

: OFFICIAL PROCEEDINGS :**: OF THE CITY OF PEORIA, ILLINOIS :**

Council Chambers, Peoria, Illinois, February 4, 2003, a Regular Meeting of the City Council was held this date at 6:15 P.M., at City Hall, Council Chambers, 419 Fulton Street, Mayor David P. Ransburg presiding.

ROLL CALL

Roll call showed the following Council Members present: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11; Absent – None.

PROCLAMATIONS, COMMENDATIONS, ETC.

PRESENTATION: 182D AIRLIFT WING PRESENTATION OF EMPLOYER RECOGNITION AWARDS TO THE MAYOR, CITY MANAGER, CHIEF STENSON, CAPTAIN POYNTER AND CAPTAIN ESSLINGER, AND PRESENTATION OF THE UNITED STATES FLAG TO THE PEORIA POLICE DEPARTMENT

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ransburg requested a moment of silent prayer and he encouraged everyone to remember the families of the seven Astronauts of the Columbia Space Shuttle who tragically gave their lives returning from space flight. He then he led the Pledge of Allegiance. Mr. Michael Hurt of the Human Resources Department sang “You’ll Never Walk Alone.”

MINUTES

Council Member Nichting moved to approve Minutes of the Regular City Council Meeting and Executive Sessions held on January 28, 2003, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS**CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE.**

(03-056) BIDS for TREE REMOVAL, Recommending the LOW BID of CENTRAL ILLINOIS ARBORISTS, as Outlined.

(03-057) PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECTS: W. LOUCKS AVENUE IMPROVEMENT (Hanssler Place to Wilcox Avenue) (Removing existing curb, sidewalk, and driveway approaches and constructing p.c.c. combination curb and sidewalk, sidewalk and driveway pavement, along with all necessary adjustments, incidentals and appurtenances.) P.A. ATHERTON CONSTRUCTION, INC. - PAY ESTIMATE #1 & FINAL: \$24,755.33; N. WOODBINE TERRACE ROADWAY IMPROVEMENT (Newman Parkway to Cul-de-sac) (Removing existing gutter, curb and gutter, sidewalk, and driveway approaches, and constructing p.c.c. combination curb and sidewalk, gutter flag, driveway pavement, and a 1.5” bituminous concrete overlay.) P.A. ATHERTON CONSTRUCTION CO.- PAY ESTIMATE #3 & FINAL: \$8,929.38; TOTAL AUTHORIZATION APPROVED: \$33,684.71. (For Information Only)

- (03-058) **PAYMENT ESTIMATES FOR PUBLIC IMPROVEMENT PROJECTS: NORTH WYCLIFFE ROAD (Lake Ave. to Hines Place) (Removal of existing curb & gutter, sidewalk & driveway approaches and constructing PCC combination curb & gutter, combination curb & sidewalk, sidewalk, driveway pavement and a bituminous concrete pavement overlay.) P.A. ATHERTON CONSTRUCTION – PAY ESTIMATE #2 & FINAL: \$54,861.25; TOTAL AUTHORIZATION APPROVED: \$54,861.25. (For Information Only)**
- (03-059) **Communication from Director of Public Works Requesting Authorization to INCREASE INTENSITY of EXISTING LIGHTING in an AREA BOUNDED BY WARREN, WESTERN and the ALLEYS NORTH AND SOUTH of MARTIN Per Request from the Martin/Warren Neighborhood Association.**
- (03-060) **Communication from Director of Public Works and Peoria Urban Forestry Advisory Board Requesting Authorization to IMPLEMENT the TREE PARTNERS PARTICIPATION PROGRAM (TPPP) as a Replacement for the Current Adopt-A-Tree (AAT) Program.**
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- (03-061) **Communication from Corporation Counsel Requesting Authorization to HIRE OUTSIDE LEGAL COUNSEL of MR. JAMES BAIRD to Represent the City in the ARBITRATION PANEL and ASSIST CITY STAFF in the UPCOMING ARBITRATION HEARING Between the City and the PEORIA POLICE BENEVOLENT ASSOCIATION.**
**
- (03-062) **Communication from Director of Planning & Growth Management with RESOLUTION NO. 03-062 Approving the PRELIMINARY PLAT of TRAILS EDGE VILLAS SUBDIVISION, a DUPLEX DEVELOPMENT Located North of Alta Road and South of Wilhelm Road off Allen Road.**
- (03-063) **STREET LIGHT REQUESTS: 300 Block S. BLAINE STREET (Alley/Street Intersection); 2800 Block W. WISWALL STREET; and 2900 Block W. WISWALL STREET.**

Council Member Nichting moved to approve the Consent Agenda items as outlined in the communications; seconded by Council Member Turner.

Council Member Thetford requested Item No. 03-060 be removed from the Consent Agenda for further discussion.

Council Member Grayeb requested Item No. 03-061 be removed from the Consent Agenda for further discussion.

Item Nos. 03-056 through 03-063 (excluding Item Nos. 03-060 and 03-061 which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

**(03-060) Communication from Director of Public Works and Peoria Urban Forestry
* Advisory Board Requesting Authorization to IMPLEMENT the TREE PARTNERS
 PARTICIPATION PROGRAM (TPPP) as a Replacement for the Current Adopt-A-
 Tree (AAT) Program.**

Council Member Thetford expressed concern regarding the significant shift in the program and she said she felt the proposal should be discussed at the next Neighborhood Development Commission meeting.

City Engineer Gene Hewitt explained the change to the program to encourage the planting of more trees in the City. He said the goal had always been to replace as many trees as had been taken down in a year, but that goal had not been realized in the past couple of years. He explained the change would require the property owner to be more financially involved in the planting. He added the property owner would do most of the work, with only approval and a site inspection required by the City.

Council Member Nichting said while he understood the need to change the policy, he was also concerned about the City's current Budget situation. He suggested that this program may be one that could be delayed until more affluent times were experienced.

Council Member Thetford moved to defer this item for one week until the February 11, 2003, Regular City Council Meeting; seconded by Council Member Nichting.

Council Member Sandberg suggested that deferral of one week was not enough. He said he had heard the new utility company wanted to invest money in the community and he pointed out that citizens had been concerned about the previous utility company cutting into existing trees. He suggested the new utility company could help finance replantings in older neighborhoods and locate trees where they would not interfere with power lines.

Council Member Thetford moved to amend her motion to defer this item for four weeks until the March 4, 2003, Regular City Council Meeting; seconded by Council Member Nichting.

Motion, as amended, to defer this item for four weeks until the March 4, 2003, Regular City Council Meeting was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

**(03-061) Communication from Corporation Counsel Requesting Authorization to
** HIRE OUTSIDE LEGAL COUNSEL of MR. JAMES BAIRD to Represent the City
 in the ARBITRATION PANEL and ASSIST CITY STAFF in the UPCOMING
 ARBITRATION HEARING Between the City and the PEORIA POLICE
 BENEVOLENT ASSOCIATION.**

Council Member Grayeb said he did not agree with the manner in which this situation was directed. He explained he felt this issue would protract labor unrest and further erode morale in the Police Department. He said he did not feel the City should spend the money for outside legal counsel during a time of scarce resources when there was little chance for success. He said he would not vote to support this item.

Council Member Thetford moved to hire outside Legal Counsel of Mr. James Baird to represent the City in the arbitration panel and assist City Staff in the upcoming Arbitration Hearing between the City and the Peoria Police Benevolent Association; seconded by Council Member Teplitz.

Approved by roll call vote.

Yeas: Ardis, Gulley, Morris, Nichting, Sandberg, Teplitz, Thetford, Turner, Mayor Ransburg-9;

Nays: Grayeb, Spears - 2.

(03-064) Communication from Corporation Counsel Requesting Authorization for the City Manager to Sign the GRANT FUNDING AGREEMENT with SPRINGDALE CEMETERY MANAGEMENT AUTHORITY.

Council Member Thetford moved to authorize the City Manager to sign the Grant Funding Agreement with Springdale Cemetery Management Authority; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

(03-065) Communication from Finance Director/Comptroller Recommending the Following:

A. ORDINANCE Amending the BUDGET for FISCAL YEAR 2003 Relating to POLICE S.L.A.T.E. GRANT and LIBRARY CAPITAL EXPENSES;

Council Member Thetford moved to adopt the Ordinance amending the Budget for fiscal year 2003 relating to the Police S.L.A.T.E. Grant and Library capital expenses; seconded by Council Member Teplitz.

ORDINANCE NO. 15,427 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

B. ORDINANCE Amending the BUDGET for FISCAL YEAR 2003 Relating to SPRINGDALE CEMETERY GRANT.

Council Member Thetford moved to adopt the Ordinance amending the Budget for fiscal year 2003 relating to the Springdale Cemetery Grant; seconded by Council Member Grayeb.

Council Member Nichting expressed concern that a Budget amendment was being proposed before the City received the grant money.

Finance Director/Comptroller Ellie Hogan said the Budget amendment would place the City in a position to distribute the money to the cemetery as soon as it was received.

Discussion was held regarding how the budget would be affected if the grant money was not received and how the estimated revenue fit into the Budget process.

Council Member Morris moved to close debate on this issue; seconded by Council Member Turner.

Motion to close debate was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

Motion to adopt ORDINANCE NO. 15,428 amending the Budget for fiscal year 2003 relating to the Springdale Cemetery Grant was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

(03-066) Communication from Finance Director/Comptroller, Corporation Counsel and Director of Public Works with ORDINANCE Amending CHAPTER 26 of the Code of the City of Peoria Relating to STREETS, SIDEWALKS AND OTHER PUBLIC PLACES.

Council Member Nichting moved to adopt the Ordinance amending Chapter 26 of the Code of the City of Peoria relating to Streets, Sidewalks and Other Public Places; seconded by Council Member Morris.

ORDINANCE NO. 15,429 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

(03-067) CITY MANAGER REPORT TO CITY COUNCIL.

Council Member Turner moved to receive and file the City Manager Report to City Council; seconded by Council Member Morris.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

UNFINISHED BUSINESS

(02-836) Communication from Director of Planning and Growth Management with Zoning Commission Recommendation to Adopt the ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to Zoning for Various Text Adjustments Deleting Zoning Certificate Requirements.

Council Member Thetford said notice was currently provided administratively to everyone within 250 feet and it was determined this was not helpful. She suggested that notice only go to the Neighborhood Association, if there was one, because they would be the ones raising the concerns.

Council Member Thetford moved to deny the Ordinance deleting zoning certificate requirements and to allow Staff to administratively restrict their notice to Presidents of the Neighborhood Associations affected, where ones existed; seconded by Council Member Teplitz.

Council Member Sandberg questioned if there was a way to reduce the workload by tailoring zoning certificates for certain zoning districts and allowing newer areas of Peoria to experience a zoning certificate-free area. He suggested tailoring zoning certificates to focus on certain common issues in the East, Center and West Bluff areas.

Director of Planning and Growth Management Wayne Anthony said he would be glad to review the suggestion and confer with the Attorney to determine what could be done. He said he was willing to pursue anything that reduced the workload for his department at this time.

Following further questions from Council Member Grayeb, Council Member Thetford further explained that if a Neighborhood Association did not exist for an area, Staff would still provide notification to those within 250 feet.

Motion to DENY the Ordinance deleting zoning certificate requirements and to allow Staff to administratively restrict their notice to Presidents of the Neighborhood Associations affected, where ones existed, was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 10;

Nays: Nichting - 1.

- (03-007) Communication from Director of Planning and Growth Management with ORDINANCE Reducing the 100-FOOT SETBACK from Centerline Along SHERIDAN ROAD for Property Addressed as 2503 N. SHERIDAN. Clerk's Note: Motion Before the City Council is the Motion to DENY the ORDINANCE Reducing the 100-Foot Setback from Centerline Along Sheridan Road for Property Addressed as 2503 N. Sheridan.**

Motion Before the City Council is to DENY the Ordinance reducing the 100-Foot setback from centerline along Sheridan Road for property addressed as 2503 N. Sheridan.

Motion to DENY the Ordinance reducing the 100-Foot setback from centerline along Sheridan Road for property addressed as 2503 N. Sheridan was DEFEATED by roll call vote.

Yeas: None;

Nays: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11.

A copy of a letter from the Petitioner, Norman L. Schwabacher, was distributed to all members of the Council.

Council Member Teplitz moved to adopt the Ordinance reducing the 100-foot setback from centerline along Sheridan Road for property addressed as 2503 N. Sheridan; seconded by Council Member Sandberg.

ORDINANCE NO. 15,430 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

- (03-035) Communication from Planning and Growth Management with ORDINANCE Rezoning Property Located at 309, 319, 321 CAROLINE STREET from the Present Class R-4 (Single -Family Residential) District to a Class I-2 (Railroad/Warehouse Industrial) District.**

Council Member Thetford moved to deny the Ordinance rezoning property located at 309, 319, 321 Caroline Street from the present Class R-4 (Single-Family Residential) District to a Class I-2 (Railroad/Warehouse Industrial) District; seconded by Council Member Ardis.

Following a brief discussion, Council Member Spears expressed concern that he did not feel Petitioner had been properly notified his request would be denied. He suggested that this item be deferred so the Petitioner could be notified and possibly work out a compromise on the zoning.

Council Member Spears moved to defer this item for one week until the February 11, 2003, Regular City Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until February 11, 2003, was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

- (03-044) Communication from Director of Public Works Regarding WATER STREET IMPROVEMENTS (Walnut Street to State Street) with Additional Information Regarding Fencing. (New Communication)**

Council Member Sandberg said he would be abstaining from the vote because he provided architectural services for an adjacent property owner.

Council Member Ardis moved to defer this item for one week until the February 11, 2003, Regular City Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until February 11, 2003, was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner,
Mayor Ransburg - 10;

Nays: None;

Abstention: Sandberg - 1.

(03-048) Communication from Fire Chief with REPORT BACK on the MULTIPLE ALARM FIRE at ROGUN Located at 407 N. E. ROCK ISLAND AVENUE on January 21, 2003, and the DYNAMICS of FIRE EQUIPMENT MOVEMENT. (Refer to Item No. 03-053)

Fire Chief Roy Modglin discussed the details of the report and the plan that was enacted to relocate and manpower to strategically cover the City during the Rogun fire. He said the plan was enacted within 30 minutes which was commendable when taking into consideration that a three-alarm fire was going on at the same time.

In discussion with Council Member Thetford regarding the 45-minutes delay for the reverse 911 system being activated, ESDA Director Kay Harmon explained at the time the fire alarm came in, her department was not under-staffed as had been reported. She said from the beginning of the fire and for the next 52 minutes, the ECC Supervisor handled 51 phone calls and activities so it was difficult for that Supervisor to get to the computer to activate the system. She said the Supervisor placed a priority on getting information out to the media so they could notify the public quickly. She further explained it normally took ten to fifteen minutes to set and activate the call-out notice, but there was malfunction of the system. She said a call was made to the software company, who was able to go on line to work on the computer and activate the system. She said the calls began at 4:02 P.M. and were completed at 4:48 P.M.

Council Member Thetford expressed concern that, when these kinds of emergencies occurred, the system could not be activated more quickly. She requested that the ESDA Director work with her Staff and the City Manager to address this situation more effectively in the future.

Director Harmon said the system was installed in 1996 with the technology that was available at that time. She said technology had changed and a Request for Proposal was being compiled to update the system to be activated by one call. She said it was her intent to bring the purchase to the Council in March, 2003. She added that the current company would no longer be supporting the current system, so change was necessary.

In discussion with Council Member Sandberg regarding response time for other parts of the City during the fire, Fire Chief Modglin said that response time was probably increased to almost seven minutes for some parts of the City.

Council Member Grayeb expressed concern that a similar failure of the system occurred in August, 2001, and the system had not been updated and corrected before now.

In discussion regarding mutual aid, Fire Chief Modglin explained that while mutual aid was helpful, those firefighters who arrived in Peoria to assist were not always familiar with the layout of the City, so it was necessary to designate a Peoria Firefighter to assist the mutual aid personnel.

Further Discussion was held regarding the plan that would have been enacted under different scenarios pertaining to the proposed closure of Fire Houses in 2002 and how response time would have been affected as well as availability of Firefighters for the fire.

Council Member Thetford requested an additional written report back that would include information about the propane tanks that were found on the property, and other hazardous materials that were present during the fire. She said she would like to know what the dangers were to the surrounding neighborhood for a continued similar use of the property.

Council Member Thetford moved to receive and file the report back on the multiple alarm fire at Rogun located at 407 N. E. Rock Island Avenue on January 21, 2003; seconded by Council Member Sandberg.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

NEW BUSINESS

REQUEST for REPORT BACK Regarding HEALTH CARE COVERAGE for CITY EMPLOYEES' DEPENDENTS and HEALTH CARE

Council Member Nichting referred to those City employees who served in the Military and were ordered to report for active duty, and he said in the past there had some problems with the families of these City employees pertaining to health care coverage. He requested to know if these problems had been solved or if there were still issues that these spouses were dealing with.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

No citizens came forward to address the Council.

EXECUTIVE SESSION

(03-068) Consideration of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent. and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

Council Member Morris moved that the City Council go into Executive Session to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; seconded by Council Member Sandberg.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

ADJOURNMENT

Council Member Morris moved to adjourn the Council Meeting; seconded by Council Member Sandberg.

Approved by viva voce vote.

The Council Meeting adjourned at 8:25 P.M.

Mary L. Haynes, MMC
City Clerk of Peoria, Illinois

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