Acceptance And Execution Of A Grant From The Illinois Department Of Transportation In The Amount Of \$179,532.00 For The Local Alcohol Program And Authorizing A Supplemental Appropriation In The Amount Of \$72,358.00 For The Springfield Police Department (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-372 An Ordinance Accepting Bids And Authorizing The Execution Of Contract Ue11-08-53 – Three Material Handling Double Bucket Trucks (Hybrid) With Dueco, Inc. In The Amount Of \$777,137.00 For The Electric Division (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-373 An Ordinance Accepting A Quotation With And Authorizing Payment To Kestrel Power Engineering LLC, In An Amount Not To Exceed \$150,000.00 For The Performance Of A Study Pertaining To Verification Of Models And Data For Generator Excitation System Functions For The Electric Division (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-374 An Ordinance Approving And Authorizing The Execution Of A Telecommunications Contract Service Agreement Between The City Of Springfield And Springfield Clinic LLP. (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-375 An Ordinance Amending Ordinance 424-7-73 To Correct The Legal Description For Vacation Of A Portion Of Eighth Street And Four Alleys Between Washington And Adams Streets (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-376 An Ordinance Authorizing The Execution Of A Yard Waste Collection Service Agreement With Lake Area Disposal Service, Inc., Waste Management Of Illinois, Inc., Illini Disposal, Inc., And Allied Waste Transportation, Inc., To Furnish Services Of Collection And Disposal Of Yard Waste Within The City And Lands Owned By The City In An Estimated Amount Not To Exceed \$150,000.00 Based On \$27.00 Per Cubic Yard Of Yard Waste Collected, For The Office Of Public Works (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-379 An Ordinance To Decrease The Number Of Class D Liquor Licenses By One For Thanom Enterprises, Inc. D/B/A Tokyo Of Japan And Increase The Number Of Class D Liquor Licenses By One For Nineputt, Inc. D/B/A Buffalo Wild Wings (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-381 An Ordinance Authorizing Execution Of Change Order No. 1 With Siciliano Inc And Authorizing Additional Payment In The Amount Of \$16,796.00 For A Total Not To Exceed \$124,796.00 Under Contract No. Ed09-05-32 For Renovations At 1100 South Grand Avenue East, For

The Office Of Planning And Economic Development (**Requested By Mayor Timothy J. Davlin**)
(**Committee Of The Whole**)

2010-382 An Ordinance Authorizing Execution Of Subrecipient Agreement 09-Sr-0011 With The Parent Place, Inc. For Lead-Based Paint Mitigation And Abatement Of City Code Violations At Its Facility Located At 314 South Grand Avenue West Utilizing The City's Community Development Block Grant Funds In An Amount Not To Exceed \$115,974.00, For The Office Of Planning And Economic Development (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-383 An Ordinance Declaring 18 Unclaimed Bicycles Being Held In The Springfield Police Department's Evidence Room To Be Surplus Property And Authorizing The Springfield Police Department To Donate Said Bicycles To The Capital Area Career Center (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-384 An Ordinance Authorizing Execution Of A Settlement Agreement For United States District Court Case No. 06-3283, *Linda Goetz V. City Of Springfield, Et. Al.* (**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 meeting to order at 5:30 p.m. All were invited to rise and join Boy Scout Troop 2 from Christ the King for the Pledge of Allegiance.

Clerk Tumulty 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 and Mayor Davlin .

ABSENT: None

Mayor Davlin congratulated Ald. Mahoney and his wife, Grainne, on the birth of their daughter, Orlaith Elizabeth Mahoney, last Friday. Mother and Daughter are doing fine. Mayor Davlin asked for a moment of silence to remember former Public Works Commissioner Pat Ward who passed away.

ZONING PETITIONS

Ald. Theilen moved to suspend the rules and take out of order docket number 2010-065, for the property located at 614 North 6th Street. Ald. Lesko seconded. The motion carried 10/0 via voice vote.

Mayor Davlin announced that 2010-063 will likely be continued until next month.

The first item on the agenda was docket number 2010-065 for the property located at 614 North 6th Street.

PETITIONER(S): Cazador Group, LLC.

PRESENT ZONING CLASSIFICATION: R-5(b), General Residence and Office District (old ordinance).

REQUESTED ZONING RELIEF: Reclassification to S-2, Community Shopping and Office District, Section 155.031.

STAFF RECOMMENDATION: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Denial of the petition as submitted, but recommend approval of reclassification to OFF District with a Use Variance for a medical book store.

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

Ald. Theilen moved to continue docket number 2010-063 until November 16, 2010. Ald. Lesko seconded. The motion carried 10/0 via voice vote.

The next item on the agenda was docket number 2010-037 for the property located at the 1137-1139 North MacArthur.

PETITIONER(S): Brewer Properties, LLC

PRESENT ZONING CLASSIFICATION: I-1, Light Industrial District.

REQUESTED ZONING RELIEF: A Use Variance to allow the South building to be used as a personal trainer gym and a Variance of Section 155.114(b), Regulations for the location of off-street parking facilities, and Section 155.090, required number of parking spaces, to the degree that the North and South buildings can be occupied simultaneously with the current number of parking spaces while being used as a music school or personal trainer gym.

STAFF RECOMMENDATION IS: Approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION IS:
Approval as submitted.

Ald. Cahnman moved to accept the Planning and Zoning Commission's recommendation. Ald. Griffin seconded.

Gail Wyscoff, 1133 North MacArthur, Spfld, Il., addressed the Council. She stated that she was here last month and testified before the council. Ms. Wyscoff stated the owners were instructed to do something about the noise coming from the house. She stated they haven't done anything and she has

noticed the windows in her home shake. She stated the noise is not constant but when the patrons come to work out, the noise is audible.

Greg Brewer, property owner, addressed the Council. He stated he leases the building to TC Roesch. He stated the source of the noise Ms. Wyscoff complains about is not identifiable. He stated Mr. Roesch has increased the floor mats under the dumbbells that are used. Some of the equipment has been moved away from the wall. He stated he could provide a statement from Jeff Carter, owner Carter Brother's Lumber. The statement indicates that in his professional opinion there is no way noise could be heard through 12 inches of block, and bricks. Mr. Roesch has operated his business for 18 years on a 24/7 basis. The principal users of the gym are police officers coming off duty and hospital workers coming off duty.

Ald. Cahnman asked if Mr. Brewer knew how many people were coming and going from the facility between 10 p.m and 5 a.m. Mr. Brewer stated that according to Mr. Roesch, there are 5 people per week. Ald. Cahnman stated he had asked the police department for information on the number of calls for service to this address. From January 1, 2009, to date there was only 8 calls for service and only 1 for noise. Ald. Cahnman stated he questioned neighbors and those people he spoke with had no objection to the gym. He stated he was going to vote for this request.

Ms. Wyscoff stated that she came to Springfield 10 years ago and was able to purchase her home with CBDG monies. She asked why was it that she was unable to sleep in her own home.

Ald. Edwards asked Mr. Brewer to clarify the thickness of the rubber mats under the equipment.

Ald. Simpson asked if the windows were open when the patrons were working out. Mr. Brewer stated the windows remain closed.

The motion carried 7/3. Ald. Simpson , Ald. Kunz , Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin voted yes. Ald. Edwards , Ald. Lesko , and Ald. Theilen voted no.

The next item on the agenda was docket number 2010-051 for the property located at 2300 South MacArthur Blvd.

PETITIONER(S): Lonnie H. Messervy & Brandon Bouthot

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

REQUESTED ZONING RELIEF: Variance of Section 155.300(c)(9), General Sign Regulations, to allow display of a sky puppet, Monday through Saturday, 9:00am through 6:30pm.

STAFF RECOMMENDATION: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Denial as submitted.

Ald. Cimarossa moved to continue the petition until November 16, 2010. Ald. Cahnman seconded. The motion carried via voice vote.

The next item on the agenda was docket number 2010-056 for the property located at 3051 Wabash Avenue.

PETITIONER(S): Charles Robbins Realtors

PRESENT ZONING CLASSIFICATION: B-2, Highway Business Service District.

REQUESTED ZONING RELIEF: Variance of Section 155.321(c), Non-illuminated signs, to allow an additional 550 square feet of building signage for a total of 1000 square feet, for as long as the property is used for its current use.

STAFF RECOMMENDATION: Approval.

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

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

The next item on the agenda was docket number 2010-058 for the property located at 501-509 West Miller and 713 North Bond Street.

PETITIONER(S): Memorial Health Systems.

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

REQUESTED ZONING RELIEF: Reclassification to B-1, Highway Business Service District, Section 155.033 and pursuant to Section 155.212, Variances of Sections 155.063, required yards for lots adjoining residential districts, to allow the side yard along the West line of the property to be 10 feet instead of 20 feet and a rear yard setback of 10 feet instead of 25 feet and Section 155.480(i), Transitional Buffer Yard Requirements and Landscaping, to reduce the TBY along the rear yard from 10 feet to 0 feet and to allow a driveway through the TBY along the North side (the rear).

STAFF RECOMMENDATION: Deny in part and approve in part.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Denial of the petition as submitted, but recommend approval of Reclassification to OFF District with a Use Variance to build a warehouse allowing inside storage for grounds keeping, landscaping and maintenance equipment and supplies with setbacks of 25 feet on Miller Street side, 10 feet on the West side, 12 ½ feet on Bond Street side and 10 feet on the North side (rear side) and a Variance of Section 155.480(i), Transitional Buffer Yard Requirements and Landscaping to allow a driveway through the TBY along the North side (the rear), subject to the concerns of the City Traffic Engineer.

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

The next item on the agenda was docket number 2010-059 for the property located at 3613 North Grand Avenue East.

PETITIONER(S): Charles and Barbara Young

PRESENT ZONING CLASSIFICATION: R-1, Single-Family Residence District, with a Use Variance for an auto body shop.

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

STAFF RECOMMENDATION IS: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION IS:

Denial of the petition as submitted, but recommend approval of a Use Variance to allow the inside storage of business related equipment with an office for a sound system and equipment sales and rental company.

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

The next item on the agenda was docket number 2010-060 for the property located at 108 West Jefferson.

PETITIONER(S): Michael L. Hart

PRESENT ZONING CLASSIFICATION: B-2, General Business Service District.

REQUESTED ZONING RELIEF: Reclassification to B-1, Highway Business Service District, Section 155.033 with a Variance of Section 155.324, Projecting signs.

STAFF RECOMMENDATION IS: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION IS:

Denial of the petition as submitted, but recommend approval of a Use Variance for all the uses permitted in the B-1 District.

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

The next item on the agenda was docket number 2010-062 for the property located at 2001 West Wabash.

PETITIONER(S): Land of Lincoln Goodwill Industries, Inc.

PRESENT ZONING CLASSIFICATION: R-1, Single Family Residence District with Court ordered S-2, Community Shopping and Office uses.

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

STAFF RECOMMENDATION: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Denial of the petition as submitted, but recommends approval of a Use Variance for a drive-up window for a coffee shop and an area to accommodate food and beverage preparation, subject to the traffic engineer's comments.

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

The next item on the agenda was docket number 2010-063 for the property located at 3089 Old Jacksonville Road.

PETITIONER(S): OJCC Realty LLC.

PRESENT ZONING CLASSIFICATION: OFF, Office District.

REQUESTED ZONING RELIEF, as amended: Variance of Sections 155.020(a), Regulations of the OFF, Office District (Maximum square footage), to allow a building with a maximum of 55,000 square feet.

STAFF RECOMMENDATION IS: Approval.

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

Ald. Theilen moved to continue the petition until November 16, 2010. Ald. Mahoney seconded. The motion carried via voice vote.

The next item on the agenda was docket number 2010-064 for the property located at 2125 Woodside Road.

PETITIONER(S): Cherry Hills Baptist Church, an Illinois Religious Corporation.

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

REQUESTED ZONING RELIEF: Variance of the sign regulations for R-1, to allow the sign regulations for S-2 (155.320 through 155.325) to apply to the property. Also, a variance of Section 155.321(a), to allow a maximum of 320 square feet of ground signage.

STAFF RECOMMENDATION: Approval.

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

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

The final item on the agenda was docket number 2010-066 for the property located at 1800 South 4th Street.

PETITIONER(S): Nicholas R. and Christina R. Barnett.

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

REQUESTED ZONING RELIEF: Variance of Section 155.068, Garages or accessory buildings or structures, to allow construction of a new garage 6 inches from the East property line.

STAFF RECOMMENDATION: Approval.

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

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

REGULAR MEETING

Treasurer Langfelder was recognized for the Monthly Treasurer's Report. He indicated the Corporate Fund balance at the end of September, 2010, was \$4,345,889.00. Ald. Simpson Moved to Approve the Treasurer's Report. Ald. Cimarossa 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 October 5, 2010, City Council meeting. 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. Lesko 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. The motion carried 10/0. Ald. Edwards , Simpson , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , Dove , and Griffin voted yes. Ald. Kunz was not present in the Council Chamber. Ald. Cimarossa stated she wished to be recorded as voting present on 2010-384.

Agenda Numbers 2008-337, 2009-387, 2009-582, 2010-001, 2010-048, 2010-131, 2010-158, 2010-284, and 2010-380 Remain Tabled or In Committee.

The next item on the Agenda was Agenda No. 2010-377, An Ordinance Authorizing the Execution of an Annexation Agreement for the Property Located at 500 Toronto Road. Ald. Simpson moved to recess the regular meeting of the City Council to hold a public hearing to consider Agenda No. 2010-377. Ald. Cimarossa seconded. The motion carried 10/0 via voice vote.

A Public Hearing was convened.

Kim Curry, 23 Fairview Lane, Springfield, IL. addressed the council. She stated she was here with her neighbors. She stated she wanted to remind the Council there was a signed document that remained in effect no matter the type of development that occurred on this property. This information should be included in the annexation of this property. That said, she said she is quite relieved to see the Total Eclipse property demolished. She stated that most of the neighbors welcome Road Ranger and look forward to working with them and being good neighbors. She reminded the council there are many residences that are in close proximity to this development. Those properties are on wells for their water source. Hicks Gas, behind the old Stuckey's, is on well water. She stated hundreds of cars and trucks will be filling up at this location and even small amounts of gasoline can be harmful to the water supply. She cited the nearby farm ground that was also in close proximity to this location. Finally, she advised the Council of the need for traffic signals at Canadian Cross and Toronto Road. She stated there is a large amount of traffic and especially young drivers commuting to the nearby colleges and

high schools. None of these drivers would be older than 21 and, most of them, quite younger. She urged the City to put traffic signals at this location.

Ald. Simpson moved to adjourn the public hearing and reconvene the City Council meeting. Ald. Cimarossa seconded. The motion carried 10/0 via voice vote.

Ald. Simpson moved to placed Agenda No. 2010-377 on Final Passage. Ald. Griffin seconded. Ald. Edwards stated he believed the agreement Ms. Curry cited was still in effect. Hopefully, this is all still there. The motion carried 11/0. Ald. Edwards , Ald. Simpson , Ald. Kunz Ald. Lesko, Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin and Mayor Davlin voted yes.

The next item on the Agenda was Agenda No. 2010-378, An Ordinance Annexing Certain Described Real Property Located at 500 Toronto Road. Ald. Simpson moved to place 2010-378 on Final Passage. Ald. Griffin seconded. The motion carried 10/0. Ald. Edwards , Ald. Simpson , Ald. Kunz Ald. Lesko, Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin voted yes.

The next item on the Agenda was Agenda No. 2010-385, An Ordinance Authorizing Payment in an Amount Not to exceed \$75,920.00 To the Sangamon County Board of Health for Animal Control Services, For Emergency Passage. Ald. Simpson moved to placed 2010-385 on Emergency Passage. Ald. Griffin Seconded. The motion carried 11/0. Ald. Edwards , Ald. Simpson , Ald. Kunz Ald. Lesko, Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin and Mayor Davlin voted yes

The next item on the Agenda was Agenda No. 2010-386, An Ordinance Authorizing the Execution of Contract Number Pw 11-07-40 With Siciliano Inc For Old State Capitol Underground Parking Garage Tunnel Repairs In An Amount Not To Exceed \$430,254.00 For The Office Of Public Works, For Emergency Passage. Ald. Simpson moved to placed 2010-386 on Emergency Passage. Ald. Kunz Seconded. Ald. Cahnman asked Dir. Farmer how much money would be left in the downtown TIF fund after this payment of funds. Farmer stated approximately \$4.5 million dollars. The motion carried 11/0. Ald. Edwards , Ald. Simpson , Ald. Kunz Ald. Lesko, Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin and Mayor Davlin voted yes

The next item on the Agenda was Agenda No. 2010-387, An Ordinance Accepting the Lowest Evaluated Bid and Authorizing Execution of Contract Number PW 11-09-64 With Otto Baum Company, Inc. For The 2010 Residential Sidewalk Program In An Amount Not To Exceed \$689,911.00, For The Office Of Public Works, For Emergency Passage. Ald. Simpson moved to placed 2010-387 on Emergency Passage. Ald. Kunz Seconded. The motion carried 11/0. Ald. Edwards , Ald. Simpson , Ald. Kunz Ald. Lesko, Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin and Mayor Davlin voted yes

Ald. Simpson moved to suspend the rules and place on first reading Agenda No. 2010-404, An Ordinance Amending Chapter 110, Section 110.329, of the 1988 city of Springfield Code of Ordinances, As Amended, to Prohibit the Sale of Electronic Cigarettes to Persons Under 18 Years of Age. Ald. Cahnman seconded. The motion carried 10/0 via voice vote.

Ms. Vivian Williams, 2203 W. Iles, Springfield, IL, addressed the Council. She stated she resides in Ward 7 and has lived in Springfield for the last 25 years. She stated she has been proud to live here and has comfortably raised 3 daughters here. However, this weekend, she discovered something that was disgusting, appalling and disrespectful. Her emotions ran the gamut. She stated she emailed all of the aldermen and the Mayor. She thanked Mayor Davlin for calling her. The property is located at 2500 W. Lawrence. She stated the property has a lot of Halloween decorations. She stated there was an effigy of a Black man with his legs bound, hanging by a noose. Another effigy was of Caucasian descent. She could not tell if it was a man or woman because the head was covered by a black hood and sitting in an electric chair. The hands on the effigy were not dark brown or black so she assumed it was a white person.

She stated she understood First Amendment Rights. She stated there has to be a limit somewhere. She is angry. She stated we have failed the citizens of Springfield in educating them to be sensitive to people who are different from us. We cannot say it's simply the Halloween Spirit. What's next? Obviously, it's the decoration of the day. There is another such display at Douglas and Monroe. When will it end?

Ms. Williams stated she began graduate studies last year. One of the projects she had to do was to speak to a senior citizen who had grown up in the civil rights era. Ms. Williams stated her mother is 83 and grew up in Alabama. Initially, she was reluctant to talk about it. Her younger sister, age 75, was vocal about what had taken place. They had seen a body that had been lynched near the woods by their home. Ms. Williams' grandfather helped remove the body, bound and gagged, from a tree. Ms. Williams stated if her mother had come here to visit and they happened to drive by West Lawrence, she shuttered to think how her mother would have responded.

She does not expect the Council to fully understand how she feels. Perhaps Ald. Simpson knows. The rest of the council does not have that background to fully understand. She stated that we need to be sensitive to the African American community. She stated we have all failed in not educating the people of this town to be more sensitive. The NAACP was formed following the race riots here in Springfield.

Ms. Williams stated she would like to have the effigies removed immediately. She stated she drove by West Lawrence and Douglas and Monroe and the effigies remain. She understands freedom of speech. There comes a point where you cannot say you are invoking your first amendment rights and then be cruel to someone who is being affected by it. We cannot sit by. She stated she expects the City Council to make a statement on this matter. She stated the City of Pekin has a sign that says, "Not in our Town." She hoped Springfield would do the same.

Archie Lawrence, President of the NAACP, Springfield branch, 2421 Wimbledon Place, Springfield. He urged the City Council to pass a resolution condemning such action. A decoration of this type is reprehensible and incites racial hatred and unrest. The city has tried to pride itself on being a friendly town. Yet, if we allow this to go on, all the work that has been done will be undone. More importantly, no black person in this town or who comes to this community, will not feel welcome if we allow this type of action to occur. It is no fun at Halloween or otherwise, to put such statements out there for everyone to see. He urged the council to pass a resolution condemning such action.

TC Christian, Jr., publisher of the Pure News newspaper, stated he had driven by the property. He stated the property owner is Josh Witkowski, 2500 W. Lawrence. He stated he stopped and spoke with

the owner. Mr. Christian stated he was told by Mr. Witkowski that the “effigy” was a ghoul for Halloween . However, Mr. Christian stated it was a black man hanging and swinging. He stated we all felt, Ms. Williams, Mr. Lawrence and himself, that the appropriate action was to remove it. Mr. Christian stated that he thought a previous type of incident took place a few years ago and he thought there was a resolution in place. He stated he thought we had been here before. He passed out photos to the council. According to the property owner, he had spoken with Ms. Simpson on the phone and he was willing to sit down and talk.

Mr. Christian stated that he and others interpret this as a racist act. They were asking for the Council’s guidance and participation to resolve the issue.

Josh Witkowski, 2500 W. Lawrence, Springfield, IL. He stated he was advised at 1:00 this afternoon by the Office of Community Relations that there were concerns about the display in his year. This is the 4th year for the display. There is a new mask on the ghoulie this year. It was erected in the old west theme with gallows, western attire, cowboy boots, etc. He stated he has hundreds of kids who come to the house each year. His neighbors, Caucasian and African American, had not expressed any concern over the display. In fact, he stated one of his neighbors, who are African American, assisted in putting the display up. Mr. Witkowski stated that when the Office of Community Relations contacted him, he said let’s sit down and figure this out. The last thing we need is sensationalism driving apart the different races in this town. He stated all parties agreed to have a meeting on Thursday and address everyone’s concerns. He finds it interesting that the issue was brought to the council after an agreement had been made to meet. The parties who want to argue and make this a big public outcry when he’s doing what he can to address the concerns aren’t doing what is best for the City. He wants to work things out. He’s done this display for many years. He looks forward to working it out.

Mayor Davlin stated he has had a number of calls at the Mayor’s office. There were no racial overtones. A lot of families in this City have suffered due to family members committing suicide by hanging. They are offended by that as much as the racial overtone that is referred to here tonight.

Mr. Witkowski asked at what point do we stop censoring outdoor displays. It’s Halloween decorations. There is an electric chair next to the gallows. If the death penalty people have a problem with that, does he have to take that down? Mr. Witkowski stated, again, it’s Halloween decorations. They move when someone walks by. He’ll do what he can to alter the mask.

Ald. Simpson stated she had spoken with Mr. Witkowski and surmised that he is a reasonable man. She hoped that his reasonableness would allow him to see this as a very divisive issue. She was unaware of the hanging issue. She knew of families who had lost loved ones by hanging. It’s a sensitive issue. This is one display. She implored him to take it down.

Mr. Witkowski stated that he worried about the precedent that would set.

Ald. Simpson stated she understood. As a member of the community, she hoped he would be more concerned with how it affected people.

Ald. Cahnman stated he believes the only precedent it would set would be that it would show that he (Mr. Witkowski) is a stand up guy and wants to do what is best for his community. He stated he can’t be forced to take the display down based on the content. Based on what is there, there is a first amendment right. However, based on those who had spoken tonight, he was appealing to his good side

and better judgment. Ald. Cahnman alluded to the noose incident at CWLP a few years ago and reminded all how divisive that issue had become. He asked Mr. Witkowski to remove the display.

Mr. Witkowski stated he agrees with the majority of what Ald. Cahnman said, but the incident of one year ago involving the noose at CWLP, was left specifically at the work space of an African American person. This display is a prop that has been up for 6 years at 2 different locations. For 2 years, he put the display up at his home on the east side of town. It's not directed toward anyone. It's something you would see in a haunted house.

Ald. Cimarossa begged Mr. Witkowski to take the display down. She asked where the other display was located. She has had individuals contact her about the display. She also assumed there had been calls for service to the police department by those who may not understand the context of the display. She, again, begged Mr. Witkowski to take it down.

Ald. Simpson moved to adjourn the meeting at 6:18 p.m. Ald. Griffin Seconded. The Motion Carried 10/0 via voice vote.

Cecilia K. Tumulty

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