

**Minutes of Springfield City
Council Meeting
Tuesday, October 4, 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, October 4, 2011, in the Council Chambers of the Municipal Center West.

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

2011-381 An Ordinance Authorizing Payment In An Amount Not To Exceed \$137,270.36 To The Sangamon County Board Of Health For Animal Control Services, **For Emergency Passage (Requested by Mayor J. Michael Houston)**

2011-382 An Ordinance Accepting Grant No. 12-373004 From The Illinois Department Of Commerce And Economic Opportunity In The Amount Of \$346,120.00 With Matching Funds In The Amount Of \$346,120.00 For A Total Grant Amount Of \$692,240.00 For The International Tourism Marketing Grant Program Beginning July 1, 2011, Through June 30, 2012, And Authorizing A Supplemental Appropriation In The Amount Of \$346,120.00 For The Springfield Convention And Visitors Bureau, **For Emergency Passage (Requested by Mayor J. Michael Houston)**

2011-389 An Ordinance Amending Section 96.045 Of Chapter 96, Lake Springfield, Of The 1988 Springfield City Code Of Ordinances, As Amended, Pertaining To Buildings And Structures, **For Emergency Passage (Requested by Alderman Frank Edwards)**

Deputy Clerk Hawkins read the following **Ordinances and/or Resolutions on First Reading** and assigned to the Committee of the Whole into the record of this Council meeting.

2011-383 An Ordinance Authorizing Payment To Craig Richardson, An Employee With The Office Of Public Works, To Settle A Workers' Compensation Claim For Case Number 09-Wc-37350 **(Requested by Mayor J. Michael Houston)**

2011-384 An Ordinance Authorizing Payment To Travis Judd, An Office Of Public Utilities Employee, For Settlement Of A Workers Compensation Claim For Case Number 10-Wc-46719 **(Requested by Mayor J. Michael Houston)**

2011-385 An Ordinance Authorizing Payment To Thomas Norman, A Former Office Of Public Utilities Employee, For Settlement Of A Workers Compensation Claim For Case Number 11-Wc-021117 **(Requested by Mayor J. Michael Houston)**

2011-386 An Ordinance Declaring 16 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 Lutheran Child And Family Services And American Legion Post 809 **(Requested by Mayor J. Michael Houston)**

2011-387 An Ordinance Authorizing Acceptance And Execution Of The 2011 Byrne Justice Assistance Grant (#2011-Dj-Bx-2234) From The U.S. Department Of Justice, Bureau Of Justice Assistance, In The Amount Of \$177,490.00 And Authorizing A Supplemental Appropriation Of The Grant Funds For The Springfield Police Department (**Requested by Mayor J. Michael Houston**)

2011-388 An Ordinance Authorizing Execution Of An Agreement For Sale Of City-Owned Property Located At 1411 And 1415 E. Jefferson Street, With United Cerebral Palsy Land Of Lincoln, An Illinois Not-For-Profit Corporation, For A Total Amount Of \$60,000.00, For The Office Of Budget And Management (**Requested by Mayor J. Michael Houston**)

2011-390 A An Ordinance Amending Chapter 170 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Pertaining To The Modification Of The Enforcement Procedures For Building Code Violations (**Requested by Mayor J. Michael Houston, Alderman Gail Simpson, Alderman Doris Turner, Alderman Cory Jobe and Alderman Kris Theilen**)

2011-391 An Ordinance Amending Chapter 170, Article Vii, Division 5 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Relating To Vacant Buildings (**Requested by Alderman Joe McMenamin**)

2011-392 An Ordinance Amending Chapter 36 And Chapter 38 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Pertaining To Employment Of, And Contracting With, Close Relatives (**Requested by Alderman Steve Dove**)

2011-393 An Ordinance Amending Chapter 36, Section 36.05, Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Pertaining To The Obligatory Residency Requirement For Employees Hired On Or After October 28, 2011, By The City Of Springfield, Illinois (**Requested by Alderman Joe McMenamin**)

2011-394 An Ordinance Accepting The Bid And Authorizing The Execution Of Contract Ue12-08-60 – Line Clearance Services For A Two-Year Term For The Electric Division With Nelson Tree Service, Inc. In An Amount Not To Exceed \$6,000,000.00 (**Requested by Mayor J. Michael Houston**)

2011-395 An Ordinance Approving And Authorizing Execution Of 39 Separate Farm Leases With Various Tenants For A Three-Year Term For The Water Division (**Requested by Mayor J. Michael Houston**)

2011-396 An Ordinance Approving And Authorizing The Execution Of A Telecommunications Contract Service Agreement Between The City Of Springfield And Bank Of Springfield For The Electric Division (**Requested by Mayor J. Michael Houston**)

2011-397 An Ordinance Authorizing Additional Payment In The Amount Of \$22,506.62, Less A Credit Of \$8,155.00, For A Total Amount Of \$14,351.62 And For A Grand Total Not To Exceed \$317,361.62 Under Contract Pw 11-15 To Security Parking Systems For The Parking Access Revenue Control System At The Hilton/Municipal Parking Garage And Authorizing A Supplemental Appropriation Of \$15,000.00 From Unappropriated Fund Balance For The Office Of Public Works (**Requested by Mayor J. Michael Houston**)

2011-398 An Ordinance Authorizing The Execution Of A Professional Services Agreement With Hanson Professional Services Inc., For Preliminary Engineering And Structural Assessment Of The 8th Street Pedestrian Bridge In An Amount Not To Exceed \$10,500.00 For The Office Of Public Works **(Requested by Mayor J. Michael Houston)**

2011-399 A Resolution Notifying The State Of Illinois Department Of Transportation That Motor Fuel Tax Funds In The Amount Of \$10,500.00 May Be Used For Preliminary Engineering Services For The 8th Street Pedestrian Bridge At The Municipal Center Complex, Mft Section No. 11-00448-07-Es) For The Office Of Public Works **(Requested By Mayor J. Michael Houston)**

2011-400 An Ordinance Accepting The Low Bid And Authorizing The Execution Of Contract Number Pw 12-08-57 With Kinney Contractors, Inc. For The 2011 Concrete Patching Program In An Amount Not To Exceed \$632,280.00 For The Office Of Public Works **(Requested by Mayor J. Michael Houston)**

2011-401 A Resolution Authorizing Execution Of A Letter Of Intent With The State Of Illinois For Traffic Signal Modifications And Interconnects At Various Intersections, Mft Section No. 11-State-03-Tl, For The Office Of Public Works **(Requested by Mayor J. Michael Houston)**

2011-402 An Ordinance Regarding The Variance Request Of Section 153.158(B)(2) Pertaining To Lot Arrangement For Lyons Estates City Minor Subdivision For The Office Of Public Works **(Requested by Mayor J. Michael Houston)**

2011-403 An Ordinance Authorizing The Execution Of An Annexation Agreement With Fairy Jeane Boosinger For Real Property Located At 2960 W. Jefferson Street **(Requested by Mayor J. Michael Houston)**

2011-404 An Ordinance Annexing Certain Described Property Located At 2960 W. Jefferson Street (Fairy Jeane Boosinger) **(Requested by Mayor J. Michael Houston)**

2011-405 An Ordinance Approving The Partial Plat Of Vacation Of Legacy Pointe Town Center Phase I, For The Office Of Public Works **(Requested by Mayor J. Michael Houston)**

2011-406 An Ordinance Approving The Plat Of Access Easement In Legacy Pointe Town Center Phase 1, For The Office Of Public Works **(Requested by Mayor J. Michael Houston)**

2011-407 An Ordinance Approving The Reappointments Of Don W. Smith And John T. Crisp, Jr. To The Municipal Band Commission **(Requested by Mayor J. Michael Houston)**

2011-408 An Ordinance Approving The Reappointment Of Mike Von Behren To The Building Code Board Of Appeals **(Requested by Mayor J. Michael Houston)**

2011-409 An Ordinance Approving The Appointment Of Terry Ransom And The Reappointments Of Norm Sims, Jeanette Malafa, Robert J. Barker And Dave Steckel To The Historic Sites Commission **(Requested by Mayor J. Michael Houston)**

2011-410 An Ordinance Approving The Appointments Of Jilnita Johnson And Pete Roberts To The Community Relations Commission **(Requested by Mayor J. Michael Houston)**

2011-411 An Ordinance Approving The Reappointment Of Richard E. Hart To The Board Of Managers Of Oak Ridge Cemetery (**Requested by Mayor J. Michael Houston**)

2011-412 An Ordinance Approving The Appointment Of Mitchell L. Murdock To The Board Of Managers Of Oak Ridge Cemetery (**Requested by Mayor J. Michael Houston**)

2011-413 An Ordinance Approving The Appointments Of Marlene Liss, Tim Rowles, Victoria Ringer And Reappointments Of Jacqueline L. Newman, Rita Lynn Tarr-Scheibe, Nicholas J. Stojakovich, And J. Paul Moore, To The Homeless Advisory Committee (**Requested By Mayor J. Michael Houston**)

2011-414 An Ordinance Approving The Appointments Of Douglas King, Patricia Carpenter And Kirk R. Robinson To The Police Community Review Commission (**Requested by Mayor J. Michael Houston**)

The Pre Council Session Concluded at 5:10 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 ☒, Griffin ☒ and Mayor Houston ☒.

ABSENT: none

Mayor Houston presented a proclamation proclaiming the month of October 2011 as Domestic Violence Awareness Month to Sojourn House. A copy of the proclamation is included in these minutes.

Mayor Houston also recognized George Warren, III, a founder of Quaker Steak and Lube Restaurant. They have recently opened a location in Springfield. He welcomed them and their company to the City of Springfield. Mr. Warren thanked the City Council and the Mayor for their continuing support. Alderman Cahnman encouraged everyone to visit the new restaurant.

Mayor Houston congratulated Lincoln Library on the 125th Anniversary. He encouraged the public to visit the library and see a display that outlines the history of the library.

Alderman Simpson made a motion to dispense with the reading and approve the minutes from the September 20, 2011 City Council meeting. Her motion was seconded by Alderman Griffin. The motion carried with a voice vote of 10-0.

Alderman Simpson made a motion to incorporate the pre council first reading of ordinances into the record of the council meeting. Her motion was seconded by Alderman Dove. The motion carried with a voice vote of 10-0.

Alderman Simpson made a motion to incorporate the pre council reading of the consent agenda into the record of the council meeting. Her motion was seconded by Alderman Griffin. The motion carried with a voice vote of 10-0.

Alderman Simpson made a motion to place the consent agenda on final passage. Her motion was seconded by Alderman Griffin.

The consent agenda passed with a vote of 10-0. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamain , Theilen , Dove , Griffin all voted yes.

Alderman Simpson made a motion to remove Agenda Item 2011-226 from committee and place on the debate agenda. Her motion was seconded by Alderman Lesko. The motion passed with a voice vote of 9-1.

The first item on the debate agenda was Agenda Item 2011-226, An Ordinance Amending Chapter 110 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Regarding Peddler's And Solicitor's Licenses, As Amended (Requested By Alderman Frank Lesko) (Remains In Committee 6/21/11). Alderman Simpson made a motion to place Agenda Item 2011-266 on final passage. Her motion was seconded by Alderman Lesko.

Alderman Simpson made a motion to amend Agenda Item 2011-226. Her motion was seconded by Alderman Lesko.

Alderman Cahnman asked for an explanation on the proposed amendment. Corporation Counsel Mark Cullen explained that there are two changes. The first change is in Section 110.370 regarding peddler's licenses. In Section B, it allows for a peddler who is authorized or shares receipts with a government agency, religious or not for profit organization to peddle without procuring a peddler's license. It does require the person to register with the City Clerk's office so that the City can document the organization. The second change is in the new section 110.379 regarding solicitors. Section B is the same as in the peddler's section and Section C states that a solicitor that sells items or solicits services or professional services not involving goods or merchandise and is exempted from the registration requirement.

Alderman Simpson asked for an example. CC Cullen replied that examples included the boy scouts/girl scouts would be exempt because they are part of a not for profit organization and they solicit purchases of less than \$100.00. For license professional services not involving the purchase of any goods or services, examples include attorneys, accountants, insurance agents, real estate agents.

Alderman Griffin asked how this would effect other organizations, such as the baseball association or a school. CC Cullen responded that he is unsure if they would be considered not for profits, but they would also fall under the less than \$100.00 exemption.

Alderman Cahnman asked for the difference between a solicitor and a peddler. CC Cullen responded that a solicitor would be going door to door and peddler would be setting up a stand. Alderman

Cahnman asked if there is any fee accompanying the registration of a religious or not for profit group. CC Cullen responded that there is not a fee in the ordinance.

Alderman McMenamin asked Alderman Lesko if he would be willing to hold the ordinance in committee in order to give the public and the aldermen time to review the amendment. Alderman Lesko asked if there were any questions in particular that he has about the ordinance and the public is anxious for the Council to take action. Alderman McMenamin responded that he has not had time to fully study the ordinance.

City Clerk Cecilia Tumulty asked Alderman Lesko asked if groups that are selling magazine subscriptions would be exempt under this ordinance. CC Cullen and Alderman Lesko responded that since the group is a for profit company, they would be responsible for registering and paying the fees associated with registering.

Alderman Simpson asked how the City will determine if a group is a legitimate religious organization. CC Cullen responded that looking at if the group shares facilities or has anything in common with a recognized religious organization. The religious organization also should be able to document any persons that are involved with the organization. Alderman Simpson asked for further clarification. CC Cullen responded that that he would require them to produce satisfactory proof that a group is legitimate. That could include a tax exempt letter from the IRS, a filing under the Illinois not for profit corporation act. Clerk Tumulty asked if the suggested documentation is included within the ordinance. CC Cullen responded that it is not.

Alderman Cahnman stated that he agreed with Alderman McMenamin's suggestion that the ordinance be left in committee to give the Council more time to review it.

Alderman Theilen asked if Section 110.370, Section B would imply that the City needs documentation of the not for profit group. CC Cullen responded that he agreed, but that there are not specific requirements listed. Alderman Theilen clarified that the group needs to provide reasonable proof of their not for profit status. He went on to state that instead of explicitly listing the types of documents that are acceptable, the ordinance leaves discretion to the Clerk's office to determine which items are acceptable and which are not.

Alderman Griffin asked if schools would be considered not for profits. CC Cullen responded that they would. Alderman Griffin asked about private schools. CC Cullen responded that private schools are not for profit.

The motion to amend Agenda Item 2011-226 passed with a voice vote of 10-0.

The motion to approve Agenda item 2011-226, as amended passed with a vote of 8-2. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , Theilen , Dove all voted yes. Ald. McMenamin and Griffin voted no.

The next item on the agenda was Agenda Item 2011-374, An Ordinance Authorizing The Acceptance Of Two Grants And The Execution Of The Respective Grant Agreements With The U.S. Department Of Housing And Urban Development In Connection With The City's Fiscal Year 2011 Consolidated Action Plan To Accept \$1,163,012.00 In Community Development Block Grant Entitlement Award And \$541,171.00 In Home Investment Partnership Formula Funds For A Total Of \$1,704,183.00 For The

Office Of Planning And Economic Development. Alderman Simpson moved to place Agenda Item 2011-374 on final passage. Her motion was seconded by Alderman Griffin.

The motion to approve Agenda Item 2011-374 passed with a vote of 10-0. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamin , Theilen , Dove , Griffin all voted yes.

The next item on the agenda is Agenda Item 2011-378, An Ordinance Authorizing Execution Of An Agreement With Azavar Audit Solutions, Incorporated To Perform A Separate Audit Of Each Utility Contract Executed By The City And Each Franchise Fee Or Tax Authorized By The City Within Its Corporate Boundaries, For The Office Of Budget And Management. Alderman Simpson made a motion to place Agenda Item 2011-378 on final passage. Her motion was seconded by Alderman Cahnman.

Alderman Cahnman asked Office of Budget and Management Director Bill McCarty if he was able to find any other companies that did this type of service. Director McCarty responded that they did research and looking through older auditing contracts to see if there were any other companies. He went on to state that he found only one other firm that was based out of Buffalo, New York. Their fee was roughly 50% of the additional revenue that is given back to the City. Azavar's fee is 33%, contingent on the contract being executed quickly. Alderman Cahnman thanked Director McCarty and Treasurer Langfelder for their work. He also pointed out that this could be a way to generate revenue without raising taxes. Director McCarty added that the only thing that the City will be asking for assistance from Azavar on is anything that the City does not have the technical expertise or the staff to do them. For example, he will be initiating an audit of the hotel/motel taxes with OBM staff next spring. He went on to state that Azavar will specifically be looking at Ameren franchise fees, telecommunications franchise fees and the Comcast cable franchise fees. Alderman Cahnman clarified that before any audit takes place, that they will have the approval of the Mayor and of OBM.

The motion to approve Agenda Item 2011-378 passed with a vote of 10-0. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamin , Theilen , Dove , Griffin all voted yes.

The next item on the agenda was Agenda Item 2011-381, An Ordinance Authorizing Payment In An Amount Not To Exceed \$137,270.36 To The Sangamon County Board Of Health For Animal Control Services, For Emergency Passage. Alderman Simpson made a motion to place Agenda Item 2011-381 on emergency passage. Her motion was seconded by Alderman Griffin.

Mayor Houston explained that the City currently owes Sangamon County for two quarters and the third quarter is coming due.

Alderman McMenamin stated that he viewed this situation as urgency, not an emergency.

The motion to approve Agenda Item 2011-381 passed with a vote 9-1. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , Theilen , Dove , Griffin all voted yes. Ald. McMenamin voted no.

The next item on the agenda was Agenda Item 2011-382, An Ordinance Accepting Grant No. 12-373004 From The Illinois Department Of Commerce And Economic Opportunity In The Amount Of \$346,120.00 With Matching Funds In The Amount Of \$346,120.00 For A Total Grant Amount Of

\$692,240.00 For The International Tourism Marketing Grant Program Beginning July 1, 2011, Through June 30, 2012, And Authorizing A Supplemental Appropriation In The Amount Of \$346,120.00 For The Springfield Convention And Visitors Bureau, For Emergency Passage. Alderman Simpson made a motion to place Agenda Item 2011-382 on emergency passage. Her motion was seconded by Alderman Lesko.

Alderman Theilen stated that he will be voting present on this ordinance because he is employed by the Illinois Department of Commerce and Economic Opportunity (DCEO).

Mayor Houston explained that the reason for the emergency passage is due to the fast turn around time that the State of Illinois requires for the grants.

Alderman Griffin asked about the return on the city's investment in this type of international marketing. Director of the Springfield Convention and Visitor's Bureau Tim Farley responded that all of the funds that are expended for this program are state funds, not city funds. But it is a requirement of the grant for the City to show that they have the matching money in their account to match with the grant. He also pointed out that \$34,000 of the grant will go towards web enhancements, \$7,500 will go towards the Looking for Lincoln Program, and \$25,000 will go towards the Route 66 Mother Road Festival. He also said that he would share the revenue that is generated through hotel/motel taxes due to this type of marketing with the City Council.

Alderman McMenamin noted that this is the third such grant that has come to the Council via emergency passage. He expressed concern that the ordinance did not come through the committee and the Council not given enough information about the details of the grant. He also asked for clarification on the matching portion of the grant. Director Farley explained that the purpose of the matching portion of the grant is that the State needs to ensure that they have enough matching money in their budget, but it does not mean that the City needs to spend that matching money for the grant. Mayor Houston clarified that the matching funds that the City is using is coming out of salaries.

Alderman McMenamin referenced an article in the State Journal Register that mentioned that the City had thirty days to turn over the grant and therefore the ordinance is an urgency, but not an emergency.

Agenda Item 2011-382 passed with a vote of 9-1-1. Ald. Edwards☒, Simpson☒, Turner☒, Lesko☒, Cahnman☒, Jobe☒, Dove☒, Griffin ☒ and Mayor Houston ☒ all voted yes. Ald. McMenamin ☒ voted no and Ald. Theilen ☒ voted present.

The next item on the agenda was Agenda Item 2011-389, 2011-389, An Ordinance Amending Section 96.045 Of Chapter 96, Lake Springfield, Of The 1988 Springfield City Code Of Ordinances, As Amended, Pertaining To Buildings And Structures, For Emergency Passage. Alderman Edwards made a motion to place Agenda Item 2011-389 on emergency passage. Alderman Simpson seconded his motion.

Alderman Edwards explained the reason why he asked for this ordinance to be placed on emergency passage. He had asked City Water Light and Power Acting Director Eric Hobbie to place a hold on granting any building permits until a solution is agreed upon. There are problems on the lake with properties being bought, sold and built that are not adhering to the same building code standards as the rest of the City. Because the City has the professionals to handle building and zoning, it make sense to have them be in charge of the permit process for the properties around the lake as well. The ordinance

was placed on emergency passage because there are pending sales and permits that did not need to be held up.

Mayor Houston asked Alderman Edwards if he would be willing to keep the ordinance on file until other options could be explored. Alderman Edwards responded that he would not because he has spoken with the homeowners, CWLP and various other groups and everyone is on board with the ordinance moving forward. It does not mean, however, that the City should not also look for other ways to work to solve this problem. The Lake Area Home Owners Association has formed a committee to work with the City's Building and Zoning Department.

Alderman Cahnman asked about the current process for any home owner to receive a permit from CWLP. But, under the current proposal, a permit would also need to be gotten from the Building and Zoning Department. He asked why there needed to be two permits issued. CC Cullen responded that CWLP has a lake land use plan and in some cases that plan is more rigorous than the building and zoning ordinances. Alderman Edwards added that because parts of the Lake are in the City and parts are in Sangamon County, CWLP could grant variances without notice to the surrounding neighbors and not in adherence to City code. Any variance request would go through the public process of approval by the Planning and Zoning Commission and the City Council. He went on to state that because these homes will eventually end up in the City of Springfield, that it is important that they adhere to City Codes. He also expressed concern about homes being built so close together that equipment would not be able to fit in between.

CC Cullen further clarified that the proposed ordinance would apply to both building permits and zoning variances. Alderman Cahnman asked if there were properties on the lake that were owned by the City that the zoning laws do not apply. CC Cullen responded that it was true if the land had not been annexed into the City. There are a number of parcels that are not annexed into the City. Alderman Cahnman observed that these parcels would not have a zoning classification if they were not annexed into the City. CC Cullen added that the language to apply the zoning classification that most closely matches the most restrictive zoning classification for the current use of the property as if it were located within the City of Springfield. Alderman Cahnman added that we are using this authority because the City of Springfield owns the land around the Lake.

Director Hobbie stated that, while the situation is relatively new to him, he had spoken with Alderman Edwards about the proposed ordinance. He is for creating a public forum, such as what is done with the Building and Zoning Commission. That way it is not in the hands of one person, but instead is in the public forum. He also added that there are ongoing discussions between himself and Corporation Counsel's office to make the procedure better. He also wants to ensure that the lake use plan and its strict guidelines are followed as well. Alderman Cahnman asked if he was in agreement with the proposed ordinance. Director Hobbie responded that there are ongoing discussions and while there may be some better processes that could be implemented, he is not opposed to the process laid out in the ordinance.

Mayor Houston asked if any building permit for building done at the Lake, regardless if it is in the City or not, is done through the City's building department. If the property is not part of the City, then that is where zoning does not come in. He added that the simple solution would be to annex all of the property around the Lake into the City. Alderman Edwards stated that the Mayor's suggestion had been tried in the past, but there was a problem that arose with Woodside Township. The City would only be allowed to annex a certain percentage of another governmental entity's property without a referendum to prevent

that. There were upwards of 70 properties that were annexed into the City. Woodside Township had a referendum on their ballot to stop the annexations that passed overwhelmingly. There is a law stating that one governmental body cannot force a financial hardship on another governmental body. There is a mechanism set up that will gradually annex all of the properties into the City, but it will take longer.

Alderman McMenemy expressed some concern about there not being enough information provided on the properties that will be affected by the ordinance. He also expressed concern about the degree of discretion that would be given to the Zoning Administrator. He went on to express concern that there is not a procedure spelled out for citizens who disagree with the Zoning Administrator's determination. He stated his concern that the ordinance is being rushed through without proper information being given to the Aldermen or thought on the ramifications of the proposed ordinance.

Alderman Edwards stated that the proposed ordinance will allow his constituents to have the same services as Ward 7 constituents. The procedure would be the same procedure that exists now would apply to the residents at the Lake as well. Alderman McMenemy expressed further concern about the ambiguity of the ordinance and the potential for problems with assigning zoning classifications to properties. Alderman Edwards pointed out that the Lake leases assign what can and cannot be done on properties, and that would translate into zoning classifications.

Alderman Cahnman pointed out that the ordinance states that the Zoning Administrator would evaluate the property and assign zoning classifications as if it were in the City of Springfield. CC Cullen added that the property need to be in compliance with the zoning code and that is the basis by which the zoning variances would be determined. He added that the Zoning Administrator would use their best judgment in determining which zoning classification would apply to a piece of property.

Tom Hiler of 5 Oak Lane in Springfield addressed the Council. He is the head of the Springfield Lakeshore Improvement Association. He stated that the Association unofficially approves of the ordinance. There has not been time to organize a meeting of all 725 lake leases to make an official endorsement of the ordinance. He has not heard any opposition to the ordinance from his 25 board members.

Agenda Item 2011-389 passed with a vote of 9-2. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , Theilen , Dove , and Griffin all voted yes. Ald. McMenemy and Mayor Houston voted no.

Alderman Simpson made a motion for an omnibus vote to suspend the rules and place Agenda Item 2011-415, 2011-416, 2011-417, 2011-418 onto first reading. Her motion was seconded by Alderman Griffin. The motion passed with a voice vote of 10-0.

Mayor Houston then read the titles of the ordinances into the record.

2011-415 An Ordinance Approving The Appointment Of Michael Lelys As Executive Director Of Oak Ridge Cemetery For The Office Of Public Works (**Requested by Mayor J. Michael Houston**)

2011-416 An Ordinance Accepting And Authorizing An Illinois Transportation Enhancement Program (ITEP) Change Request With The State Of Illinois Department Of Transportation Regarding Preliminary Engineering For Decorative Lighting On Dirksen Parkway (Section Number 08-00461-01-

LT, Job Number P-96-211-08 And Project Number TE-00d6(086)); And Authorizing A Supplemental Appropriation Of \$6,400.00 For The Office Of The Mayor, Springfield Green
(Requested by Mayor J. Michael Houston)

2011-417 An Ordinance Authorizing Additional Payment Of \$8,000.00, For A Total Not To Exceed \$37,800.00, To Massie Massie & Associates, Inc., For Preliminary Engineering Services For Gateway Improvements On The Clear Lake Avenue Corridor Including The Madison/Jefferson Crossover, MFT Sections 08-00461-01-Lt And 08-00461-00-Ls, For The Office Of The Mayor, Springfield Green **(Requested by Mayor J. Michael Houston)**

2011-418 An Ordinance Authorizing The Execution Of Yard Waste Collection Service Agreements With Lake Area Disposal Service, Inc. In The Amount Of \$53,200.00, Waste Management Of Illinois, Inc. In The Amount Of \$49,300.00, And Allied Waste Transportation, Inc. In The Amount Of \$33,845.00, For A Total Amount Of \$136,345.00, To Furnish Services Of Collection And Disposal Of Yard Waste Within The City And Lands Owned By The City, For The Office Of Public Works **(Requested by Mayor J. Michael Houston)**

Alderman Simpson asked CC Cullen about a resolution that she had asked for during the previous meeting. CC Cullen responded that he is working on it and apologized for not having it completed.

Alderman Griffin asked about presentations that had been previously done to the Council from the Springfield School District of kids that had done positive things. Communications Director Ernie Slottag responded that the Springfield School District has set the program aside for the time being.

Carol West of 2335 South 1st Street in Springfield addressed the Council. She thanked the Mayor, the City Council, the Police Department and the Fire Department for their hard work on her behalf.

Patricia Phillips of 213 South Dirken Drive in Springfield also addressed the Council and asked questions about the fees that the City has imposed to impound vehicles. She expressed concern that the fine is too high and that it is a financial hardship.

Mayor Houston responded to her questions. She asked what the fee that is charged is for. Mayor Houston responded that if the vehicle is use in a felony, such as driving under a revoked or suspended license, that the car is towed because they do not want it on the streets. Ms. Phillips went on to express concern about the fees and fines that are imposed. Mayor Houston responded that the fees are to recoup some of the cost that the City incurs when a car is towed. He also clarified that the City does not receive the towing charge or the daily storage charges which are assessed by the towing company.

Alderman Edwards added that he thought that the fee is excessive. He asked for an audit to be taken to find out how much it costs the City to process the tows.

Alderman Turner stated that she agrees with Alderman Edwards and that she had asked Corporation Counsel to look into what is entailed and what the fee go towards. In looking at the information provided, she found it hard to believe that it would cost \$500 to provide the service. She also urged the Council to put the fee more in line with what it costs to provide the service.

Alderman Cahnman clarified that the ticket is imposed on the driver of the vehicle, but the tow fine is imposed on the owner of the vehicle. He pointed out that the owner does have the right to a hearing in order to receive the fine back.

CC Cullen advised the Council that the fine is not to recover costs. It is a fine because your vehicle was involved in something illegal. He also pointed out that there are several individuals that are involved including the police officer, police administrative personnel, Corporation Counsel's office, hearing officers, the Treasurer's office and the Clerk's Office. He went on to state that there are costs that are associated with that process. The hearings are set up to allow for people to dispute things like driving on a suspended license, having driving privileges reinstated, but the paperwork had not caught up in the system and the hearing officer makes a ruling to return the bond money and the tow expense.

Alderman Griffin recalled the discussion that occurred when the ordinance was passed initially surrounded the idea that the fine was to act as a deterrent. It is up to the vehicle's owner to ensure that their car is not used in a felony. It was set up to have people pay closer attention to who is driving their vehicles.

Alderman Simpson expressed her agreement with Alderman Griffin. The fine was imposed to act as a deterrent to people allowing their vehicles to be used in that manner. The law was not set up to be a convenience to the citizens; it was meant to be a deterrent. She urged the Council not to be swayed by public opinion to the fine being too high and make it more affordable to the citizens. The fine is meant to be a deterrent.

Alderman Turner expressed concern about ordinary citizens who have things happen to them that it out of their control. She also expressed concern about the potential domino effect of such things and it ending up doing more harm to the owner. She stated that she believes that the fine should correlate back to something and not be a number that is arbitrarily selected. And she urged the Council to take into account how the rules and laws that are passed affect ordinary citizens.

Alderman McMenemy pointed out that the accumulation of the fees and fines present a hardship to the citizens. He added that the City of Pekin had just done away with their impound fees. He expressed support of Alderman Edwards's statements and shared his concerns with him and Alderman Turner.

Alderman Theilen asked if there was a procedure set up to allow for a payment plan to be set up for the fine. Treasurer Langfelder pointed out that under the previous Corporation Counsel that his office was prohibited from entering into any agreements with litigation assigned to it, which would prohibit this situation. Alderman Theilen asked for him and the Corporation Counsel's office to look into setting up such a program to allow for less of a burden to citizens, but still pay the fine that is imposed.

Alderman Simpson expressed her support for Alderman Theilen's recommendation about looking to setting up a payment plan so that an individual can get their vehicles. She stated that she does not think that the fee should go away. She is worried that the Council would start repealing fees and fines that are imposed. She stated that the fee is a deterrent.

Alderman Edwards asked how many tickets have been written under this ordinance and how many cars have been abandoned because the owner cannot pay the fine. He expressed concern about the financial hardship that this causes to citizens. He expressed his further concern that the fine is excessive.

Treasurer Langfelder reported that in the first four months of the ordinance, the City has collected roughly \$250,000 in fines. He pointed out that there is an additional fee when a person wants to dispute the fine, but if they are successful, they receive all of the money back. He suggested that the Council form an ad hoc committee to take a look at the situation.

Alderman Lesko expressed support for Alderman Theilen's plan to set up a payment plan. But he expressed concern for the Treasurer's office to be able to set up a system to keep track of the payments. He asked for the Treasurer to have suggestions on how such a program would be set up.

Alderman Cahnman pointed out that once the person receives their car back; there is little incentive for them to continue to pay the fine. Alderman Theilen suggested maybe tying the payment plan with the boot plan and other ideas. He expressed that he would be open to discussing such ideas.

Alderman McMenamin stated that if the tows are averaged out that it has the potential to affect a number of people. He also expressed concern about the potential domino effect.

Alderman Cahnman expressed support for an ad hoc committee to be formed. He asked CC Cullen to draft a resolution to create such a committee.

CC Cullen clarified that he has never tied the fine that is assessed by the City to a reimbursement of services of the City. It is a fine to deter illegal conduct.

Alderman Lesko made a motion to recess the regular meeting of the City Council for the purpose of holding executive session to discuss pending litigation pursuant to section 2(C)(11) of the Illinois Open Meetings Act. His motion was seconded by Alderman Jobe. The motion passed with a voice vote. The regular meeting of the City Council was recessed at 6:55pm

Alderman Simpson made a motion to adjourn the executive session and reconvene the regular meeting of the City Council. Her motion was seconded by Alderman Griffin. It passed with a voice vote and the regular session was reconvened at 7:10pm.

Alderman Simpson moved for adjournment. Her motion was seconded by Alderman Griffin. The motion carried with a voice vote of 10-0. The meeting was adjourned at 7:11pm.

Cecilia K. Tumulty

Cecilia K. Tumulty
City Clerk