

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

Council Chambers, Peoria, Illinois, March 18, 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.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ransburg requested a moment of silent prayer and he then led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: NUTRITION MONTH – March 2003

MINUTES

Council Member Nichting moved to approve Minutes of the Regular City Council Meeting and Executive Sessions held on March 11, 2003, and the Special Meeting and Executive Session held on March 12, 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

CONSENT AGENDA ITEMS BY OMNIBUS VOTE, for City of Peoria and Town of the City of Peoria, with Recommendations as Outlined:

(03-137) TAG DAY REQUEST from the VETERANS OF FOREIGN WARS, POST NO. 814, for Permission to Distribute Poppies for their ANNUAL BUDDY POPPY SALE on Friday and Saturday, May 9 and 10, 2003. (Dates are Open.)

(03-138) BIDS for VARIOUS MAINTENANCE MATERIALS, as Outlined.

(03-139) BID for SINR CONTRACT #21: GARDEN, S. W. JEFFERSON & WESTERN STREETS, in the Amount of \$134,521.65.

**(03-140) Communication from Director of Planning and Growth Management
* Recommending Adoption of an ORDINANCE Rezoning Property Located at 812-814 N. E. JEFFERSON and 309, 311, 313, 315, 317 MORGAN STREET from the Present Class P-1 (Parking) District and R-6 (Multi-Family Residential) District to a Class C-1 (General Commercial) District.**

- (03-141) **Communication from Director of Planning and Growth Management
Recommending Adoption of ORDINANCE NO. 15,446 Rezoning Property Located
at 2214 W. GLEN AVENUE from the Present Class C-1 (General Commercial)
District to a Class R-3 (Single -Family Residential) District.**
- (03-142) **Communication from Director of Planning and Growth Management
Recommending Adoption of ORDINANCE NO. 15,447 Rezoning Property Located
at 5358 BIG HOLLOW ROAD from the Present Class A-1 (Agricultural) District to
a Class R-3 (Single -Family Residential) District.**
- (03-143) **Communication from Director of Planning and Growth Management
Recommending Adoption of ORDINANCE NO. 15,448 Rezoning Property Located
at 823 W. SALAAM DRIVE, Accessed from N. Hale Avenue, from the Present
Class I-1 (Industrial/Business Park) District to a Class C-2 (Large Scale
Commercial) District.**
- (03-144) **Communication from Director of Planning and Growth Management
Recommending Adoption of ORDINANCE NO. 15,449 Rezoning Property Located
at 6847 N. ALLEN ROAD from the Present Class R-3 (Single Family Residential)
District to a Class R-6 (Multi-Family Residential) District, and Granting a
SPECIAL USE for a HOME AND SHELTER for WOMEN AND CHILDREN, and
CHILDCARE for RESIDENTS AND CLIENTS.**

Recommendation to Receive and File the Following REPORT BACK:

- (03-131) **Communication from ESDA Director with REPORT BACK on Administration's
** Efforts to SECURE HOMELAND SECURITY GRANT MONIES from
DEPARTMENT of HOMELAND SECURITY.**

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

Council Member Grayeb requested Item No. 03-131 be removed from the Consent Agenda for further discussion.

Council Member Thetford requested Item No. 03-140 be removed from the Consent Agenda for further discussion.

Item Nos. 03-137 through 03-144 (excluding Item Nos. 03-131 and 03-140 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.

- (03-140) **Communication from Director of Planning and Growth Management
* Recommending Adoption of an ORDINANCE Rezoning Property Located at 812-
814 N. E. JEFFERSON and 309, 311, 313, 315, 317 MORGAN STREET from the
Present Class P-1 (Parking) District and R-6 (Multi-Family Residential) District to a
Class C-1 (General Commercial) District.**

Council Member Thetford expressed concern regarding the change in methods used to hear public comment regarding cases that came before the Zoning Commission on the Consent Agenda. She said she felt citizens were confused by the change and she did not feel the citizens felt they had an opportunity to address their concerns.

Council Member Gulley moved to defer this item for three weeks until the April 8, 2003, Regular City Council Meeting; seconded by Council Member Turner.

In discussion, Director of Planning and Growth Management explained the Zoning Commission had changed their agenda format to include a Consent Agenda to save Staff time, since his department had been reduced in size by 40% over the last two years. He further explained how future meetings would be handled to avoid confusion and how each item would be handled so citizens would have a full opportunity to make their comments.

Motion to defer this item for three weeks until the April 8, 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.

**(03-131) Communication from ESDA Director with REPORT BACK on Administration's
** Efforts to SECURE HOMELAND SECURITY GRANT MONIES from
 DEPARTMENT of HOMELAND SECURITY.**

In discussion with Council Member Grayeb, ESDA Director Kay Harmon said it was her understanding, around April 1, 2003, the Mayor would be receiving a letter from the Department of Justice requesting the application and budgets, and those documents would be submitted. She added that a meeting of personnel from Police, Fire, ESDA and Information Systems would be held later this week to begin reviewing how the funds could be best utilized. She said the intent of the legislation was based on the ability of the different functional areas to have the capability to communicate with one another.

Council Member Grayeb moved to receive and file the report back on the Administration's efforts to Secure Homeland Security Grant Monies from the Department of Homeland Security; 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.

**(03-145) Communication from Director of Economic Development Requesting Approval of
the REAL ESTATE PURCHASE and SALE AGREEMENT by and Between the
City of Peoria and BIRKHALL CO., NFP, for 613-615 N. E. JEFFERSON
STREET.**

Council Member Nichting moved to approve the real estate purchase and sale agreement by and between the City of Peoria and Birkhall Co., NFP, for 613 – 615 N. E. Jefferson Street; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

**(03-146) Communication from Director of Public Works Regarding the EASEMENT
ACQUISITION for EXTENDING the CITY-OWNED RAIL SPUR INTO
PIONEER PARK, Recommending Approval as Follows:**

- A. **AGREEMENT with AMEREN-CILCO to PURCHASE REAL ESTATE
Located at 8420 N. UNIVERSITY to be Used as RAILROAD RIGHT-OF-
WAY for the KELLER BRANCH RAILROAD CONNECTION PROJECT;**

Council Member Nichting moved to approve the agreement with Ameren-CILCO to purchase real estate located at 8420 N. University, in the amount of \$210,000.00, to be used as railroad right-of-way for the Keller Branch Railroad Connection Project; 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.

B. PURCHASE of Approximately 2,758 Square Feet of REAL ESTATE Located at 1601 WEST LUTHY DRIVE from the MPH2 Land Trust, in the Amount of \$20,000.00, to be Used as RAILROAD RIGHT-OF-WAY for the KELLER BRANCH RAILROAD CONNECTION PROJECT;

Council Member Nichting moved to purchase approximately 2,758 square feet of real estate, located at 1601 West Luthy Drive, from the MPH2 Land Trust, in the Amount of \$20,000.00, to be used as railroad right-of-way for the Keller Branch Railroad Connection Project; 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.

C. INFORMATION Regarding the EASEMENT ACQUISITION Located at 8400 N. UNIVERSITY for Extending the City-Owned Rail Spur into Pioneer Park to be Purchased from ILLINOIS-AMERICAN WATER COMPANY, with Recommendation to Receive and File.

Council Member Nichting moved to receive and file the information regarding the Easement Acquisition located at 8400 N. University for extending the City-owned rail spur into Pioneer Park to be purchased from Illinois-American Water Company; 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.

(03-147) Communication from Corporation Counsel Recommending Approval of a RESOLUTION in SUPPORT of the BEL-WOOD NURSING HOME REFERENDUM. (Refer to Item No. 03-132)

Council Member Spears referred to the current situation with the United States facing war, and he pointed out many of Bel-Wood's residents had sacrificed years ago in military conflicts, and they now needed their community's support.

Council Member Spears moved to approve the Resolution in support of the Bel-Wood Nursing Home Referendum; seconded by Council Member Teplitz.

Council Member Thetford moved to grant Privilege of the Floor to the representatives of Bel-Wood Nursing Home; seconded by Council Member Morris.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to anyone representing Bel-Wood Nursing Home who wished to address the Council.

Ms. Cheryl Budzinski, 623 W. Stratford Drive, explained there were 300 beds in Bel-Wood and 180 were Medicaid patients. She said the Nursing Home was underpaid \$33.00 a day, per Medicaid patient, so voter turn out was important and she urged all citizens to vote.

Motion to approve RESOLUTION NO. 03-147 in support of the Bel-Wood Nursing Home Referendum was approved by roll call vote.

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

Nays: None.

- (03-148) Communication from Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Approving the OFFICIAL DEVELOPMENT PLAN in a Class N-1 (Institutional) District for a COLLEGE, with a SPECIAL USE in an N-1 (Institutional) District for a CHILDCARE CENTER Serving the Community as well as College Personnel and Students, OFFICES Other than those serving the Institution's Personnel and Students, RESEARCH, SCIENTIFIC, EDUCATION Other than that Conducted by the Students, FACULTY of the Institution Designated in the OFFICIAL DEVELOPMENT PLAN, and a STUDENT CENTER for Property Located at 5407 N. UNIVERSITY.**

Council Member Spears moved to adopt the Ordinance approving the Official Development Plan in a Class N-1 (Institutional) District for a College, with a Special Use in an N-1 (Institutional) District for a Childcare Center serving the community as well as College personnel and students, Offices other than those serving the Institution's personnel and students, Research, Scientific, Education other than that conducted by the students, Faculty of the Institution designated in the Official Development Plan, and a Student Center for property located at 5407 N. University; seconded by Council Member Nichting.

In discussion with Council Member Sandberg regarding legalities, Corporation Counsel Randy Ray indicated that the approval of the Official Development Plan would have no legal bearing and would not create any rights for Illinois Central College. He added if a person could successfully challenge the zoning that was proposed in the Ordinance, the Council's current action would be null and void.

Council Member Spears also suggested that a second entrance be constructed through the business district that exited onto Glen Avenue at the traffic light.

Motion to adopt ORDINANCE NO. 15,450 approving the Official Development Plan in a Class N-1 (Institutional) District for a College, with a Special Use in an N-1 (Institutional) District for a Childcare Center serving the community as well as College personnel and students, Offices other than those serving the Institution's personnel and students, Research, Scientific, Education other than that conducted by the students, Faculty of the Institution designated in the Official Development Plan, and a Student Center for property located at 5407 N. University was approved by roll call vote.

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

Nays: None.

- (03-149) Communication from Director of Planning and Growth Management with Recommendation from the Zoning Commission to APPROVE and Recommendation from the Staff to DENY an ORDINANCE Amending Ordinance No. 15,122, an EXISTING SPECIAL USE in a Class R-7 (Multi-Family Residential) District for CHURCH FACILITIES to Include a 40 SQUARE-FOOT SIGN at a Height of 7 Feet for Property Located at 6400 N. UNIVERSITY.**

Council Member Nichting distributed a copy of information from the Petitioner regarding this item to all members of the City Council.

Council Member Nichting moved to concur with the Zoning Commission Recommendation to adopt the Ordinance amending Ordinance No. 15,122, an Existing Special Use in a Class R-7 (Multi-Family Residential) District for Church Facilities to include a 40 square-foot sign at a height of 7 feet for property located at 6400 N. University; seconded by Council Member Turner.

ORDINANCE NO. 15,451 was approved by roll call vote.

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

Nays: None.

(03-150) Communication from Director of Public Works Requesting Council Action, as They Deem Appropriate, on a Request for a SIDEWALK CAFÉ for CHARLIE’S EXPRESSO on WATER STREET Located at 619A S. W. WATER STREET, with Recommendation that, if approved, the City be held harmless from any Claims Arising from the Sidewalk Café.

Council Member Gulley moved to approve the request for a Sidewalk Café for Charlie’s Espresso on Water Street, located at 619A S. W. Water Street, and that the City be held harmless from any claims arising from the Sidewalk Café; seconded by Council Member Turner.

Council Member Gulley expressed concern regarding safe walking space for pedestrian traffic, and he suggested that, at a later date, some controls may be established to limit the number of tables and to provide safe walking areas.

Council Member Sandberg said he would be abstaining from the vote due to his professional relationship with the petitioner.

Motion to approve the request for a Sidewalk Café for Charlie’s Espresso on Water Street, located at 619A S. W. Water Street, and that the City be held harmless from any claims arising from the Sidewalk Café was approved by roll call vote.

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

Nays: None;

Abstention: Sandberg - 1.

(03-151) CITY MANAGER REPORT TO CITY COUNCIL.

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

Council Member Nichting commended the City Manager on having the best Haz-Mat Team in the State and one of the best Teams in the nation, as was stated on a recent radio program.

Council Member Thetford urged the Fire Department to continue their inspections in night clubs, especially in the summer months, to check for violations to prevent future tragedies.

Council Member Thetford pointed out the City Manager’s Report also indicated, starting April 2 through August 3, 2003, the Flannigan House located at 942 N. E. Glen Oak, the oldest standing residence in Peoria, would be hosting an exhibit of the history of the Peoria Fire Department. She congratulated those who were involved in this project.

Council Member Nichting referred to the report from the Department of Planning and Growth Management, and he commended the report in that it provided a complete scope of activities handled by this department.

Council Member Ardis expressed concern regarding noise coming from residences and vehicles and the large number of calls received over the past weekend. He also said there was a great deal of litter in different parts of the City and he requested that this situation be addressed.

Motion to receive and file the City Manager Report to City Council was approved by roll call vote.

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

Nays: None.

NEW BUSINESS

REPORT Regarding IMPACT on POLICE DEPARTMENT Resulting from OFFICERS BEING CALLED TO ACTIVE DUTY

Council Member Grayeb requested a report from the Superintendent of Police regarding the impact on the Police Department resulting from the situation in the Middle East and reservists being called to Active Duty.

Superintendent of Police John Stenson reported that one Captain and three Police Officers had been called to Active Duty. He said a portion of the impact was that the City had to make up the difference between the amount paid by the Military and what the normal salary was of the person activated, plus benefits. He said a Temporary Captain had been appointed and the Police Officer positions had not been filled as of this date. He said there could be some impact to the overtime budget in the coming warmer months.

REPORT of ACTIONS TAKEN BY POLICE REGARDING METH LAB ARRESTS

Council Member Sandberg expressed concern that a third meth lab arrest had occurred in the past week in the 1500 to 1600 Block of Bigelow. He questioned what action had taken place regarding seizing the properties through the chronic nuisance law.

Superintendent of Police John Stenson explained the situations and the arrests which had been made and would be made. He said they were attempting to seize the property, under the Federal law, but there was a domestic violence case involved, which had to be considered in the matter.

COMMENTS Regarding the PEORIA READS PROGRAM

Council Member Ardis announced the Peoria Reads Program through the Peoria Public Library, and he said there would be an open book discussion on Thursday, March 20, 2003, at 7:00 P.M. at the Lakeview Branch. He added the author of the current book, "The Reappearance of Sam Webber," would be visiting Peoria on April 3, 4 and 5, 2003.

(03-152) Communication from Director of Public Works Regarding the STATUS of 2003 SPECIAL ASSESSMENT/NEIGHBORHOOD IMPROVEMENT PROJECTS. (For Information Only)

Director of Public Works Steve Van Winkle distributed a copy of this communication to all members of the City Council. No action was taken.

COMMENTS Regarding the IHSA BASKETBALL TOURNAMENTS Held in Peoria

Council Member Teplitz commended the City on the successful weekend of IHSA Basketball Tournaments held in Peoria the previous weekend and the tournaments which were planned for this coming weekend. She urged citizens to participate.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

No citizens came forward to address the City Council.

EXECUTIVE SESSION

It was determined that an Executive Session was not needed.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 7:20 P.M.

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

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