

**Minutes of Springfield City
Council Meeting
Tuesday, May 24, 2011
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 24, 2011, 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.

2011-209 An Ordinance Accepting Grant No. 11-366016 From The Illinois Department Of Commerce And Economic Opportunity, Under The Marketing Partnership Grant Program, In The Amount Of \$23,692.54, With Matching Funds In The Amount Of \$23,692.54 For A Total Grant Amount Of \$47,385.08 And Authorizing A Supplemental Appropriation Of Said Grant Funds For The Springfield Convention And Visitors Bureau, **For Emergency Passage (Requested by Mayor J. Michael Houston)**

2011-210 An Ordinance Approving The Partial Plat Of Vacation Of Centennial Park Place, First Addition, For The Office Of Public Works, **For Emergency Passage (Alderman Griffin)**

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.

2011-211 An Ordinance Authorizing Payments To Daniel Szabados, A Springfield Police Officer, And To James Harvey And Michael Crawford, Office Of Public Utilities Employees, For Settlement Of Workers' Compensation Claims **(Requested by Mayor J. Michael Houston)**

2011-212 An Ordinance Authorizing The Execution Of An Intergovernmental Agreement With The State Of Illinois Department Of Agriculture For Fire Protection And Fire Prevention Services At The Illinois State Fairgrounds From July 1, 2010, Through June 30, 2011 **(Requested by Mayor J. Michael Houston)**

2011-213 An Ordinance Authorizing Acceptance And Execution Of An Intergovernmental Agreement With The State Of Illinois Department Of Military Affairs For Fire Protection Services At The 183rd Fighter Wing **(Requested by Major J. Michael Houston)**

2011-214 An Ordinance Amending Various Sections Of Chapter 110 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Regarding Permits And Decalomania For Permittee's Vehicles **(Requested by Mayor J. Michael Houston)**

2011-215 An Ordinance Amending Chapter 93 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Pertaining To Legal Representation Of Citizens In A Private Cause Of Action **(Requested by Mayor J. Michael Houston)**

2011-216 An Ordinance Approving A Change In Scope Of Contract Ue09-10-85 – Elevator Maintenance Contract For Dallman Generating Facilities For A Three Year Term In The Amount Of

\$300,000.00 With Kone, Inc. By Authorizing An Additional \$85,000.00 For Elevator Maintenance, For A Total Amount Payable Of \$385,000.00 To Said Vendor For The Electric Division **(Requested by Mayor J. Michael Houston)**

2011-217 An Ordinance Accepting Bids And Authorizing The Execution Of Contract Ue12-03-14 – Overhead Electric Power Line Components With Fletcher-Reinhardt Company, Hd Supply Utilities, Ltd, And Power Line Supply Company In A Total Amount Not To Exceed \$300,000.00 For The Electric Transmission, Distribution And Operations Department **(Requested by Mayor J. Michael Houston)**

2011-218 An Ordinance Approving And Authorizing The Execution Of A Professional Services Agreement With Hanson Professional Services Inc. In An Amount Not To Exceed \$43,300.00 For The Performance Of An Evaluation Of The City Of Springfield Water Division Garage Building **(Requested by Mayor J. Michael Houston)**

2011-219 An Ordinance Accepting The Lowest Responsible Bid And Authorizing The Execution Of Contract Pw 12-04-22 With Petersburg Plumbing And Heating Co. For The Meadowbrook West Subdivision Sanitary Sewer Replacement Project, In An Amount Not To Exceed \$440,440.00, For The Office Of Public Works **(Requested by Mayor J. Michael Houston)**

2011-220 An Ordinance Authorizing Additional Payment Of \$77,257.00 To Kinney Contractors, Inc. For A Total Amount Not To Exceed \$711,866.00 Under Contract Pw11-08-46 For The 2010 Concrete Patching Program For The Office Of Public Works **(Requested by Mayor J. Michael Houston)**

2011-221 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, 2011, Through June 30, 2012, In The Amount Of \$13,750.00 And Authorizing A Supplemental Appropriation In The Amount Of \$9,167.00 For The Springfield Police Department **(Requested by Mayor J. Michael Houston)**

The Pre Council Session Concluded at 5:06 p.m.

CITY COUNCIL MEETING

Mayor Houston 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 , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamin , Theilen , Dove , and Griffin and Mayor Houston .

ABSENT: None

ZONING PETITIONS

The first item on the agenda is docket number 2010-081 for the property located at 107 and 113 West Cook, 103 East Cook and 634 South Spring.

PETITIONER(S): Realty Restoration LTD.

PRESENT ZONING CLASSIFICATION: S-3, Central Shopping District & R-5 (Old Ordinance)

REQUESTED ZONING RELIEF: Variance of Sections 155.320, Permitted accessory on-premise signs, and Section 155.321, Non-illuminated signs.

STAFF RECOMMENDATION IS: Approve in part

PLANNING AND ZONING COMMISSION RECOMMENDATION IS: Denial of the petition as submitted, but recommend approval of the variance request for Section 155.321, to allow 198 feet of ground signs instead of the 87 square feet allowed and approval of the 24 square foot monument sign to be installed within 4 feet of the sidewalk.

Alderman Cahnman moved to grant the petitioners amended request with the an additional amendment that the 24 square foot monument sign be subject to approval of the traffic engineer to ensure that there will be no interference with the traffic. That motion was seconded by Alderman Simpson. Alderman Cahnman went on to further explain his motion by stating that the only difference between his motion and the recommendation of the Planning and Zoning commission is the sign will be a little lower than the 10 feet and to ensure that it does not obstruct traffic.

The motion carried by a vote of 10-0. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamin , Theilen , Dove , and Griffin all voted yes.

The next item on the agenda is docket number 2011-012 for the property located at 802-806 North Ninth Street & 911 East Enos.

PETITIONER(S): Kaneka Property Management, LLC.

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

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

STAFF RECOMMENDATION IS: Approval.

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

Alderman Cahnman moved to accept the Planning & Zoning Commission's recommendation. That motion was seconded by Alderman Simpson. The motion carried by a vote of 10-0. Ald. Edwards ,

Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamain ☒, Theilen ☒, Dove ☒, and Griffin ☒ all voted yes.

The next item on the agenda is docket number 2011-013 for the property located at 3620 and 3624 Peoria Road.

PETITIONER(S): Stephen and Susan Melton.

PRESENT ZONING CLASSIFICATION: R-3(b), General Residence District.

REQUESTED ZONING RELIEF: Variance of Section 155.061, Basic yard requirements, to reduce the minimum side yard to 3 feet 8 inches and the total side yard requirement to 8 feet 8 inches in order to divide the existing parcel.

STAFF RECOMMENDATION IS: Approval.

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

Alderman Lesko moved to accept the Planning and Zoning Commission's recommendation. Alderman Edwards seconded the motion. The motion carried by a vote of 10-0. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamain ☒, Theilen ☒, Dove ☒, and Griffin ☒ all voted yes.

The next item on the agenda is docket number 2011-014 for the property located at 17 Fairview Lane.

PETITIONER(S): Todd and Diane Brinkman

PRESENT ZONING CLASSIFICATION: R-1, Single-family Residence District

REQUESTED ZONING RELIEF: Variance of Section 155.001, Definitions, Lot, pertaining to Accessory Buildings

STAFF RECOMMENDATION IS: Approval

PLANNING AND ZONING COMMISSION RECOMMENDATION IS: Approval of the petition

Alderman Edwards moved to accept the petition as submitted. Alderman Griffin seconded the motion. The motion passed by a vote of 10-0. Alderman Edwards seconded the motion. The motion carried by a vote of 10-0. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamain ☒, Theilen ☒, Dove ☒, and Griffin ☒ all voted yes.

The final item on the agenda is docket number 2011-015 for the property located at 2012 Republic.

PETITIONER(S): Chronister Oil Company

PRESENT ZONING CLASSIFICATION: I-1, Light Industrial District

REQUESTED ZONING RELIEF: Variance of Section 155.112, Surfacing and Section 155.114(b), Regulations for the location of off-street parking facilities

STAFF RECOMMENDATION IS: Approval

PLANNING AND ZONING COMMISSION RECOMMENDATION IS: Denial of the petition as submitted

Alderman Edwards moved to accept the proposal as submitted. That motion was seconded by Alderman Simpson.

James Lamsargis, who lives across the street from this facility at 2017 Republic, addressed the council in opposition to the motion. He passed out pictures that he had of the property to the Aldermen. His main concern is the dust and the rock that is being distributed out into the roadway and into their driveways. His concern is that the petitioner wants to add more rock and dust to the area. He and the other people that will speak against the motion would like to see the council adopt the Planning and Zoning Commission's recommendation to have the area cemented.

Gloria Lamsargis also spoke against the motion. She has allergies and is concerned about her grandchildren breathing the dust that is caused when the trucks go in and out of the facility. The dust is making it hard for them to breathe and be outside.

Tony Ingolia of 2021 Republic also spoke against the motion. He further contended that the dust is bad and gets into their eyes. He also agreed that it is an issue.

Alderman Simpson asked if there was an amicable solution to this problem and asked if anyone could speak to whether or not an amicable solution can be found.

Michael Durr, the attorney for the petitioner, spoke on behalf of his client, Grady Chronister. Mr. Chronister also addressed the Council to explain the issue. He stated that they had been doing the same thing for over 30 years, since 1981. He further explained that the reason why the dust has suddenly become worse after all that time is that they recently decided to use a recycled aggregate made of concrete. Their intentions were that it was the environmentally friendly thing to do. Chronister stated he does not like the dust either. That location is their headquarters and they have valuable equipment at that area, including computers that are being affected. Mr. Chronister has worked with the neighbors in the past to alleviate their past concerns, including concerns about the turning radius of their trucks. He has also had met with the neighbors, including Mr. & Mrs. Lamsargis, about using asphalt milling to help control the dust as well. It is their intention to control the dust.

Mr. Durr restated the answer to Alderman Simpson in response to her question. It was a type of aggregate that they were using that was environmentally friendly, but not dust friendly. There is a new aggregate that is going to be laid down that is much more dust friendly. Mr. Durr went on to state that Chronister Oil Company has a contract for that to be laid. He also reiterated that they have been working with the neighbors and want to be sensitive to their concerns.

Alderman Simpson asked if the new aggregate will help with the dust. Mr. Durr answered they believe that it will because it is an asphalt product and not a dust product. Mr. Chronister went further to discuss

the exact method that will be used to put down the aggregate. He also further stated that they do not like the result of using the concrete either. This solution is economically feasible to them. To concrete the lot, as is required by the city code, is cost-prohibitive to them.

Alderman Simpson stated that she thought that the neighbors just want to see the dust level reduced. Mr. Lamsargis asked if the aggregate that they are going to put down is a white crushed rock base as well with an oil base. He further asked if the weight of the trucks would crush the new aggregate down, causing the same problem after a year.

Alderman Simpson redirected his question to the city's public works department. She asked if the city is familiar with the material that will be used. Mr. Norris indicated that they are not.

Mayor Houston asked if the material is sealed once it is put down. Mr. Chronister stated that the recommendation for this material came from Mr. Lamsargis. Mr. Lamsargis stated that the decision on how to proceed is up to the city council. Mr. Lamsargis would like to see the aggregate packed tight so the trucks that are coming and going during the day does not further load the street with rock.

Mr. Durr responded to Mayor Houston's question and confirmed that it is a packed rock. Mr. Chronister then explained that the new aggregate is rolled and sealed. This solution should control the dust. Mr. Durr further stated that the new aggregate is not course, but instead is asphalt and is a packed product.

Alderman Cahnman asked Mr. Durr if his client had been at his current location since 1981. Mr. Durr answered that that was correct. Alderman Cahnman went further to ask why they are just now seeking a zoning variance if there is no change in the use of the property. Mr. Durr responded that it was in response to a complaint that they are seeking the variance. During that time, they were never made aware that they were operating in violation of the ordinance.

Mr. Joe Gooden of the Building and Zoning Department added that they have arial photographs from 1969 and testimony from Mrs. Lamsargis that indicates that a large portion of the area that is currently being used as a driveway and parking area was at one time a large green space. And what was once a rock and gravel driveway has encroached on the green space, which is required to be paved or covered with asphalt or concrete. The enlargement of the driveway and parking area is what requires the zoning petition.

Alderman Cahnman asked if they were in compliance with zoning regulations. Mr. Gooden responded that in 1966 when the zoning ordinance was adopted, there was a large portion that was rock and gravel. But over time, moving the driveway further and further west, they have turned what was a green space into a driveway and parking area, which is in violation of the code.

Mr. Durr stated that the primary objection is the dust and that issue has been addressed by Chronister Oil Company. Mr. Chronister stated that he was unaware of the ordinance, as they have only owned the property since 1981.

Alderman Cahnman asked Mr. Gooden if it possible to put in the ordinance a stipulation that Mr. Chronister must put down a surface that is dust free. Mr. Gooden responded that the Council has the authority to put on any kind of conditions and restrictions when granting any form of zoning relief. However, the question remains who will determine what is or is not an appropriate material after the fact. He suggested that the engineering department might be able to make that determination.

Mrs. Lamsargis stated that the most important thing to her is that her grandchildren are allowed to play outside without getting ill from the dust. She would also like to be able to work in her yard and to plant flowers. Mr. Durr reiterated Chronister Oil's plan to switch to the packed product.

Alderman Lesko asked Mr. Durr if they have a signed contract. Mr. Durr responded that they do. Alderman Lesko went on to ask if the process was going to take place in a short timeframe. Mr. Durr responded that it is – right away.

Alderman Simpson asked why the company did not go ahead and put the new product down. Mr. Chronister stated that the contract was signed a week and a half ago and they are waiting on the contractor.

Alderman Cahnman asked of Corporation Counsel Pedersen if she could suggest some language on how they might amend the proposed amendment to the zoning ordinance. Mr. Chronister stated that he is looking for a solution that both satisfies the neighbors and is cost effective for his company. He did also state that he has four trucks that come and go from this facility twice a day. There are additional trucks that come on a less regular basis.

Alderman McMenamin asked of CC Pedersen or Zoning Administrator Gooden if the council has the authority to grant temporary relief for a period of time to determine if the remediation is effective or not. CC Pedersen responded that typically with this type of variance request, where people are asking that paving requirements be waved, the city has in the past granted 18 months to get the pavement in because it is such a high expense. There is precedent for that for people to comply with the code. Alderman Cahnman and Alderman Lesko asked for clarification that the dust problem is not a violation of the code. CC Pedersen responded that the dust in and of itself, whether or not it is caused by a zoning violation or not could be a violation of Section 98.01 of the city code, the general nuisance provisions.

Alderman Simpson asked for clarification if they could give up to 18 months to allow them to see what is going to happen. Alderman Lesko asked Mr. Chronister if it is their intention to take care of the dust problem immediately. Mr. Chronister stated that it was. CC Pedersen added that the relief that was given in the past was to allow 18 months to pave the area in accordance with the code. She went on to clarify that it is her belief that it is not their intention to pave the portion, but instead put down a different substance. Alderman Simpson reiterated that the main concern is to keep down the dust. She asked CC Pedersen what they can do to help relieve that issue and how much time can they give Chronister Oil to comply.

Mayor Houston asked if CC Pedersen was recommending that they give temporary relieve for the 18 months to see how it works. Alderman Edwards stated that they can hold the item in committee to allow Mr. Chronister to put down the new aggregate and revisit the issue in a month to take up the variance. CC Pedersen went further to state that they can continue it to a date certain to come back to it to see where we are at.

Alderman Simpson suggested giving Chronister Oil Company two months. Alderman Griffin asked for clarification of CC Pedersen that they were talking about two separate issues. If they grant the zoning variance, if the dust issue is not addressed, the Lamsargis can come back to address just the dust issue and they would still be able to address the issue even if the variance is granted. CC Pedersen responded that that was correct. Alderman Griffin then suggested that they move ahead, granting the variance and

allowing them to complain about the dust issue. Mr. Lamsargis suggested giving Chronister Oil 90 days.

Alderman Edwards withdrew his motion and asked for a continuance for 90 days. The motion for continuance was seconded by Alderman Simpson. CC Pedersen requested that the specific date be included in the motion. The date of applicable council meeting is August 16, 2011 at 5:30pm. Alderman Edwards amended his motion to include that date within it.

The motion carried by a voice vote of 9-0-1. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamin ☒, Theilen ☒, and Griffin ☒ all voted yes. Ald. Dove ☒ voted present as he is an investor in Quick-n-Ez (Chronister Oil Company).

REGULAR MEETING

Mayor Houston recognized Treasurer Langfelder for the presentation of the financial report. Treasurer Langfelder stated the balance for the Corporate Fund for the month of April. The beginning balance of \$-2,138,647.00. Receipts for the month of April totaled \$6,889, 388.00. Disbursements for the month of April totaled \$9,535,936.00, which leaves an ending cash balance of \$-4,785,195.00 in the corporate fund at the end of April.

Alderman Simpson moved to approve the financial report. The motion was seconded by Alderman Griffin. The motion carried via voice vote.

Alderman Simpson moved, Alderman Griffin seconded, to dispense with the reading of the minutes and to approve the minutes of the May 10, 2011 City Council meeting. The motion carried via voice vote.

Alderman Simpson moved, Alderman Griffin seconded, to incorporate the pre-council first reading of ordinances into the record of this council meeting. The motion carried via voice vote.

The next matter on the agenda was the Consent Agenda. Alderman Simpson moved, Alderman Griffin seconded, to incorporate the pre-council reading of the consent agenda into the record of this council meeting.

Alderman Jobe made a motion to move Agenda Item Number 2011-208 from the consent agenda to the debate agenda. That motion was seconded by Alderman Theilen. The motion carried via voice vote.

Alderman Simpson moved that the consent agenda, with the exception of Agenda Item Number 2011-208, be placed on final passage. That motion was seconded by Alderman Jobe. Alderman Griffin and Theilen stated that they would like to be recorded as voting present on Item Number 2011-193.

The motion carried by a vote of 10-0. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamin ☒, Theilen ☒, Dove ☒, and Griffin ☒ all voted yes.

Alderman Cahnman moved to place Agenda Item Number 2011-088 from committee and place it on the debate agenda. That motion was seconded by Alderman Simpson. The motion carried by a voice vote.

Alderman Theilen stated that he thought that agenda item 2011-102 was removed from the committee agenda. CC Pedersen asked if he meant to remove it from the committee agenda. Alderman Theilen

responded that the item was withdrawn completely. He made a motion to remove agenda item 2011-102 from the committee agenda. The motion was seconded by Alderman Dove. The motion carried by a voice vote.

The next item on the agenda was item number 2011-088, an ordinance authorizing execution of a contract with Illinois Funeral Service Foundation for purchase of real property located at 1440 Monument Avenue. A motion was made by Alderman Cahnman to place the ordinance on final passage. The motion was seconded by Alderman Simpson. Alderman Cahnman asked of CC Pedersen that the purchase contract states that the closing would take place on April 15, 2011. Given the fact that we are past that point, would that be a problem. CC Pedersen responded that the contract has been revised so that the closing would be later on in the event that it passes tonight.

The motion passed by a vote of 9-1. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , Theilen , Dove , and Griffin all voted yes. Ald. McMenamain voted no.

The next item on the agenda was item number 2011-190, an appointment of Kenneth W. Fustin as Fire Chief of the Springfield Fire Department. The motion was made by Alderman Simpson to place the item on final passage and seconded by Alderman Jobe.

The motion carried by a vote of 10-0. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamain , Theilen , Dove , and Griffin all voted yes.

Chief Fustin addressed the Council. The Chief thanked the Mayor and the Council for approving him. He pledged to serve the City honorably. He also recognized several friends, family and former co-workers and mentors that have helped and supported him up to this point.

The next item on the agenda was item number 2011-191, an ordinance approving the appointment of Mark E. Mahoney as Director of the Office of Public Works. A motion was made by Alderman Cahnman to place the item on final passage. It was seconded by Alderman Theilen. Alderman Griffin asked of Chief Fustin if he planned on staying in the job through the length of the administration. Chief Fustin stated that he has made the commitment to the Mayor that he would stay with him as long as he is the Mayor of Springfield. Alderman Griffin asked the same question of Mr. Mahoney. Mr. Mahoney stated that it is his commitment to stay in his position through the length of the administration. Alderman Griffin thanked them for their commitment and for providing stability to their respective office.

Alderman Theilen stated that he will be voting against Mr. Mahoney's appointment because he has a problem voting for a six figure salary for a person in a brand new job. The previous Public Works Director was not started at that level. He went on to state that he hoped that Mr. Mahoney proved him wrong.

The motion carried by a vote of 8-2. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamain , and Griffin all voted yes. Ald. Theilen and Dove voted no.

Mayor Houston congratulated Director Mahoney. Director Mahoney thanked the Mayor and the Council.

The next item on the agenda was item number 2011-192, An Ordinance Amending Ordinance 75-02-11 Regarding The FY12 Annual Appropriation Ordinance. A motion was made by Alderman Simpson to withdraw this item. The motion was seconded by Alderman Griffin. The motion carried by a voice vote.

The next item on the agenda was item number 2011-203, An Ordinance Vacating An Alley Bounded By Adams Street, Second Street And 201 East Adams Street In Springfield, Illinois, To Quenette Development, LLC. A motion was made by Alderman Simpson to recess the regular meeting of the city council to hold a public hearing. The motion was seconded by Alderman Griffin. The motion carried by a voice vote.

No testimony was given during the public hearing.

A motion was made by Alderman Simpson to adjourn the public hearing and reconvene the regular meeting of the city council. It was seconded by Alderman Griffin. It carried by a voice vote.

A motion was made to place item number 2011-203 on final passage. It was moved by Alderman Cahnman and seconded by Alderman Griffin.

The motion carried by a vote of 11-0. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamain , Theilen , Dove , and Griffin Mayor Houston all voted yes

The next item on the agenda was item number 2011-208, An Ordinance Authorizing Execution Of An Agreement With Paul O'Shea For Planning And Design Services In An Amount Not To Exceed \$48,750.00 From June 27, 2011, Through March 26, 2012, For The Office Of Planning And Economic Development.

A motion was made by Alderman Simpson to place the item on final passage. It was seconded by Alderman Griffin.

Alderman Jobe asked Mr. O'Shea if he will be able to work on projects inside and outside the TIF districts. Mr. O'Shea stated that yes that was correct. The arrangement on the contract will allow him to work on projects city wide as opposed to the restrictions with the previous arrangements over the last three months. Mayor Houston added that what Mr. O'Shea is working on covers a broad scope of activity. Mr. Jobe thanked the Office of Planning and Economic Development for providing that information. Mr. O'Shea stated that he enjoys what he is doing.

The motion carried by a vote of 10-0. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamain , Theilen , Dove , and Griffin all voted yes.

The next item on the agenda is 2011-209, An Ordinance Accepting Grant No. 11-366016 From The Illinois Department Of Commerce And Economic Opportunity, Under The Marketing Partnership Grant Program, In The Amount Of \$23,692.54, With Matching Funds In The Amount Of \$23,692.54 For A Total Grant Amount Of \$47,385.08 And Authorizing A Supplemental Appropriation Of Said Grant Funds For The Springfield Convention And Visitors Bureau, For Emergency Passage.

A motion was made by Alderman Simpson to place the item on final passage. It was seconded by Alderman Lesko. Alderman Theilen stated that he will be voting present as the ordinance concerns his employer.

The motion carried by a vote of 10-0-1. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamain ☒, Dove ☒, and Griffin ☒ Mayor Houston ☒ all voted yes. Ald. Theilen ☒ voted present.

The next item was item number 2011-210, An Ordinance Approving the Partial Plat of Vacation of Centennial Park Place, First Addition, For the Office of Public Works, For Emergency Passage.

A motion was made by Alderman Simpson to place the item on final passage. The motion was seconded by Alderman Griffin.

The motion passed by a vote of 10-1. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, Theilen ☒, Dove ☒, Griffin ☒ and Mayor Houston ☒ all voted yes. Ald. McMenamain ☒ voted no.

The next item on the agenda was to suspend the rules and to place on the first reading Agenda No. 2011-222, An Ordinance Approving And Authorizing Execution Of Agreement Amendment No. 1 To The Intergovernmental Agreement Between The City Of Springfield And The Illinois Department Of Transportation For Implementation Of An Illinois Transportation Enhancement Program Grant To Restore Lindsay Bridge.

A motion was made by Alderman Simpson to suspend the rules and place the item on first reading. The motion was seconded by Alderman Cahnman. Mayor Houston further explained that it will allow for the contribution from the city to be reduced by \$188,955.00. The motion carried on a voice vote.

Alderman Edwards stated that he is receiving a lot of calls about lots not being mowed. He stated that it seems to be the same people every year. Alderman Edwards is willing to put in an ordinance, but since the City is short of attorneys dealing with code enforcement, the process would be slowed. It is his intention to work with staff to draft an ordinance to make a \$1,000 fine for not mowing of a yard. He went further on to state that he would like to see the council be serious about the problem.

Alderman Simpson added that she thanked Alderman Edwards for taking the initiative on the problem. But she stated that she is concerned that simply increasing the fees may not be effective. Alderman Simpson stated that she would like to see a way that the city could collect the money. Alderman Edwards stated that his language might include the city taking possession of the lots that are not being mowed and that those lots could be worth a lot of money. Alderman Simpson stated that she would like to see strong language for the ordinance as well as a mechanism to collect the money.

Alderman Lesko stated that he is having the same problem in Ward 4, but in his area, the problem lies in houses that have been repossessed. He went on to observe that it is the banks that are not coming out to cut the grass. He stated that he measured and one lawn was 18 inches high. Alderman Edwards reiterated his intention to work with CC Pedersen to come up with language that would be acceptable to everyone.

Alderman Theilen stated that it might be possible to look at a proposal that addresses if the bank has foreclosed on a property and they owe money for fines, that the city would no longer do business with that bank. He stated that he thought that a proposal like that would really get their attention.

Alderman Lesko stated that in his experience there has been no problem getting someone out to mow the grass. However, when they are in default, is there some way to contact the banks and remind them of their obligation to maintain the property.

Alderman Griffin stated that in his area, there is a situation where some of the owners are upside-down in their loans and have basically been foreclosed on and the mortgages have been bought by out of town holding companies or banks. He went on to state that they will be eventually listed with someone in Springfield, but in the meantime, the company that is out of state would not care if the grass was mowed.

Alderman Cahnman added to Alderman Theilen's remarks stating that as of now, the city does not have the power to go after the bank for code violations while a property is in foreclosure. He went on to state that there is a proposal in the General Assembly, House Bill 1109, that would give the city the authority to maintain and secure the property while the property is going through the foreclosure process.

Mayor Houston added that there was a story in the paper this morning by Linda Koch, the President of the Illinois Bankers Association stating that the bill would put a lien from the city on top of the mortgage. The Mayor stated that he is listed as a proponent of the bill. He went on to state that the bill would be beneficial for the city of Springfield.

Alderman Edwards asked if the city was doing that now. CC Pedersen stated that the city does have the ability to place liens on a property, but the problem becomes the priority of the lien versus the mortgage. As it stands right now, the mortgage has the superior position to the city. The legislation would reverse that.

Alderman Edwards reiterated that he would work with CC Pedersen and come up with proposed language for an ordinance.

Alderman Edwards asked Mayor Houston when the council might see an infrastructure plan from his office. The Mayor stated that he is working on financing an infrastructure plan, but was not ready as of yet to share details with the city council.

A motion was made by Alderman Simpson to adjourn the meeting. It was seconded by Alderman Griffin. The meeting was adjourned at approximately 6:26pm.

Cecilia K. Tumulty

Cecilia K. Tumulty
City Clerk