

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

Council Chambers, Peoria, Illinois, April 29, 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 Pro Tem John Morris presiding.

ROLL CALL

Roll call showed the following Council Members present: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner – 10; Absent: Mayor Ransburg – 1.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Morris requested a moment of silent prayer then he led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PRESENTATION: PHOTOS of 2002 STEAMBOAT CLASSIC RACE COMMEMORATING 9/11/02
Presented by DON SIDERS to the PEORIA FIRE DEPARTMENT and to PHIL
LOCKWOOD and STEVE SHOSTRUM

PROCLAMATION: EDWIN E. COOK

PROCLAMATION: WOODRUFF HIGH SCHOOL KEY CLUB

PROCLAMATION: YWCA of PEORIA: WOMEN'S LEADERSHIP WEEK – May 4-10, 2003

PROCLAMATION: PEORIA POLICE DEPARTMENT: CRIMESTOPPERS "RESPECT FOR LAW"
WEEK – May 11-17, 2003

PROCLAMATION: AMERICAN PUBLIC WORKS ASSOCIATION: NATIONAL PUBLIC WORKS
WEEK – May 18-24, 2003

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting held on April 22, 2003, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS

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

(03-221) NOTICE OF LAWSUIT on Behalf of MS. LANETTA McCLENDON Seeking Damages
for Personal Injury Regarding an Incident on April 9, 2002.

(03-222) PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECT: RAVINWOODS
ROAD SLOPE REPAIR (Construction of slope drainage system, regrade existing
embankment adjacent to the north side of Ravinwoods Road, approximately 2,500 feet
east of the intersection with Knoxville Ave./IL Route 40.) OTTO BAUM COMPANY,
INC. – PAY ESTIMATE #2 & FINAL: \$1,939.19. TOTAL AUTHORIZATION
APPROVED: \$1,939.19. (For Information Only)

- (03-223) **PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECT: PHASE I CONSTRUCTION FOR CHARTER OAK ROAD EXTENSION (Roadway embankment construction along Charter Oak Road and along Big Hollow Road-North, construction of a dual box culvert to carry the proposed Charter Oak Road roadway extension over a Big Hollow Creek tributary, staged construction of a two-span railroad bridge/roadway underpass carrying the existing UPRR dual mainline trackage over the proposed Charter Oak Road roadway extension.) FREESEN, INC. – PAY ESTIMATE #6: \$221,437.89. TOTAL AUTHORIZATION APPROVED: \$221,437.89. (For Information Only)**
- (03-224) **BIDS for REPLACEMENT COMPUTERS and MONITORS, Recommending the Lowest Qualified Bid of CDS OFFICE SUPPLY in the Amount of \$91,440.00.**
- (03-225) **Communication from Finance Director/Comptroller Requesting to be Allowed to SELL RAP (STREET MILLINGS) to FAITH CONSTRUCTION INCORPORATED and HEINZ BROS. TRUCKING, as Outlined, and to ANY OTHER REQUESTOR Who Will Pay the Same or More and Provide Their Own Transportation.**
- (03-226) **Communication from Finance Director/Comptroller Requesting Authorization to DISPOSE of CITY PROPERTY at a PUBLIC AUCTION to be Held MAY 16, 2003.**
- (03-227) **Communication from Human Resources Director Requesting Authorization for the Interim City Manager to Enter into a THREE-YEAR SOLE SOURCE CONTRACT with BEHAVIORAL HEALTH ADVANTAGE, INC. to Provide a CITY-WIDE EMPLOYEE ASSISTANCE PROGRAM for the City of Peoria, with the OPTION to EXTEND the CONTRACT for up to an ADDITIONAL THREE YEARS.**
- (03-228) **Communication from Director of Planning and Growth Management with Recommendation to Approve CONTRACT AMENDMENT REDUCTIONS for 2003 in the Amount of \$1,000.00, for EMERGENCY SHELTER GRANT (ESG) CONTRACTS.**
- (03-229) **Communication from Director of Planning and Growth Management with Request to Receive and File the EXPLANATION of 2003 HUD ENTITLEMENT ALLOCATION CHANGES.**
- (03-230) **Communication from Director of Public Works Recommending Adoption of ORDINANCE NO. 15,468 to VACATE PART of WALNUT STREET at the INTERSECTION with JEFFERSON AVENUE, BOUNDED by JEFFERSON AVENUE, WALNUT STREET, ADAMS STREET and WILLIAM KUMPF BOULEVARD to be Redeveloped as a JOINT CITY of PEORIA/ CATERPILLAR PARKING LOT.**
- (03-231) **APPLICATION for CLASS “H” TEMPORARY OUTDOOR LIQUOR LICENSE for HOLY FAMILY ROMAN CATHOLIC CHURCH on Thursday, May 29, Friday, May 30, and Saturday, May 31, 2003, at 3720 N. STERLING AVENUE.**
- (03-232) **SITE APPROVAL for a CLASS “K” (Rental Hall) LIQUOR LICENSE for 619B WATER STREET, with Recommendation of Liquor Commission to Approve.**
- (03-233) **Communication from Director of Public Works Requesting Approval of a SIDEWALK CAFÉ for the MADISON STREET SIDE of BABE’S BAR & GRILL – 500 MAIN STREET.**
- (03-234) **REPORTS:**
- A. CITY TREASURER’S REPORT – March, 2003.**
 - B. PEORIA PUBLIC LIBRARY FINANCIAL REPORT – March, 2003.**
 - C. PEORIA PUBLIC LIBRARY STATISTICAL REPORT – March, 2003.**

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

Council Member Sandberg requested Item No. 03-225 be removed from the Consent Agenda for further discussion.

Item Nos. 03-221 through 03-234 (excluding Item No. 03-225 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 – 10;
Nays: None.

(03-225) * Communication from Finance Director/Comptroller Requesting to be Allowed to SELL RAP (STREET MILLINGS) to FAITH CONSTRUCTION INC. and HEINZ BROS. TRUCKING, as Outlined, and to ANY OTHER REQUESTOR Who Will Pay the Same or More and Provide Their Own Transportation.

In discussion with Council Member Sandberg, it was clarified that Heinz Bros. Trucking was only interested in 10,000 tons of rap if they purchased part of the Darst Street property and that Faith Construction had a specific project site for the purchased material.

Council Member Sandberg moved to sell rap (street millings) to Faith Construction Incorporated and Heinz Bros. Trucking, as outlined, and to any other requestor who will pay the same or more and provide their own transportation; seconded by Council Member Nichting.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner – 10;
Nays: None.

(03-235) Communication from Director of Public Works Requesting Authorization to PURCHASE Approximately 1,540 S.F. of REAL ESTATE Located at 8400 N. UNIVERSITY STREET from ILLINOIS-AMERICAN WATER COMPANY, to be used for RAILROAD RIGHT-OF-WAY for the KELLER BRANCH RAILROAD CONNECTION PROJECT, for the Amount of \$18,402.00. (Refer to Item No. 03-146)

Council Member Nichting moved to authorize the purchase of approximately 1,540 square feet of real estate located at 8400 N. University Street from Illinois-American Water Company, to be used for railroad right-of-way for the Keller Branch Railroad connection project, in the amount of \$18,402.00; seconded by Council Member Turner.

In discussion with Council Member Sandberg, Director of Public Works Steve Van Winkle verified that the purchase price would be approximately \$11.00 to \$12.00 per square foot.

Council Member Nichting pointed out the purchase price was based on three distinct components, those being real estate, temporary easement and fencing.

Motion to authorize the purchase of approximately 1,540 square feet of real estate located at 8400 N. University Street from Illinois-American Water Company, to be used for railroad right-of-way for the Keller Branch Railroad connection project, in the amount of \$18,402.00 was approved by roll call vote.
Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner – 10;
Nays: None.

(03-236) Communication from Finance Director/Comptroller Recommending Adoption of an ORDINANCE Amending the Budget for Fiscal Year 2003 Relating to COMMUNITY DEVELOPMENT BLOCK GRANT AWARD ADJUSTMENT and CORRECTION of REPROGRAMMED FUNDS, JEFFERSON STOREFRONT NOTE EXPENSE, and I-74 LAND RESTORATION PROJECT.

Council Member Thetford moved to adopt the Ordinance amending the Budget for fiscal year 2003 relating to community development block grant award adjustment and correction of reprogrammed funds, Jefferson Storefront Note expense, and I-74 land restoration project; seconded by Council Member Turner.

Motion to adopt ORDINANCE NO. 15,469 was approved by roll call vote.

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

Nays: None.

(03-237) Communication from Corporation Counsel Recommending Adoption of an ORDINANCE Amending CHAPTER 3 of the Code of the City of Peoria Relating to RETAIL LIQUOR LICENSES to Provide for APPROVAL of ANNUAL SPECIAL EVENT LICENSES by the LOCAL LIQUOR COMMISSIONER.

Council Member Turner moved to adopt the Ordinance amending Chapter 3 of the Code of the City of Peoria relating to retail liquor licenses to provide for approval of annual special event licenses by the local Liquor Commissioner; seconded by Council Member Teplitz.

In discussion with Council Member Turner, Corporation Counsel Randy Ray clarified that PACE events were not included in this amendment.

Council Member Thetford moved to grant Privilege of the Floor to Mr. Tom Edwards to address this issue.

Hearing no objections, Mayor Pro Tem Morris granted Privilege of the Floor to Mr. Tom Edwards.

Mr. Tom Edwards, 2702 N. Peoria Avenue, expressed concern about removing such items from the agenda, thus eliminating the opportunity for citizens concerned about the availability of alcohol at city-wide public events – many of which attracted teenagers – to convey their concerns to the Council. He asked the Council to retain these annual license approvals on the Consent Agenda.

Motion to adopt ORDINANCE NO. 15,470 amending Chapter 3 of the Code of the City of Peoria relating to retail liquor licenses to provide for approval of annual special event licenses by the local Liquor Commissioner was approved by roll call vote.

Yeas: Grayeb, Gulley, Morris, Nichting, Teplitz, Thetford, Turner – 7;

Nays: Ardis, Sandberg, Spears – 3.

(03-238) Communication from Corporation Counsel Recommending Adoption of an ORDINANCE Amending CHAPTER 18 of the Code of the City of Peoria Relating to ADULT BUSINESSES to Increase the RESTRICTION of ADULT USES in RESIDENTIAL DISTRICTS from 700 FEET to 750 FEET.

Council Member Nichting moved to adopt the Ordinance amending Chapter 18 of the Code of the City of Peoria relating to adult businesses to increase the restriction of adult uses in residential districts from 700 feet to 750 feet; seconded by Council Member Thetford.

Council Member Thetford noted the wording of the communication "... that virtually all schools are situated in property which is zoned residential ..." implied that perhaps some schools did not have this protection and asked if that were the case.

Corporation Counsel Randy Ray stated he was not aware of any grade or secondary schools located in other than R-zoned districts.

In discussion with Council Member Thetford, Corporation Counsel Randy Ray verified that passage of the ordinance now would still allow schools to be added later, should a further review of the issue so warrant.

In discussion with Council Member Turner regarding case law prohibiting creation of an ordinance that would impact a single business, Corporation Counsel Randy Ray stated this ordinance would have general applicability to everyone throughout the City applying for an adult business license in the future. He clarified it was not applicable to only one individual business, although there was a pending application which this may or may not be applicable to. He stated that was not a reason to forego adoption of the ordinance.

In discussion with Council Member Sandberg, Corporation Counsel Randy Ray stated this ordinance would become effective immediately. He explained the determination for any application already pending would be based on the facts and the law. He said the Council would be kept apprised of new developments.

Motion to adopt ORDINANCE NO. 15,471 amending Chapter 18 of the Code of the City of Peoria relating to adult businesses to increase the restriction of adult uses in residential districts from 700 feet to 750 feet was approved by roll call vote.

Yeas: Ardis, Grayeb, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner – 9;

Nays: Gulley – 1.

UNFINISHED BUSINESS

(03-217) Communication from Director of Public Works Requesting Approval of the LOW BID of PARAGON CONSTRUCTORS, INC., in the Amount of \$75,935.00, for the TWIN TOWERS/JEFFERSON PARKING GARAGE 2003 REPAIRS, with Additional Information.

Council Member Gulley moved to approve the low bid of Paragon Constructors, Inc., in the amount of \$75,935.00, for the Twin Towers/Jefferson Parking Garage 2003 repairs; seconded by Council Member Grayeb.

Approved by roll call vote.

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

Nays: None.

(03-219) Communication from Director of Planning and Growth Management with Recommendation to DENY the Request to Participate in a ZONING APPLICATION for Property Bounded by WAR MEMORIAL DRIVE, BIG HOLLOW ROAD, PARTRIDGE WAY AND PEARTREE LANE.

Council Member Nichting moved to table this item; seconded by Council Member Ardis.

Motion to table this item was approved by roll call vote.

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

Nays: None.

NEW BUSINESS

(03-239) REQUEST to Target CRIMINAL ACTIVITY Occurring in PARKING LOTS of CERTAIN BUSINESSES

Council Member Thetford stated it had been brought to her attention by a member of N.E.A.T. that Bloomington had adopted an ordinance addressing threats to public safety. She said it enabled a City to put a problem business out of operation if criminal activity was occurring in the parking lot of such business, even if the business was not directly responsible for it. She requested that Corporation Counsel Randy Ray, Police Chief John Stenson and Interim City Manager Bern Ewert review this ordinance for potential applicability to a number of problem business properties within Peoria.

Council Member Teplitz stated she endorsed this request for information, as there were several businesses in the older neighborhoods which caused terrible problems for the nearby residents.

COMMENTS Regarding TRANSPORTATION for COMMUNITY SERVICE WORKERS

Council Member Ardis noted that through the efforts of Housing Commission Member and Gale Avenue Neighborhood Association President Carol Holford, Inspections Director John Kunski and Staff, the Peoria County Adult Probation Office and City Link, free bus passes were obtained for individuals sentenced by the Court to perform community service work, such as litter pick-up, refurbishing neighborhood parks, etc.

REQUEST for REPORT-BACK on SIDEWALKS Along NORTH STREET I-74 OVERPASS

Council Member Sandberg requested a report-back as to why the sidewalks near Peoria High School were still totally cordoned off four months after IDOT completed this project.

COMMENTS Regarding "SUPPORT OUR TROOPS" RALLY and INTERIM CITY MANAGER

Mayor Pro Tem Morris thanked the Council Members who were involved in this rally over the weekend. He also thanked Interim City Manager Bern Ewert for becoming involved so quickly in neighborhood and business community issues.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL**(03-240) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding VARIOUS ISSUES.**

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

Mr. Floyd Nolan, 1332 N. Machin Avenue and President of the Columbia Terrace North Neighborhood Association, spoke on behalf of neighbors who were afraid to go into their own backyard because of vandalism to their property, bottles thrown into their yards, etc. He said there was also a problem with transient rental properties and unsupervised youth.

EXECUTIVE SESSION**(03-241) Consideration of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 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.**

Council Member Turner moved that the City Council go into Executive Session to Discuss 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; seconded by Council Member Grayeb.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 7:10 P.M.