

**Minutes of Springfield City
Council Meeting
Tuesday, September 21, 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., Tuesday, September 21, 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.

2010-345 An Ordinance Accepting The Low Bid And Authorizing The Execution Of Contract Number PW 10-06-36 With Kinney Contractors, Inc. For The 2010 Concrete Patching Program In An Amount Not To Exceed \$634,609.00 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.

2010-346 An Ordinance To Decrease The Number Of Class F Liquor Licenses By One Due To Relinquishment By Station House, Inc. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-347 An Ordinance Amending Chapter 38, Section 38.03, Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Regarding The Definition Of Public Works And Public Works Contracts **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-348 An Ordinance Approving A Contract With The Curran Fire Protection District For Fire Protection Services Beginning February 1, 2011, Through January 31, 2013 **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-349 An Ordinance Authorizing Termination Of A Redevelopment Agreement Between The Office Of Planning & Economic Development And The Office Of Public Utilities For The Purchase And Installation Of Alley Lighting And Alley Infrastructure Improvements Utilizing Central Area Tax Increment Finance Monies **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-350 An Ordinance Authorizing The Execution Of A Redevelopment Agreement Between The Office Of Planning & Economic Development And The Office Of Public Utilities For The Purchase And Installation Of Street, Pedestrian And Alley Lighting As Well As Alley Infrastructure Improvements Utilizing Central Area Tax Increment Finance Monies In The Amount Of \$1,700,000.00, For The Office Of Planning And Economic Development **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-351 An Ordinance Authorizing Acceptance And Execution Of Economic Development Initiative-Special Project Grant Agreement No. B-10-Sp-II-0148 From The U.S. Department Of Housing And Urban Development To The Springfield Office Of Planning And Economic

Development In The Amount Of \$340,900.00 For East Side Redevelopment (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-352 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$37,892.00 For The Springfield Police Department (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-353 An Ordinance Authorizing Acceptance Of An Additional \$500.00 From The Illinois Department Of Transportation For A Total Amount Of \$180,127.43 For The Local Alcohol Program And Authorizing A Supplemental Appropriation In The Amount Of \$500.00 For The Springfield Police Department (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-354 An Ordinance Accepting And Authorizing Execution Of Community Oriented Policing Services Grant #2010CKWX0271 From The U.S. Department Of Justice, In The Amount Of \$150,000.00, For The Springfield Police Department (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-355 An Ordinance Authorizing Payment To Craig Barber, An Office Of Public Utilities Employee, For Settlement Of A Workers Compensation Claim For Number 07294A139551 (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-356 An Ordinance Authorizing The Execution Of An Annexation Agreement With Scott A. Weyant And Mary J. Weyant For The Property Located At 2426 East Ardmore Avenue (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-357 An Ordinance Authorizing The Execution Of An Annexation Agreement With James M. DeRosa For The Property Located At 2431 East Ardmore Avenue (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-358 An Ordinance Authorizing The Execution Of An Annexation Agreement With James M. DeRosa And Mary Frances DeRosa For The Property Located At 2433 East Ardmore Avenue (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-359 An Ordinance Authorizing The Execution Of An Annexation Agreement With Grace C. Hayes For The Property Located At 2445 East Ardmore Avenue (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-360 An Ordinance Annexing Certain Described Property Located At 2426 Ardmore Avenue (Scott A. Weyant And Mary J. Weyant) (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-361 An Ordinance Annexing Certain Described Property Located At 2431 Ardmore Avenue (James DeRosa) (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-362 An Ordinance Annexing Certain Described Property Located At 2433 Ardmore Avenue (James M. And Mary Frances DeRosa) (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-363 An Ordinance Annexing Certain Described Property Located At 2445 Ardmore Avenue (Ronald And Vernople Castleman And Grace Hayes) **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-364 An Ordinance Amending Ordinance Number 802-11-07 By Authorizing The Director Of The Office Of Community Relations To Assume The Advisory Role For The Homeless Advisory Committee **(Requested By Ald. Cahnman) (Committee Of The Whole)**

2010-365 An Ordinance Amending Chapter 76, Section 76.44, Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Provide For Due Process Regarding The Impoundment Of Vehicles **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-366 An Ordinance Accepting Bids And Authorizing The Execution Of Contract UW11-08-45 – Fluorosilicic Acid With Lucier Chemical Industries, Ltd. In The Amount Of \$112,545.00 for the Water Purification Plant **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

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

2010-326 An Ordinance Authorizing Payment To Kevin Tribbet, An Office Of Public Utilities Employee, For Settlement Of Workers Compensation Claim Number 09294A593643 **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-329 An Ordinance Approving The Reappointments Of Jill N. Steiner And Gerard W. Broeker To The Springfield Disabilities Commission **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-330 An Ordinance Approving The Reappointments Of Nancy Evans And Ron Ladley To The Historic Sites Commission **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-331 An Ordinance Authorizing Additional Funding In An Amount Not To Exceed \$44,212.19 For Repair Of The Dallman Power Plant Unit 33 South Boiler Feed Pump With Flowserve Us Inc. For A Total Amount Payable Of \$164,212.19 To Said Vendor For The City Of Springfield **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-332 An Ordinance Accepting Bids And Authorizing The Execution Of Contract UE11-07-42 – Unit No. 32 Selective Catalytic Reduction System Catalyst Changeout With Enerfab, Inc. In The Total Amount Of \$125,244.00 For The Electric Generation Department **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-333 An Ordinance Authorizing The Execution Of An Agreement And Approving Payment To Group Transportation Services, Inc. In An Amount Not To Exceed \$150,000.00 For Third-Party Freight Transportation Services **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-334 An Ordinance Accepting A Proposal With Jordan Transformer, LLC In The Amount Of \$135,986.00 For Repair Of The Lake Park Transformer No. 1 For The Electric Division **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-335 An Ordinance Approving Payment To Proliance Energy, LLC In An Amount Not To Exceed \$4,000,000.00 For The Purchase Of Natural Gas For The Interstate Combustion Turbine Through Fiscal Year 2012 Under An Existing Contract **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

2010-336 An Ordinance Approving And Authorizing The Execution Of An Agreement For Utility Maintenance And Engineering Services Between The City Of Springfield And The Rural Electric Cooperative Co. **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

2010-337 An Ordinance Approving And Authorizing Execution Of A Residential Lease Agreement With Steven J. Copp And Colleen M. Copp For A One-Year Term For The Administrative Services Division For The City Of Springfield **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

2010-338 An Ordinance Approving The Location And Sketch Map Of The Resurvey Of Lot 228 Of Oak Park, Tenth Addition, For The Office Of Public Works **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

2010-339 An Ordinance Approving The Revised Large Scale Development Of Lewis Memorial Christian Village, For The Office Of Public Works **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

2010-340 An Ordinance Authorizing The Purchase Of Rock Salt From Cargill, Incorporated, Salt Division, Under State Contract PSD 4016218 In An Amount Not To Exceed \$425,460.00 For The Office Of Public Works **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

2010-341 An Ordinance Approving A Four-Way Stop Intersection At 4th And Cedar Streets **(Requested By Ald. Mahoney)** **(Committee Of The Whole)**

2010-342 An Ordinance Amending Chapter 33, Section 33.041, Of The 1988 City Of Springfield, Code Of Ordinances, As Amended, By Changing The Advisory Role For The Distribution Of Voluntary Funds To Support The Homeless From The Director Of The Office Of Planning And Economic Development To The Director Of Community Relations **(Requested By Ald. Cahnman)** **(Committee Of The Whole)**

2010-343 An Ordinance To Decrease The Number Of Class "A" Liquor Licenses By One And Increase The Number Of Class "F" Liquor Licenses By One For Scandals Inc., 126 E. Jefferson Street **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

2010-344 An Ordinance Authorizing Acceptance And Execution Of The 2010 Byrne Justice Assistance Grant (#2010-Dj-Bx-1470) From The U.S. Department Of Justice, Bureau Of Justice Assistance, In The Amount Of \$240,779.00 And Authorizing A Supplemental Appropriation Of The Grant Funds For The Springfield Police Department **(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 for the Pledge of Allegiance.

Clerk Tumulty called the roll of City Council members.

PRESENT: Ald. Edwards , Ald. Simpson , Ald. Lesko , Ald. Cahnman , Ald. Mahoney , Ald. Theilen , Ald. Dove , Ald. Griffin and Mayor Davlin .

ABSENT: Ald. Kunz and Ald. Cimarossa

ZONING PETITIONS

The first item on the agenda was docket number 2010-037 for the property located at 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: Approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval as submitted.

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

Gail Wysockf, 1133 No. MacArthur Blvd., Springfield, Il., addressed the Council. She stated that she objects to the use of the property on a 24 hour basis due to the noise coming from the property. She stated she has photos of the property that show how close her home is to the subject property. She stated there are customers who come to the facility between 1:00 a.m. and 4:00 a.m. and they wake her up. She would like to have the hours of operation limited. Ald. Cahnman asked what she would find acceptable. Ms. Wysockf stated that she believes 5:00 a.m. would be fine and no later than 11:00 p.m. She stated the noise coming from the property is a booming noise.

Greg Brewer, owner of the property addressed the Council. He stated that he does object to limiting the hours. He stated it is a 24 hour personal training gym. He stated the purpose of a 24 hour gym is to be available 24 hours. Many of his customers are police officers and nurses who are working shifts. They like to come to work out either before or after their shift. The nature of the business is to be open 24-7. That is appropriate under the zoning code. He stated there could be a more intense use of the property that are permitted under the zoning code. He stated there were 3 separate meetings on this

petition. The final vote was 8-2 in favor of not limiting operations and to proceed with allowing the petition.

Mayor Davlin asked if there was something he could do to mitigate the noise so the neighbors could sleep. Mr. Brewer stated he has all of the equipment on rubber mats and there is only one machine that could be “clanging” from weights. He has put a sound absorbing panel up to absorb the noise. He stated when the police came to investigate pursuant to Ms. Wyscoff’s complaint, they could not hear anything. He stated it surprises him that she is awakened by the noise as she has stated that her bedroom is on the opposite side of the building. It is 2 solid brick walls between his building and her home.

Ald. Cahnman asked if there is anything Mr. Brewer could do to mitigate the “clanging” sound. Mr. Brewer stated he could request that “bumpers” be installed on the machine.

Ms. Wyscoff stated the noise is not just at night, but during the daytime as well. She understands they are trying to run a business, however, she would like to sleep at night.

Ald. Cahnman stated that if Mr. Brewer installs the bumpers that might mitigate the noise. The council could continue the petition to Oct 19, 2010 and we’ll see how it goes.

Mr. Brewer stated he could get that done in one week.

Ald. Cahnman moved to continue to the matter to the October 19, 2010, Council meeting. Ald. Simpson seconded. The motion passed 8/0 via voice vote.

Mayor Davlin stated he should have noted the first item on the Agenda was to wish his granddaughter, Chloe, a happy 9th birthday.

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. Edwards moved to continue the petition to the October 19, 2010, Council meeting. Ald. Simpson seconded the motion. The motion passed 8/0 via voice vote.

Ald. Lesko stated he would like to wish his son, William, a happy 9th birthday as well.

Mayor Davlin stated we haven't mentioned the Theilens' new addition and congratulated them. Ald. Theilen stated that Joshua Dale weighed in at 7 lbs. 4 oz.

The next item on the agenda was docket number 2010-052 for the property located at the Southeast Corner of Old Jacksonville Road and Rachel Lane.

PETITIONER(S): Wess Property, LP.

PRESENT ZONING CLASSIFICATION: Agricultural (County).

REQUESTED ZONING RELIEF: Reclassification to R-3, General Residence District and S-2, Community Shopping & Office District.

STAFF RECOMMENDATION: Deny in part and approve in part.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Denial of the petition as submitted, but recommends reclassification of the North end of the property to S-1 with a variance to allow a grocery store in excess of thirty thousand square feet, and reclassification of the South end of the property to R-3.

Ald. Griffin moved to accept the Planning and Zoning Commission's recommendation. Ald. Dove Seconded. The motion carried 8/0. Ald. Edwards , Ald. Simpson , Ald. Lesko , Ald. Cahnman , Ald. Mahoney , Ald. Theilen , Ald. Dove , Ald. Griffin

The final item on the agenda was docket number 2010-057.

PETITIONER(S): City of Springfield.

REQUESTED ZONING RELIEF: Amendment of Chapter 155, Section 155.300, to allow outdoor political campaign signs on property with a residential zoning classification or a legal residential use.

STAFF RECOMMENDATION: None needed.

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

Ald. Mahoney moved to accept the Planning and Zoning Commission's recommendation. Ald. Simpson Seconded.

Ald. Edwards asked if this takes it up in square footage. Asst. Corporation Counsel Tracy Pederson stated not necessarily. Campaign signs were considered temporary signs and could only be posted for a certain duration. The Illinois General Assembly passed a bill effective January 1, 2011, that municipalities could not limit campaign signs on residential property, however, we can limit the size. In residential areas, the size is limited to 12 square feet. It defaults to the general bulk regulations for any type of sign in a residential district.

Ald. Edwards stated so if you're in a certain area, you can have more than someone else? CC Johnson stated no – this regulates how long a sign can stay up. Ald. Edwards stated he understood that. But,

she (Pedersen) just said the delineation was between commercial and residential. Mayor Davlin stated that is our rule.

ACC Pedersen stated the General Assembly is limiting duration in residential districts. The size they allow us to regulate falls back to the standard size for any type of sign in a residential district. The commercial districts have their own size limitations. This would not have anything to do with them at all.

Ald. Edwards ask how this is going to be enforced. The reason he asks is because he was contacted by the owner of the lot at the Southeast corner of Lawrence and MacArthur. Directly across the street are signs of a different party. The owner of the property stated that he was contacted and instructed to take the signs down. The other side of the street still has signs up. Is this a complaint driven process?

ACC Pedersen stated that this will be treated like any other code violation. Violations can be taken over the phone and they are investigated. There are also instances where inspectors from Building & Zoning file the complaints or note the violation. The appropriate inspectors are notified and it will be addressed.

Ald. Edwards stated that all of the rules should be enforced in the same manner. The right of ways and public property are particularly troublesome. People don't like it when one party is singled out over another. If an inspector is called to a lot, all the rules should apply to all of the owners of the signs.

ACC Pedersen stated the ordinance does not distinguish between political parties. This ordinance does not affect signs on the right of way. Signs are not allowed there anyway. This is on residential lots only.

Ald. Edwards asked if the party is contacted or how does a candidate get their signs back. Assistant Zoning Administrator Matt McLaughlin stated that the signs are taken to the sign shop on 16th street and they can be picked up there.

Ald. Cahnman asked for clarification. The size of the signs that is currently the law in the City right now will be the same under this zoning ordinance. ACC Pederson stated yes. There is currently a duration on the length of time political signs can remain on a residential lot. This amendment removes the duration.

The motion carried 7/1. Ald. Edwards , Ald. Simpson , Ald. Lesko , Ald. Cahnman , Ald. Mahoney , Ald. Theilen , and Ald. Griffin voted yes. Ald. Dove voted no.

REGULAR MEETING

Treasurer Langfelder was recognized for the Monthly Treasurer's Report. He indicated the Corporate Fund balance at the end of August, 2010, was **-\$4,038,626.00**. Ald. Simpson Moved to Approve the Treasurer's Report. Ald. Lesko seconded. The Motion Carried 8/0 via voice vote.

Ald. Simpson moved, Ald. Mahoney seconded, to dispense with the reading of the minutes and to approve the minutes of the September 7, 2010, City Council meeting. The motion carried 8/0 via voice vote.

Ald. Simpson moved, Ald. Dove seconded, to incorporate the pre-council first reading of ordinances into the record of this council meeting. The motion carried 8/0 via voice vote.

The next matter on the agenda was the Consent Agenda. Ald. Simpson moved, Ald. Mahoney seconded, to incorporate the pre-council reading of the consent agenda into the record of this council meeting. The motion carried 8/0 via voice vote.

Ald. Simpson moved to place the Consent Agenda on Final Passage. Ald. Lesko seconded. The motion carried 8/0. Ald. Edwards , Simpson , Lesko , Cahnman , Mahoney , Theilen , Dove , and Griffin voted yes.

Ald. Simpson moved to remove Agenda No. 2010-298 from Committee and place it on the Debate Agenda. Ald. Edwards seconded. The motion carried 8/0 via voice vote.

Agenda Numbers 2008-337, 2009-387, 2009-582, 2010-001, 2010-048, 2010-131, 2010-158, 2010-284, and 2010-328 remain Tabled or In Committee.

The first item on the Agenda was Agenda No. 2010-298, An Ordinance Approving a Fall 2010 Street Overlay Program for the Office of Public Works. Ald. Simpson moved to place Agenda No. 2010-298 on final passage. Ald. Mahoney seconded. Ald. Simpson moved to amend Agenda No. 2010-298. Ald. Mahoney seconded. The amendment indicated that P.H. Broughton & Sons was awarded the \$2.57 million dollar contract. The motion to amend carried 8/0 via voice vote.

The motion, as amended, on final passage carried 8/0. Ald. Edwards , Simpson , Lesko , Cahnman , Mahoney , Theilen , Dove , and Griffin voted yes.

The next item on the Agenda was Agenda No. 2010-327, An Ordinance Authorizing Settlement Of Sangamon County Court Case 2008-L-104, *Thomas R. Burgess D/B/A Thomas Burgess Wrecking And Construction V. City Of Springfield, Illinois*. Ald. Simpson moved to place Agenda No. 2010-327 on final passage. Ald. Griffin seconded. The motion on final passage carried 8/0. Ald. Edwards , Simpson , Lesko , Cahnman , Mahoney , Theilen , Dove , and Griffin voted yes.

The next item on the Agenda was Agenda No. 2010-345, An Ordinance Accepting The Low Bid And Authorizing The Execution Of Contract Number PW10-06-36 With Kinney Contractors, Inc. For The 2010 Concrete Patching Program In An Amount Not To Exceed \$634,609.00 For The Office Of Public Works, For Emergency Passage. Ald. Simpson moved to place Agenda No. 2010-345 on Emergency Passage. Ald. Mahoney seconded. The motion on emergency passage carried 9/0. Ald. Edwards , Simpson , Lesko , Cahnman , Mahoney , Theilen , Dove , Griffin and Mayor Davlin voted yes.

Ald. Simpson moved to suspend the rules and place on first reading Agenda No. 2010-367, "An Ordinance Authorizing A Change In Scope Of Engineering Procurement Construction (EPC) Contract No. 200 – Electric Generation Unit By Approving A Contract Extension With KBV Springfield Power Partners, A Joint Venture Of Kiewit Industrial Co., A Delaware Corporation, For The Design, Procurement And Construction Of The Dallman Unit 4 Generation Facility For The Electric Division For The Office Of Public Utilities." Ald. Griffin seconded. The motion carried 8/0 via voice vote.

Ald. Simpson moved to suspend the rules and place on first reading Agenda No. 2010-368, “An Ordinance Approving a Four-Way Stop Intersection at 12th and Melrose Streets.” Ald. Griffin seconded. The motion carried 8/0 via voice vote.

Ald. Simpson moved to adjourn the meeting at 5:55 p.m. Ald. Mahoney Seconded. The Motion Carried 8/0 via voice vote.

Cecilia K. Tumulty

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