

**Minutes of Springfield City
Council Meeting
Tuesday August 18, 2015
City Council Chambers**

PRE-COUNCIL SESSION

City Clerk Frank Lesko called the Pre Council Session of the Springfield City Council to Order at 5:00 p.m., Tuesday, August 18, 2015 in the Council Chambers of the Municipal Center West.

Clerk Lesko read the ordinances on the order of First Reading and assigned to the Committee of the Whole.

PUBLIC SAFETY

2015-282 AN ORDINANCE ACCEPTING AND AUTHORIZING EXECUTION OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT #2015- DJ-BX-0068 FROM THE U.S. DEPARTMENT OF JUSTICE, IN THE AMOUNT OF \$103,792.00, FOR THE SPRINGFIELD POLICE DEPARTMENT **(Requested by Mayor James O. Langfelder)**

PUBLIC WORKS

2015-283 AN ORDINANCE ACCEPTING THE SOLE SOURCE BID AND AUTHORIZING THE EXECUTION OF CONTRACT NB16-107C WITH SANGAMON VALLEY LANDFILL AND WASTE MANAGEMENT OF ILLINOIS, INC. FOR THE DISPOSAL OF DEMOLITION DEBRIS IN AN AMOUNT NOT TO EXCEED \$185,000.00 FOR THE OFFICE OF PUBLIC WORKS **(Requested by Mayor James O. Langfelder)**

2015-284 AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT WITH MEMORIAL HEALTH SYSTEM IN REGARDS TO THE LEASE OF AIR SPACE OVER CARPENTER STREET, FOR THE OFFICE OF PUBLIC WORKS **(Requested by Mayor James O. Langfelder)**

GENERAL CITY BUSINESS

2015-285 AN ORDINANCE APPROVING THE APPOINTMENT OF CHARLES REDPATH AND ANDREW PROCTOR TO THE SPRINGFIELD/SANGAMON COUNTY REGIONAL PLANNING COMMISSION **(Requested by Mayor James O. Langfelder)**

2015-286 AN ORDINANCE TO INCREASE THE NUMBER OF CLASS "E" LIQUOR LICENSES BY ONE FOR MS. D'S KITCHEN BAR & GRILL, INC., D/B/A MS. D'S KITCHEN, LOCATED AT 1031 SOUTH 11th STREET, SPRINGFIELD, ILLINOIS
(Requested by Mayor James O. Langfelder)

2015-287 AN ORDINANCE AUTHORIZING A DECREASE IN THE NUMBER OF CLASS "C1" LIQUOR LICENSES BY ONE AND INCREASE THE NUMBER OF CLASS B1 LIQUOR LICENSES BY ONE FOR AT&W GROCERY, INC., D/B/A AT&W GROCERY, 2191 STEVENSON DRIVE (Requested by Mayor James O. Langfelder)

CWLP

2015-288 AN ORDINANCE APPROVING AN AGREEMENT WITH MEMORIAL HEALTH SYSTEM AND AMEREN ILLINOIS COMPANY FOR RELOCATION OF A 69KV TRANSMISSION LINE ON CARPENTER AND FIRST STREETS FOR THE OFFICE OF PUBLIC UTILITIES (Requested by Mayor James O. Langfelder)

The Following ordinances are on the consent agenda for final passage tonight. The ordinances are: **2015-263; 2015-264 ; 2015-265; 2015-266 ; 2015-267; 2015-268 ; 2015-269 2015-270; 2015-271; 2015-272; 2015-273; 2015-274; 2015-275; 2015-276; 2015-277; 2015-278; 2015-279; 2015-281**

The Pre-Council session concluded at 5:03pm.

CITY COUNCIL ZONING AGENDA

Mayor Langfelder called the August 18, 2015 meeting of the Springfield City Council to order at 5:30pm. He invited everyone to join with him in reciting the pledge of allegiance.

City Clerk Lesko took the roll call of members.

PRESENT: Alderman Redpath☒, Alderman Senor☒, Alderman Turner☒, Alderman Fulgenzi☒, Alderman Proctor☒, Alderman Jobe☒, Alderman McMenamin☒, Alderman Theilen☒, Alderman Donelan☒, Alderman Hanauer☒, Mayor Langfelder☒

First on the zoning docket is Docket 2015-025 for the property located at 846 and 848 north Third Street, the petitioner is Kevin McCloughan as contact purchaser by Matthew Cate, of council. The present zoning is R-3(b) general residence district, section 155.018. The requested zoning relief is reclassification to B-2, general business service district, section 155.034 and a variance of section 155.063, requested yard for lots adjoin residential district and section 155.480 landscape screening and lighting regulation: transitional buffer yard. The Planning and Zoning Commission recommendation is to deny the petition as submitted but grant a Use Variance to concur with the amended staff recommendation to allow construction of a contractor's establishment within 5 feet of northern, within 5 feet of the rear lot line and allow for a 5 foot transitional buffer yard, limited to snow removal equipment only for 846 and 848 North Third Street. Alderman Proctor made a motion to accept the staff recommendation. Alderman Redpath seconded the motion. The motion passed on a vote of 10-0 Voting Yes: Alderman Redpath☒, Alderman Senor☒, Alderman Turner☒, Alderman Fulgenzi☒ Alderman Proctor☒, Alderman Jobe☒, Alderman McMenamin☒, Alderman Theilen☒, Alderman Donelan☒, and Alderman Hanauer☒

Next on the agenda is Docket 2015-048 for the property located at 2144 North Seventh Street. The petitioner is Sherry Upton. The present zoning is R-2 single family and duplex residence district, section 155.017. The requested zoning relief is variance of section 155.068(b)(1), garages or accessory building or structures. The Planning and Zoning Commission recommendation is to approve the petition as submitted for a variance of section 155.068(b)(1), garages or accessory building or structures, to construct a 16 feet by 22 feet addition to an existing detached garage which has a 2 feet setback from the south property line and allowing the portion of the detached garage a 2 foot setback along the south property line. Alderman Senor made a motion to accept the staff recommendation. Alderman Fulgenzi seconded the motion. The motion passed on a vote 10-0 Voting Yes: Alderman Redpath☒, Alderman Senor☒, Alderman Turner☒, Alderman Fulgenzi☒ Alderman Proctor☒, Alderman Jobe☒, Alderman McMenamin☒, Alderman Theilen☒, Alderman Donelan☒, and Alderman Hanauer☒

Next on the agenda is Docket 2015-049 for the property located at 1729 South Eleventh Street. The petitioner is Terry Gumm. The present zoning is I-1, light district, Section 155.040. The requested zoning relief is variance of section 155.157, discontinuance of use, in the I-1 light industrial district. The Planning and Zoning Commission recommendation to approve the petition for a variance of section 155.157, discontinuance of use, in the I-1 light industrial district to remodel a vacant single-family residence, permitting a continued use of the property as a non-conforming single-family residence. Alderman Senor made a motion to accept the staff recommendation. Alderman Redpath seconded the motion. The motion passed on a vote of 10-0 Voting Yes: Alderman Redpath☒, Alderman Senor☒, Alderman Turner☒, Alderman Fulgenzi☒ Alderman Proctor☒, Alderman Jobe☒, Alderman McMenamin☒, Alderman Theilen☒, Alderman Donelan☒, and Alderman Hanauer☒

CITY COUNCIL REGULAR AGENDA

First, Deputy Treasurer Brad Loscher gave the July monthly financial report. The month of July there was beginning fund balance \$8,880,440 The City monthly receipts brought in \$9,502,336 with disbursements of \$12,946,789 which left the Corporate Fund ending cash balance for the month of July \$5,435,991 Alderman McMenamin made a motion to accept the financial report. Alderman Jobe seconded the motion. The motion passed on a voice vote of 10-0.

Next, Mayor Langfelder recognized CWLP Chief Engineer Doug Brown for a financial report on CWLP. Mr. Brown showed a power point presentation on the finances of the City Utilities. The Utilities should have balance cash on hand for sixty days, currently that stands at three days. The sale of wholesale power is down this quarter, due to the cooler temperatures. Mr. Brown said that the water is in better shape. The water fund had eighty four days of cash. The Water Department is keeping their expensive below the budgeted amount. Mr. Brown said that the Utilities need to have a restructured plan going forward. The plan would include refinancing the bonds. The rating agencies want to do a full in depth review before they would give a favorable reading. Alderman Donelan had a question about the rate restructuring; he wanted to know if there can be a way for the public to see an example or calculating their utilities bill. Mr. Brown said that when the Utilities have a final plan there will be away for the public to see their increase. Alderman Thelien asked about the PILOT fund and if there is away to get rid of fund or structure it to where its own fund.

Next, Mayor Langfelder entrain a motion to incorporated the pre council reading if ordinances into the record. Alderman Redpath made the motion. Alderman Turner seconded the motion. The motion passed on a voice vote of 10-0.

Next, Mayor Langfelder asked for a motion to dispense with a reading of the minutes of the August 5, 2015 City Council meeting and approve the minutes. Alderman Redpath made the motion and Alderman Turner seconded the motion. The motion passed on a voice vote of 10-0.

Next, Mayor Langfelder asked to incorporate the pre-council reading of the consent agenda into the record. Alderman Redpath made the motion. Alderman Donelan seconded the motion. Alderman Jobe asked that 2015-274 be removed and place on the debate agenda. Alderman McMenamin asked that 2015-277 off the consent agenda and move to the debate agenda. Alderman Jobe made a motion to pass the amended consent agenda. Alderman Turner seconded the motion. The amended consent agenda passed on a vote of 10-0. Voting Yes: Alderman Redpath☒, Alderman Senor☒, Alderman Turner☒, Alderman Fulgenzi☒ Alderman Proctor☒, Alderman Jobe☒, Alderman McMenamin☒, Alderman Theilen☒, Alderman Donelan☒, Alderman Hanauer☒

Next, Ordinance 2015-274 is an ordinance amending chapter 96 of the 1988 Springfield City Code of ordinances, as amended, by adding section 96.089 pertaining to Lake Springfield marginal properties. Alderman Redpath made a motion for final passage. Alderman Donelan seconded the motion.

Alderman Jobe asked for CC Zerkle to explain the lease agreement and what changes might take place with the passage of this ordinance. CC Zerkle said that there are a couple of different leases. A person can sublet with the permission from The City for less than one year. The ordinance that is present is an ordinance that is trying to close holes about subletting and renting. Alderman Jobe asked what kind of manpower and how The City could enforce the ordinance and know who is or isn't renting out their home. CC Zerkle said it would be like most of the zoning issues and complaint driven; in that The City would investigate a complaint and determine if they are violating the ordinance. Alderman Turner asked what the financial impact would be on The City. CC Zerkle said he is not for sure, he said it would depend on the number of complaints.

Doug Reynolds 144 Maple Grove, Springfield, IL spoke about the issue that has a raised next door. His next neighbor has been renting out the house. There have been visitors trespassing on his boat dock and deck; there has also loud parties next door. Then Alderman asked Mr. Reynolds questions about how many times he has had to call the police and how he handled other problems with the property.

Lynne Votrain 80 Island Bay Lane, Springfield, IL she is President of Lake Home Owners Association. Miss Votrain spoke about what the Association is doing in informing the police departments about what activates that are going on at the rental property. Alderman Senor asked if CWLP security, the Springfield Police Department have been call about the nuisance problems that they are experiencing. Miss Votrain said that the departments have asked that residence take photographs and log the activities and then report it to the neighborhood resource officer.

Eric Anderson manger of the property 140 Maple Grove, Mr. Anderson came to answer question about the property. Mr. Anderson then gave a list of the people that have rented the property. Alderman Theilen asked Mr. Anderson if this primary job, or a second part time job. Mr. Anderson said this part of many locations that he manages. He has his father do most of the maintenance work and up keep at the property.

Neil Malone with the Illinois Association of Realtors, his association is concern about the ordinance, in that it affects private property rights. Mr. Malone found only one home available for rent on Lake Springfield; with that Realtor's don't think there needs to be a ordinance passed for just one property.

The motion passed 6-4 voting yes: Alderman Redpath☒, Alderman Fulgenzi☒, Alderman McMenamin☒, Alderman Theilen☒, Alderman Donelan☒, and Alderman Hanauer☒
Voting no: Alderman Senor☒, Alderman Turner☒, Alderman Proctor☒, Alderman Jobe☒,

Next, Ordinance 2015-277 an ordinance authorizing payment of annual bank service fees in an amount not the exceed \$70,000.00 to Illinois National Bank for banking services through June 30, 2016, for the finance division for the office of Public Utilities. Alderman McMenemy wanted to know why the banking services weren't shopped around. Alderman Thelen made a motion for approval. Alderman Jobe seconded the motion. Director Brown said that there were no real savings in switching banks. The account has been at INB for twenty years.

The motion passed 10-0 voting yes: Alderman Redpath☒, Alderman Senor☒, Alderman Turner☒, Alderman Fulgenzi☒, Alderman Proctor☒, Alderman Jobe☒, Alderman McMenemy☒, Alderman Thelen☒, Alderman Donelan☒, and Alderman Hanauer☒

Next, is ordinance 2015-280 an ordinance authorizing execution of a contract for purchase of real estate from Carl J Tega, for the Hunter Lake project in an amount not to exceed \$160,000.00 Alderman Thelen made a motion to place the ordinance on final passage. Alderman Redpath seconded the motion. The motion passed 10-0 voting yes: Alderman Redpath☒, Alderman Senor☒, Alderman Turner☒, Alderman Fulgenzi☒, Alderman Proctor☒, Alderman Jobe☒, Alderman McMenemy☒, Alderman Thelen☒, Alderman Donelan☒, and Alderman Hanauer☒

Next, is ordinance 2015-289 an ordinance authorizing an agreement with Siemens Energy, Inc. for repair of Unit 32 in an amount not to exceed \$900,000.00 for the Office of Public Utilities, for emergency passage. Alderman Thelen made a motion for final passage Alderman Turner seconded the motion. Alderman McMenemy offer an amended to the ordinance "Section 3.1 CWLP shall prepare a Report to the City Council within 60 days estimating and itemizing the expected operational cost for Unit 31 and Unit 32, fixed and variable, through FY 2020, including emergency repairs and expected capital improvements for regulatory and maintenance." Alderman Redpath seconded the amendment. Director Brown explained why there needed to be an emergency passage. The blades came apart inside the turbine did some damage to surrounding equipment. The amendment passed 9-1 voting yes: Alderman Redpath☒, Alderman Senor☒, Alderman Turner☒, Alderman Fulgenzi☒, Alderman Proctor☒, Alderman Jobe☒, Alderman McMenemy☒, Alderman Thelen☒, Alderman Donelan☒, and Alderman Hanauer☒

Next, vote is on the Ordinance 2015-289 as amended. The motion passed voting yes: Alderman Redpath☒, Alderman Senor☒, Alderman Turner☒, Alderman Fulgenzi☒, Alderman Proctor☒, Alderman Jobe☒, Alderman McMenemy☒, Alderman Thelen☒, Alderman Donelan☒, and Alderman Hanauer☒

Next, Mayor Langfelder asked to suspend the rules to place four new ordinances on first reading. 2015-290 which is an ordinance authorizing execution of an agreement between the City of Springfield, Illinois, a municipal corporation, and Bright New Day Investments, LLC and Illinois Limited Liability Company in regards to lease of air space over a portion of the alley between 520 East Monroe Street and 524 East Monroe Street. Alderman Redpath made the motion. Alderman McMenemy seconded the motion. The motion passed on a voice vote of 10-0.

Next, Mayor Langfelder asked to suspend the rules to place 2015-291 on first reading. An ordinance granting and authorizing the execution of a license agreement between the City of Springfield, IL and Bright New Day Investments, LLC Limited Liability Company, for the purpose of construction, maintenance, repair and operation of an Underground Tunnel in the alley between 520 East Monroe Street and 524 East Monroe Street. Alderman Redpath made the motion to place the ordinance on first reading. Alderman Turner and McMenamin seconded the motion. The motion passed on a voice vote of 10-0.

Next, Mayor Langfelder asked to suspend the rules to place 2015-292 on first reading. An ordinance authorizing execution of an agreement with Hanson Professional Services Inc. for construction engineering service for the Carpenter Street Underpass between 9th Street and 11th Street project, MFT section #13-00475-00-BR and project number TIG-5146(087) for the office of Public Works. Alderman Redpath made the motion to place on first reading. Alderman McMenamin seconded the motion. The motion passed on a voice vote of 10-0.

Next, Mayor Langfelder asked to suspend the rules to place 2015-293 on first reading. 2015-293 is an ordinance execution of a supplemental agreement with Hanson Professional Service Inc. for preliminary engineering service for the tenth street corridor railroad consolidation project for the office of Public Works. Alderman McMenamin made the motion to place the ordinance on first reading. Alderman Jobe seconded the motion. The motion passed on a voice vote of 10-0.

Alderman Thelien asked about a demolition on Fifth Street behind the Walgreen's on South Grand. Alderman Jobe said the Corporation Counsel is aware and the issue is being taken care of. Next, Alderman Thelien asked about correspondence into the Counsel office not being replied to in a timely matter. Alderman Thelien then gave some of the questions that have not gone unanswered. Next, Alderman Thelien asked to clarify when the next City Council meeting is. Mayor Langfelder said that the meeting will be as scheduled for September 8th and September 22nd

Next, CC Zerkle gave an update on the panhandling case that The City just lost in court. The City is now looking into whether to an appeal the decision. There looking at the different kinds of appeals they might do. Alderman Hanauer asked if The City could make a license to panhandle. CC Zerkle said he would research that answer.

Next, Alderman Jobe asked if the other Aldermen received an email about Wasabi Japanese Kitchen, LLC that is now have a new name and new owner. There is an ordinance in effect that has limited video parlors and the former restaurant looks like a video gaming parlor. Todd Oliver said that he has visited the business to what was going on. The business is planning on doing sushi on the premises. Mr. Oliver also contacted the owner to see what his intent was. Mr. Oliver said that the business is set up for review next month to see if that sixty percent of their business comes for sale of food. Alderman Turner asked if there is a way to suspend the license in order to do a review. CC Zerkle passed out a list of the business that are subject to the sixty/ forty liquor sales ordinance, and that would have to go through a review every year.

Next, Mayor Langfelder entrained a motion to adjourn. Alderman Redpath made the motion. Alderman Senor and Turner seconded the motion. The motion passed on a voice vote of 10-0 and the City Council meeting adjourned at 7:32 pm

Frank J. Lesko

Frank J. Lesko
City Clerk