

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

Council Chambers, Peoria, Illinois, March 25, 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 (arrived at 6:16 P.M.), Teplitz, Thetford, Turner, Mayor Ransburg – 11; Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ransburg requested a moment of silent prayer and he asked that the U. S. and Coalition Troops in the Persian Gulf Region be remembered. He then led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: RETIREMENT OF CITY MANAGER MICHAEL McKNIGHT

PROCLAMATION: STRIKE OUT CROHNS AND COLITIS DAY – April 5, 2003

PROCLAMATION: ARTS IN EDUCATION SPRING CELEBRATION MONTHS – April and May, 2003

PROCLAMATION: CENTRAL HIGH SCHOOL 2003 CLASS AA STATE BASKETBALL CHAMPIONS

MINUTES

Council Member Nichting moved to approve Minutes of the Regular City Council Meeting held on March 18, 2003, and the Special City Council Meeting and Executive Session held on March 20, 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:

(03-155) **Communication from Management and Labor Co-Chairs of the HealthCare
* Committee Requesting Approval for the City Manager to Enter into an
 AGREEMENT, on a SOLE SOURCE Basis, with WILLIAM HEMBREE of
 HEALTH RESEARCH INSTITUTE for CONSULTING SERVICES for the Period
 of April, 2003, through December, 2003, in an Amount Not to Exceed \$15,000.00.**

(03-156) **Communication from ESDA Director Requesting Authorization for the City
 Manager to Execute a CONTRACT with ILLINOIS BELL TELEPHONE d/b/a
 SBC ILLINOIS for the EMERGENCY WARNING CALL DATABASE
 EXTRACT.**

- (03-157) **Communication from ESDA Director Requesting Authorization for the City Manager to Execute a 2003 AMENDED INTERGOVERNMENT AGREEMENT with PEORIA COUNTY for the PURCHASE AND OPERATION of a COMMUNITY MESSAGING SYSTEM.**
- (03-158) **Communication from Director of Public Works Requesting Authorization to TRANSFER \$200,000.00 from the STATE MOTOR FUEL TAX FUNDS from the Contract Overlay Account to the Materials Account in the 2003 Budget.**
- (03-159) **Communication from the Director of Public Works Recommending Adoption of ORDINANCE NO. 15,452 to VACATE PART OF GRAND PRAIRIE DRIVE Adjacent to LOT 2 in PEORIA REGIONAL CENTER SUBDIVISION.**
- (03-160) **Communication from the Director of Public Works Recommending Adoption of ORDINANCE NO. 15,453 to VACATE PART OF SUMMERSHADE CIRCLE Between HOLIDAY DRIVE and WAR MEMORIAL DRIVE.**
- (03-161) **SITE APPROVAL for a CLASS G (Restaurant, Wine & Beer Only) LIQUOR LICENSE for 2601 W. LAKE AVENUE, #A-5, with Recommendation of Liquor Commission to Approve.**
- (03-162) **SITE APPROVAL for a CLASS B (Restaurant with Full-Service Bar) LIQUOR LICENSE for 5201 W. WAR MEMORIAL DRIVE, SUITE 300, with Recommendation of Liquor Commission to Approve.**
- (03-163) **SITE APPROVAL for a CLASS C (Package Goods) LIQUOR LICENSE for 5201 W. WAR MEMORIAL DRIVE, SUITE 480, with Recommendation of Liquor Commission to Approve.**
- (03-164) **SITE APPROVAL for a CLASS B (Restaurant with Full-Service Bar) LIQUOR LICENSE for 5201 W. WAR MEMORIAL DRIVE, SUITE 700, with Recommendation of Liquor Commission to Approve.**
- (03-165) **REPORTS:**
- A. CITY TREASURER'S REPORT – February, 2003.**
 - B. Communication from Finance Director/Comptroller Regarding the DECEMBER 2002 REVENUE AND OPERATING EXPENDITURE REPORT, and the DECEMBER 2002 ACTIVE CIP PROJECT FINANCIAL REPORT, with Recommendation to Receive and File.**
 - C. Communication from Finance Director/Comptroller Regarding the CAPITAL IMPROVEMENT PROGRAM SECOND PERIOD 2002 CAPITAL PROJECTS STATUS REPORT, with Recommendation to Receive and File.**

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

Council Member Sandberg requested Item No. 03-155 be removed from the Consent Agenda for further discussion.

Item Nos. 03-155 through 03-165 (excluding Item No. 03-155 which was 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.

- (03-155) Communication from Management and Labor Co-Chairs of the HealthCare
* Committee Requesting Approval for the City Manager to Enter into an
 AGREEMENT, on a SOLE SOURCE Basis, with WILLIAM HEMBREE of
 HEALTH RESEARCH INSTITUTE for CONSULTING SERVICES for the Period
 of April, 2003, through December, 2003, in an Amount Not to Exceed \$15,000.00.**

Following a brief explanation by Director of Human Resources Pat Parsons regarding savings in the 2002 Health Plan, Council Member Sandberg moved to authorize the City Manager to enter into an agreement, on a sole source basis, with William Hembree of Health Research Institute for consulting services for the period of April, 2003, through December, 2003, in an amount not to exceed \$15,000.00; 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.

- (03-166) Communication from Corporation Counsel Requesting Authorization for the City
 Manager to Execute a QUIT CLAIM DEED Conveying the Property at 501
 MacARTHUR HIGHWAY to the PEORIA HOUSING AUTHORITY.**

Council Member Gulley moved to authorize the City Manager to execute a Quit Claim Deed conveying the property at 501 MacArthur Highway to the Peoria Housing Authority; seconded by Council Member Morris.

Council Member Gulley explained there was a store involved that he had been working with for relocation or finding an alternative solution. He stated it was his desire for the Peoria Housing Authority and those concerned to accommodate the owner of the business to make sure the lot remained in place until a different location was found so they could stay in the neighborhood.

Approved by roll call vote.

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

Nays: None.

- (03-167) Communication from Director of Public Works Requesting Approval of the
 SEWER IMPROVEMENT AGREEMENT with the GREATER PEORIA
 SANITARY AND SEWAGE DISPOSAL DISTRICT for the I-74 SEWER
 RELOCATIONS-DESIGN SECTION 3 in Conjunction with the I-74
 RECONSTRUCTION PROJECT, and Requesting Concurrence in the Award of the
 Contract to WALKER EXCAVATING, INC., in the Amount of \$391,651.53.**

Council Member Grayeb moved to approve the Sewer Improvement Agreement with the Greater Peoria Sanitary and Sewage Disposal District for the I-74 Reconstruction Project, and concur in the award of the contract to Walker Excavating, Inc., in the amount of \$391,651.53; seconded by Council Member Nichting.

Director of Public Works Steve Van Winkle referred to the last sentence of the Council communication just above the recommendation and requested that the sentence be changed to delete the words “will follow” and insert the words “has been implemented” so the sentence would read “...a Budget Amendment has been implemented.”

Motion to approve the Sewer Improvement Agreement with the Greater Peoria Sanitary and Sewage Disposal District for the I-74 Reconstruction Project, and concur in the award of the contract to Walker Excavating, Inc., in the amount of \$391,651.53, was approved by roll call vote.

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

Nays: None.

(03-168) Communication from Council Member John Morris Recommending Approval of a RESOLUTION to PARTNER with the COMMUNITY OF PEORIA to Participate in “TOGETHER WE PREPARE.”

Council Member Morris moved to grant Privilege of the Floor to Ms. Anne Fox; seconded by Council Member Grayeb.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Ms. Anne Fox.

Ms. Ann Fox, representing the American Red Cross, said preparedness was essential in hard times. She said the Red Cross had been working with ESDA, the Fire and Police Departments, and all other organizations to keep the community safe. She said the Resolution before the Council was for an educational program to teach citizens and businesses what they would needed to know to prepare for a disaster.

Council Member Morris moved to approve a Resolution to partner with the Community of Peoria to participate in “Together We Prepare;” seconded by Council Member Grayeb.

RESOLUTION NO. 03-168 was approved by roll call vote.

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

Nays: None.

(03-169) Communication from Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Rezoning Property Located in the 10400 BLOCK OF ALLEN ROAD, Near the Northeast Corner of N. Allen Road and W. Alta Road, from the Present Class R-3 (Single-Family Residential) District to a Class R-7 (Multi-Family Residential) District.

Council Member Nichting moved to adopt the Ordinance rezoning property located in the 10400 Block of Allen Road, near the Northeast Corner of N. Allen Road and W. Alta Road, from the present Class R-3 (Single-Family Residential) District to a Class R-7 (Multi-Family Residential) District; seconded by Council Member Sandberg.

ORDINANCE NO. 15,454 was approved by roll call vote.

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

Nays: None.

(03-170) Communication from Director of Planning and Growth Management Recommending ZONING CERTIFICATE AND USE CHANGES, as Outlined.

Council Member Nichting moved to concur with the recommendation regarding Zoning Certificate and Use changes, as outlined in the communication; seconded by Council Member Morris.

Following a brief explanation of concerns regarding some of the proposed changes, Council Member Thetford moved to defer this item for four weeks until the April 22, 2003, Regular City Council Meeting; seconded by Council Member Morris.

Council Member Nichting requested that a copy of the Council communication be sent to Mr. Jim Despain, the City of Peoria Task Force Chairman, for his review.

Motion to defer this item for four weeks until the April 22, 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.

UNFINISHED BUSINESS

(02-649) Communication from Corporation Counsel Recommending Approval of an ORDINANCE Amending CHAPTER 18 of the Code of the City of Peoria Relating to SIDEWALK VENDORS (PUSHCARTS).

Council Member Gulley moved to defer this item for three weeks until the April 15, 2003, Regular City Council Meeting; seconded by Council Member Morris.

Council Member Gulley discussed the meeting held with those involved but he indicated another meeting was needed to bring this matter to a close.

Council Member Grayeb questioned if tickets for violations of the current Ordinance would be enforced or he asked if there would be a moratorium.

Council Member Gulley said this had been discussed and he felt there should not be a moratorium at this time.

Council Member Thetford said she felt it was unfair to write tickets for violations in the next three weeks and she requested a friendly amendment that there would be a moratorium on ticketing.

Council Member Gulley said he did not support placing a moratorium on ticketing violations.

Council Member Thetford moved for a substitute motion to defer this item for three weeks until the April 15, 2003, Regular City Council Meeting and place a moratorium on ticketing violations; seconded by Council Member Teplitz.

Council Member Sandberg moved to grant Privilege of the Floor to Attorney Sandra Birdsall; seconded by Council Member Grayeb.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Attorney Sandra Birdsall.

Ms. Sandra Birdsall, 124 S. W. Jefferson, representing the Downtown Restaurant Association, said the restaurant owners had been working with pushcart owners for several weeks and one thing that had held the group together was the abandonment of the moratorium. She added the best chance of a compromise was to leave the current Ordinance in place.

Substitute motion to defer this item for three weeks until the April 15, 2003, Regular City Council Meeting and place a moratorium on ticketing violations was DEFEATED by roll call vote.

Yeas: Grayeb, Morris, Teplitz, Thetford, Mayor Ransburg – 5;

Nays: Ardis, Gulley, Nichting, Sandberg, Spears, Turner – 6.

Council Member Grayeb moved to expand the area of pushcarts to 90 feet. No second was heard.

Corporation Counsel Randy Ray said there was already a motion on the floor to dispose of before another motion could be made.

In discussion with Council Member Teplitz, Corporation Counsel Randy Ray and Finance Director/Comptroller Ellie Hogan indicated there were 23 available locations and there were 14 applications in process.

Motion to defer this item for three weeks until the April 15, 2003, Regular City Council Meeting was approved by roll call vote.

Yeas: Ardis, Gulley, Morris, Nichting, Sandberg, Spears, Turner, Mayor Ransburg – 8;

Nays: Grayeb, Teplitz, Thetford - 3.

(03-130) Communication from Assistant to the City Manager/Public Information Requesting the City Council to ESTABLISH A POLICY Requiring the GUS MACKER TOURNAMENT to REIMBURSE THE CITY OF PEORIA for CITY SERVICES and GIVE DIRECTION on a PERMANENT SITE FOR THE EVENT.

Council Member Ardis moved to direct Director of Public Works Steve Van Winkle to request IDOT's permission to allow for the closure of both sides of Washington Street from Harrison to Main Street on August 2 and 3, 2003, to accommodate the new location of Peoria's Gus Macker Three-on-Three Tournament; seconded by Council Member Sandberg.

Council Member Ardis said there were some issues regarding expenses and he pointed out there was never an intention to recover past costs. He said the intent was to recover future City costs that would be incurred. He urged Gus Macker event coordinators to meet with the Public Works Director and the Police Superintendent to formulate a contract.

Council Member Ardis moved to grant Privilege of the Floor to those who wished to address this issue; seconded by Council Member Morris.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to those who wished to address this issue.

Ms. Julie Snell, 2229 Hollands Grove Road, Washington, thanked those who had assisted in the process of obtaining the site. She said the event brought in \$2.5 million indirectly into the community and \$135,000 directly into the community. She said PRIDE had been working with the Gus Macker event coordinators to make this a successful event for all those involved. She added expenses shared with the Police Department and Public Works for last year were just \$500.00 more than previous years. She said the dollars the event was asked to reimburse came from the charities being served.

Mr. Mike Stessman, 316 S. W. Washington and partner in the Gus Macker event, spoke in support of the Gus Macker event being held closer to the Riverfront and he said he hoped this started a new precedent for the Riverfront.

Mr. Pat Sullivan, 100 State Street and member of PRIDE, expressed his gratitude to the event coordinators for their cooperation and for addressing the concerns of PRIDE regarding vendors.

Motion to direct Director of Public Works Steve Van Winkle to request IDOT's permission to allow for the closure of both sides of Washington Street from Harrison to Main Street on August 2 and 3, 2003, to accommodate the new location of Peoria's Gus Macker Three-on-Three Tournament was approved by roll call vote.

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

Nays: None.

NEW BUSINESS**(03-171) RECOMMENDATION to Approve CANCELLATION the APRIL 1, 2003, REGULAR CITY COUNCIL MEETING DUE TO THE AT-LARGE CITY COUNCIL ELECTION.**

Council Member Turner moved to cancel the April 1, 2003, Regular City Council Meeting due to the At-Large City Council Election; seconded by Council Member Morris.

Motion to cancel the April 1, 2003, Regular City Council Meeting was approved by roll call vote.
Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 10;
Nays: Sandberg - 1.

COMMENTS Regarding the RETIREMENT of CITY MANAGER MICHAEL McKNIGHT

Council Member Morris expressed his appreciation for Mr. McKnight's dedication to the City of Peoria for his seven years as City Manager, and commended him for a total 30 years with the City. He said he wished him the best in his future endeavors.

Council Member Turner said the City Manager had inspired him when he had problems and concerns, had provided leadership and guidance, and had been a good friend. He thanked Mr. McKnight for his dedication to the City of Peoria.

Council Member Grayeb provided a lengthy list of projects completed during the years Michael McKnight served as City Manager. He thanked him for his service, and he said he applauded him for his accomplishments. He commended Mr. McKnight's qualities and attributes and he said he felt great regret about his leaving.

City Manager Michael McKnight said he had a seasoned Staff and he had allowed them to perform their jobs.

Council Member Teplitz said the City Manager had been a great help, and he had exhibited grace under pressure. She said it had always been a pleasure to work with him.

Mayor Ransburg thanked Mr. McKnight for his thirty-year service and dedication to the City, and he said he would be missed around City Hall.

Police Superintendent John Stenson and Fire Chief Roy Modglin came forward and removed City Manager Michael McKnight's name plate from his Council desk and presented it to him for a keepsake.

ANNOUNCEMENT Regarding RALLY for the PERSIAN GULF TROOPS

Council Member Nichting said he had been contacted by the VFW and the American Legion regarding a rally supporting our troops in the Persian Gulf. He requested support from the City Staff to set up a time and place for a City-wide rally for the troops.

UNFINISHED BUSINESS**(03-105) Communication from Director of Public Works Requesting a DECISION Regarding "WELCOME TO PEORIA" SIGNAGE, as outlined in the Recommendations in the Communication, with a Request to Defer.**

Council Member Thetford pointed out that this item had been deferred until the April 1, 2003, Regular City Council Meeting, which had been cancelled.

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

Motion to defer this item until April 8, 2003, was approved by roll call vote.

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

Nays: None.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(03-172) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding VARIOUS ISSUES.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to those who wished to address the Council.

Ms. June Moore, President of Olde Towne South Homeowners' Association, said her neighborhood association and the Gale Avenue Neighborhood Association was issuing a neighborhood challenge to all neighborhood groups in the City. She urged volunteers to participate in a neighborhood clean-up program from April 26 through May 31, 2003.

Ms. Sue Dewey, 124 S. W. Adams, announced the Great American Clean-up Day, sponsored by Peoria City Beautiful, on April 26, 2003. She urged those interested in participating to call the Peoria City Beautiful office.

Mr. Henry Broeren, 317 Avondale Drive, Board Director of Peoria City Beautiful, urged continued support of the National Great American Clean-up Day and provided information regarding the amounts of litter cleaned up and the plantings of trees and shrubs.

EXECUTIVE SESSION

(03-173) 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; and 2(c)(5) The purchase or lease of real property for the use of the public body.

Council Member Turner moved 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; and 2(c)(5) The purchase or lease of real property for the use of the public body; seconded by Council Member Grayeb.

Approved by roll call vote.

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

Nays: None.

The City Council went into Executive Session in Room 404 at City Hall at 7:50 P.M.

RECONVENING OF THE CITY COUNCIL

City Clerk Mary Haynes noted the following members present: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11; Absent: None.

The City Council reconvened at 9:20 P.M. in the City Council Chambers.

PETITIONS, REMONSTRANCES & COMMUNICATIONS**UNFINISHED BUSINESS****(03-154) Consideration and Action Regarding SELECTION of an INTERIM CITY MANAGER and Approval of an EMPLOYMENT CONTRACT with an INTERIM CITY MANAGER.**

Corporation Counsel Randy Ray distributed a copy of the Interim Agreement with the City Manager of Peoria, Illinois, to all members of the Council.

Pursuant to Discussion in Executive Session, Council Member Turner moved to offer the position of Interim City Manager to Bern Ewert upon the terms and conditions set forth in the Interim Agreement for City Manager for the City of Peoria, Illinois, and further move that the Mayor be authorized to execute the Interim Agreement; This offer is contingent upon successful passage of a pre-employment physical examination with an Occupational Health Physician at the City's cost, as per the job posting for the Interim City Manager position; seconded by Council Member Teplitz.

Council Member Grayeb, Council Member Sandberg, and Council Member Nichting spoke in support of offering the position to Director of Public Works Steve Van Winkle.

Council Member Thetford and Council Member Morris spoke in support of the proposed motion.

Motion to offer the position of Interim City Manager to Bern Ewert upon the terms and conditions set forth in the Interim Agreement for City Manager for the City of Peoria, Illinois, and further move that the Mayor be authorized to execute the Interim Agreement; This offer is contingent upon successful passage of a pre-employment physical examination with an Occupational Health Physician at the City's cost, as per the job posting for the Interim City Manager position was approved by roll call vote.

Yeas: Gulley, Morris, Teplitz, Thetford, Turner, Mayor Ransburg – 6;

Nays: Ardis, Grayeb, Nichting, Sandberg, Spears - 5.

NEW BUSINESS**(03-174) REQUEST for APPROVAL of APPOINTMENT of POLICE SUPERINTENDENT JOHN STENSON as ACTING CITY MANAGER from MARCH 31 UNTIL APRIL 7, 2003.**

Pursuant to discussion in Executive Session, Council Member Thetford explained that Mr. Ewert would not start as City Manager until April 7, 2003, and City Manager Michael McKnight would be leaving the position on March 31, 2003.

Council Member Thetford moved to appoint Police Superintendent John Stenson as Acting City Manager from April 1 until April 6, 2003; 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.

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 9:35 P.M.