

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

Council Chambers, Peoria, Illinois, August 12, 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, then he led the Pledge of Allegiance.

Council Member Thetford requested that the Family of former City Traffic Engineer Jim Baumann be remembered during the moment of silent prayer.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: AFFINA 30th ANNIVERSARY

PROCLAMATION: FIBBER MCGEE AND MOLLY MONTH – AUGUST, 2003

PROCLAMATION: HAPPY 71st BIRTHDAY – LEO JORDAN, AUGUST 12, 2003

PROCLAMATION: CELEBRATION OF EDUCATION THROUGH THE BACK TO SCHOOL RALLY – AUGUST 16, 2003 AT THE RIVERPLEX

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council and Executive Session Meetings held on July 29, 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 – CITY OF PEORIA

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

(03-447) NOTICE OF LAWSUIT on Behalf of ALLAN MOORE Regarding an Incident on October 19, 1993, with Recommendation to Receive and File and Refer to the Legal Department.

(03-448) NOTICE OF LAWSUIT on Behalf of ELIZABETH BOLES Regarding an Incident on March 17, 2003, with Recommendation to Receive and File and Refer to the Legal Department.

- (03-449) **TAG DAY REQUEST by the KIWANIS CLUB OF PEORIA to Hold Their**
* **ANNUAL PEANUT DAY FUNDRAISER to Collect Donations on September 26,**
2003. (Date is Open)
- (03-450) **PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECT: MAIN**
STREET SIDEWALK IMPROVEMENT (PHASE I) (University to Sheridan)
(Removal of existing comb. Curb & gutter, sidewalks, steps & driveway approaches
and construction of concrete sidewalks, comb. Curb sidewalks, p.c.c. gutter,
driveway pavement, storm sewer, traffic signals & an ornamental street lighting
system.) R.A. CULLINAN & SON, INC. – PAY ESTIMATE #4: \$240,679.92. (For
Information Only)
- (03-451) **SIDEWALK PARTICIPATION REQUEST: PEORIA PUBLIC SCHOOLS**
DISTRICT #150 – PEORIA CENTRAL HIGH SCHOOL, Located at 1615 N.
NORTH STREET, in the Amount of \$11,458.88.
- (03-452) **Communication from Acting Planning and Growth Management Director**
Requesting Approval of Year 9 PROPOSED PROGRAM and BUDGET PLAN to
Implement a Grant Through the State of Illinois Department of Human Services
with the CHILDREN’S HOME as the Service Provider, UNITED WAY as the
Fiscal Agent and the CITY OF PEORIA as Pass Through Agency, in the Amount of
\$74,250.00.
- (03-453) **Communication from Mayor David P. Ransburg Recommending Approval of**
RESOLUTION NO. 03-453 to DISSOLVE the SENIOR CITIZENS
COMMISSION, Amending Resolution No. 70-165 Pertaining to the Senior Citizen
Commission.
- (03-454) **Communication from Mayor David P. Ransburg Recommending Approval of**
RESOLUTION NO. 03-454 Pertaining to APPOINTMENTS and
REAPPOINTMENTS and TERMS of the ADVISORY COMMISSION ON
HUMAN RESOURCES.

APPOINTMENTS:

Ms. Ruth McFadden (Voting)	Term Expiration to be Determined
Ms. Hanne Sfeir Rickert (Voting)	Term Expiration to be Determined

REAPPOINTMENTS:

Ms. Dianna J. Joseph (Voting)	Term Expiration to be Determined
Rev. Brent Foster (Voting)	Term Expiration to be Determined
Mr. James T. Hancock, Jr. (Voting)	Term Expiration to be Determined
Council Member Charles V. Grayeb	Term Expires 6/30/04

- (03-455) **APPOINTMENTS and REAPPOINTMENTS by Mayor David P. Ransburg to the**
** **NEIGHBORHOOD DEVELOPMENT COMMISSION:**

APPOINTMENTS:

Mr. Anthony Cazzato	Term Expires 6/30/06
Mrs. Karla Dennhardt (Voting)	Term Expires 6/30/04
Mr. Paul Fager (Voting)	Term Expires 6/30/06
Mr. Steve Hill (Voting)	Term Expires 6/30/06
Mr. LaRon D. Jones (Voting)	Term Expires 6/30/06
Rev. Tony Pierce (Voting)	Term Expires 6/30/05

REAPPOINTMENTS:

Ms. Willa Lucas (Voting)	Term Expires 6/30/06
Mr. David Wentworth (Voting)	Term Expires 6/30/06
Council Member Clyde Gulley Jr. (Voting)	Term Expires 6/30/04
Council Member Marcella Teplitz (Voting)	Term Expires 6/30/04
Council Member Gale S. Thetford (Voting)	Term Expires 6/30/04

(03-456) APPOINTMENTS and REAPPOINTMENTS by Mayor David P. Ransburg to the WORKFORCE DEVELOPMENT BOARD:

APPOINTMENTS:

Dr. John S. Erwin (Voting)	Term Expires 7/1/06
Mr. John Holme (Voting)	Term Expires 7/1/05
Mr. Bruce Alkire (Voting)	Term Expires 7/1/05
Ms. Raylana Anderson (Voting)	Term Expires 7/1/05
Mr. Christopher E. Glynn (Voting)	Term Expires 7/1/05
Mr. Roger A. John (Voting)	Term Expires 7/1/06
Ms. Sue Kraus (Voting)	Term Expires 7/1/06
Mr. Aditya Nath (Voting)	Term Expires 7/1/05
Ms. Leticia Padilla-Tompkins	Term Expires 7/1/06
Dr. Kay E. Royster (Voting)	Term Expires 7/1/06
Mr. Tim Scott (Voting)	Term Expires 7/1/06

(03-457) Communication from Corporation Counsel Regarding REPORT on BILLS SUBMITTED to PAAG for PAYMENT, with a Request 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 Grayeb requested Item No. 03-449 be removed from the Consent Agenda for further discussion.

Council Member Spears requested Item No. 03-455 be removed from the Consent Agenda for further discussion.

Item Nos. 03-447 through 03-457 (excluding Item Nos. 03-449 and 03-455 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.

(03-449) TAG DAY REQUEST by the KIWANIS CLUB OF PEORIA to Hold Their ANNUAL PEANUT DAY FUNDRAISER to Collect Donations on September 26, 2003. (Date is Open)
*

Following clarification from Public Works Director Steve Van Winkle to make sure the streets were not used, Council Member Grayeb moved to approve the Tag Day Request by the Kiwanis Club of Peoria to hold their annual Peanut Day Fundraiser to collect donations on September 26, 2003; 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.

**(03-455) APPOINTMENTS and REAPPOINTMENTS by Mayor David P. Ransburg to the
** NEIGHBORHOOD DEVELOPMENT COMMISSION:**

APPOINTMENTS:

Mr. Anthony Cazzato	Term Expires 6/30/06
Mrs. Karla Dennhardt (Voting)	Term Expires 6/30/04
Mr. Paul Fager (Voting)	Term Expires 6/30/06
Mr. Steve Hill (Voting)	Term Expires 6/30/06
Mr. LaRon D. Jones (Voting)	Term Expires 6/30/06
Rev. Tony Pierce (Voting)	Term Expires 6/30/05

REAPPOINTMENTS:

Ms. Willa Lucas (Voting)	Term Expires 6/30/06
Mr. David Wentworth (Voting)	Term Expires 6/30/06
Council Member Clyde Gulley Jr. (Voting)	Term Expires 6/30/04
Council Member Marcella Teplitz (Voting)	Term Expires 6/30/04
Council Member Gale S. Thetford (Voting)	Term Expires 6/30/04

Council Member Spears pointed out the Code stated Council Members are to be appointed for a one-year term to allow all Council Members to interact with the Neighborhood Commission. He suggested if it was going to be the policy to reappoint those same Council Members each year, the Ordinance should be changed indicating three-years terms instead of a one-year term.

Interim Planning and Growth Management Director Pat Landes said the Ordinance indicated appointments for Council Members were for one-year terms, but was silent on reappointments. She added there had been some turnover in previous years and recently there had been no new appointments.

Council Member Spears moved to approve the appointments and reappointments by Mayor Ransburg to the Neighborhood Development Commission; 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.

**(03-458) Communication from Director of Public Works and Director of Economic
Development with ORDINANCE Dedicating Additional RIGHTS-OF-WAY Along
CLARK and DARST STREETS.**

Council Member Gulley moved to adopt the ordinance dedicating additional rights-of-way along Clark and Darst Streets; seconded by Council Member Turner.

Motion to adopt ORDINANCE NO. 15,506 was approved by roll call vote.

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

Nays: None.

**(03-459) Communication from Director of Economic Development Requesting Approval of
the REAL ESTATE PURCHASE and DEVELOPMENT AGREEMENT with
HEINZ BROTHERS TRUCKING and Authorization for the City Manager to
Execute the Necessary Documents.**

Council Member Gulley moved to approve the real estate purchase and development agreement with Heinz Brothers Trucking and authorize the City Manager to execute the necessary documents; seconded by Council Member Thetford.

Motion to approve the real estate purchase and development agreement with Heinz Brothers Trucking and authorize the City Manager to execute the necessary documents was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Teplitz, Thetford, Turner, Mayor Ransburg - 9;
Nays: Sandberg, Spears - 2.

(03-460) Communication from Interim ESDA Director Requesting Authorization for the City Manager to Execute the AGREEMENT for the PREPARATION of a TERRORISM RESPONSE PLAN Focusing on Weapons of Mass Destruction.

Following a brief summary of the Terrorism Response Plan by Interim ESDA Director Debra Craig, Council Member Grayeb moved to approve the agreement for the preparation of a Terrorism Response Plan focusing on weapons of mass destruction and authorize the City Manager to execute the necessary documents; seconded by Council Member Turner.

Council Member Nichting inquired how the pro rata share of the City of Peoria's portion of funding in the amount of \$19,787 was determined.

Ms. Maggie Martino, Tri County Regional Commission, explained that basically each of the four ESDA's in the area received a grant amount from IEMA in certain amounts and the amount determined for the City was the pro rata share based on those grant amounts.

In discussion between Mayor Ransburg, Ms. Martino and Council Member Nichting, it was determined the total grant amount was \$63,788, and the four entities were pooling their individual grants for a combined study. It was further determined the City's grant covered the entire funding amount and there would be no additional out-of-pocket expense to the City.

Motion to approve the agreement for the preparation of a Terrorism Response Plan focusing on weapons of mass destruction and authorize the City Manager to execute the necessary documents was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;
Nays: None.

(03-461) Communication from Finance Director/Comptroller with ORDINANCE Amending the BUDGET for Fiscal Year 2003 Relating to IEMA/ESDA GRANT, JABG POLICE GRANT, IDOT ROADSIDE SAFETY CHECK GRANT, BIOSCIENCE ECONOMIC DEVELOPMENT GRANT and DARST STREET PROPERTY SALE.

Council Member Teplitz moved to adopt the Ordinance amending the Budget for fiscal year 2003 relating to IEMA/ESDA Grant, JABG Police Grant, IDOT Roadside Safety Check Grant, Bioscience Economic Development Grant and Darst Street Property Sale; seconded by Council Member Turner.

Council Member Sandberg requested a separate vote on the Darst Street Property Sale.

No objection was heard.

ORDINANCE NO. 15,507 amending the Budget for Fiscal Year 2003 relating to IEMA/ESDA Grant, JABG Police Grant, IDOT Roadside Safety Check Grant, and Bioscience Economic Development Grant, was adopted by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;
Nays: None.

ORDINANCE NO. 15,508 amending the Budget for Fiscal Year 2003 relating to the Darst Street Property Sale was adopted by roll call vote.

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

Nays: Sandberg - 1.

(03-462) Communication from Interim Director Planning and Growth Management with ORDINANCE Approving the NEW STREET NAME of W. BETHANY WAY.

Council Member Nichting stated that six years ago, when discussion was held regarding building a connector road between Mt. Hawley Road and Knoxville Avenue, City Traffic Engineer Jim Baumann approached him with a request to name the street W. Bethany Way. Council Member Nichting added that two weeks ago, Mr. Baumann received notification that his wish was granted, and with that information being noted to the family of Jim Baumann, Council Member Nichting moved to adopt the Ordinance approving the new street name of W. Bethany Way in the City of Peoria; seconded by Council Member Sandberg.

ORDINANCE NO. 15,509 was adopted by roll call vote.

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

Nays: None.

(03-463) Communication from Police Chief Requesting Authorization for the City Manager to Submit an Application on Behalf of the City of Peoria for the LOCAL LAW ENFORCEMENT BLOCK GRANT FY2003 Offered by the Department of Justice's Bureau of Justice Assistance.

Council Member Teplitz moved to approve the application on behalf of the City of Peoria for the Local Law Enforcement Block Grant FY2003 offered by the Department of Justice's Bureau of Justice Assistance and authorize the City Manager to execute the necessary documents; 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.

UNFINISHED BUSINESS

(03-347) Communication from Mayor David P. Ransburg Regarding CONSTRUCTION COMMISSION TERMS per Resolution No. 03-347 Approved by Council on June 24, 2003, with Recommendation to Receive and File.

Mark Ackerman	Term Expires 6/30/05
Stephen Ciciarelli	Term Expires 6/30/05
Paul Bright	Term Expires 6/30/06
John Dillon	Term Expires 6/30/06
Kert Huber	Term Expires 6/30/07
Edward Meister	Term Expires 6/30/07
Michael Snyder	Term Expires 6/30/07

Council Member Nichting moved to receive and file the communication regarding Construction Commission Terms per Resolution No. 03-347 approved by Council on June 24, 2003; seconded by Council Member Turner.

Motion to receive and file the communication regarding Construction Commission Terms per Resolution No. 03-347 was approved by roll call vote.

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

Nays: None.

(03-348) Communication from Mayor David P. Ransburg Regarding SISTER CITY COMMISSION TERMS per Resolution No. 03-348 Approved by Council on June 24, 2003, with Recommendation to Receive and File.

Cheryl Budzinski	Term Expires 6/30/04
John Day	Term Expires 6/30/04
Joan Sattler	Term Expires 6/30/04
Suzanne Love	Term Expires 6/30/04
Thomas N. Stanesa	Term Expires 6/30/04
David Chen	Term Expires 6/30/05
Rex Linder	Term Expires 6/30/05
Bill Roeder	Term Expires 6/30/05
James Polk	Term Expires 6/30/06
Michael Quine	Term Expires 6/30/06
Keith Arnold	Term Expires 6/30/06
Timothy Elder	Term Expires 6/30/06
James Richerson	Term Expires 6/30/06

Council Member Nichting moved to receive and file the communication regarding Sister City Commission Terms per Resolution No. 03-348 approved by Council on June 24, 2003; 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.

(03-276) Communication from Interim Director of Planning and Growth Management with REQUEST TO DEFER Until *August 19, 2003, the Recommendation from the Zoning Commission to Approve the Request to Obtain a SPECIAL PERMIT for a ROOFTOP SIGN through the SPECIAL USE PROCESS in a Class I-2 (Railroad/Warehouse Industrial) District for Property Located at 120 EATON STREET.

Council Member Gulley stated he had spoken with the Petitioner and he expressed concern that a one week deferral would not be sufficient time to complete the project.

Following discussion with Staff, Council Member Gulley moved to defer this item until the August 26, 2003, Regular City Council Meeting. seconded by Council Member Turner.

*Motion to defer this item until August 26, 2003, was approved by roll call vote.

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

Nays: None.

(03-393) Communication from Interim Director of Planning and Growth Management with REQUEST TO DEFER until September 9, 2003:

B. ORDINANCE ANNEXING Territory Contiguous to the City of Peoria – Approximate Address of 7800 NORTH ROUTE 91, Immediately South of a Five-Acre Parcel Previously Annexed;

- C. ORDINANCE Rezoning a 15-ACRE SHOPPING CENTER for the Property Located at the NORTHEAST CORNER of the INTERSECTION of ROUTE 91 and WAR MEMORIAL DRIVE from the Present Class A-2 (Agriculture) District in the County to a Class C-2 (Large Scale Commercial) District and Granting a SPECIAL USE.**

Council Member Nichting moved to defer these items until the September 9, 2003, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer these items until September 9, 2003, was approved by roll call vote.

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

Nays: None.

- (03-427) Communication from Interim Director of Planning and Growth Management with REQUEST TO DEFER Until August 19, 2003, a REPORT BACK Related to Deleting the REQUIREMENTS for PARKING in the B-1 CENTRAL BUSINESS DISTRICT.**

Council Member Gulley moved to defer this item until the August 19, 2003, Regular City Council Meeting; seconded by Council Member Sandberg.

Council Member Nichting indicated he would abstain from voting on this issue due to his ownership of property in the designated area.

Motion to defer this item until August 19, 2003, was approved by roll call vote.

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

Nays: None.

Abstention: Nichting - 1.

- (03-439) Communication from Interim Director of Planning and Growth Management with a REQUEST TO DEFER Until September 2, 2003, the ORDINANCE Approving an AMENDMENT to the FINAL PLAN of KNOXVILLE POINTE PHASE III, a Multi-Family Residential Development Located East of Northtrail Meadows Subdivision and West of Knoxville Avenue, Along the South Side of Hickory Grove Road. (Amends Ordinance No. 15,397) at which time a Replacement Communication will be Provided.**

Council Member Nichting moved to defer this item until the September 2, 2003, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until September 2, 2003, was approved by roll call vote.

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

Nays: None.

- (02-425) Recommendation to Approve a MOTION to REMOVE FROM THE TABLE and PLACE ON THE AUGUST 19, 2003, CITY COUNCIL AGENDA, a Communication from Director of Planning and Growth Management with Zoning Commission to DENY and Staff Recommendation to APPROVE an ORDINANCE Rezoning Property Located at 319 MARY 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 remove from the Table and place on the August 19, 2003, City Council Agenda, the communication from Director of Planning and Growth Management with Zoning Commission to DENY and Staff Recommendation to Approve an Ordinance rezoning property located at 319 Mary Street from the Present Class R-4 (Single-Family Residential) District to a Class I-2 (Railroad/Warehouse Industrial) District; seconded by Council Member Nichting.

Motion to remove this item from the Table and placed on the August 19, 2003, City Council Agenda was approved by roll call vote.

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

Nays: None.

(03-415) Recommendation to Approve a MOTION to RECONSIDER and PLACE ON THE AUGUST 19, 2003, CITY COUNCIL AGENDA, a Communication from Corporation Counsel Recommending Adoption of an ORDINANCE Amending CHAPTER 18 of the Code of the City of Peoria Relating to ADULT BUSINESSES, and with Recommendation to Receive and File the REPORT BACK.

Council Member Thetford moved to reconsider and place on the August 19, 2003, City Council Agenda, a communication from Corporation Counsel recommending adoption of an Ordinance amending Chapter 18 of the Code of the City of Peoria relating to Adult Businesses, and with recommendation to receive and file the Report Back; seconded by Council Member Turner.

Motion to reconsider and place this Item on the August 19, 2003, City Council Agenda was approved by roll call vote.

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

Nays: None.

NEW BUSINESS

(03-464) Recommendation to Approve a MOTION To Direct Human Resources Director to Meet With Public Works Director Steve Van Winkle Regarding the Position of INTERIM CITY MANAGER and Forge a PROPOSED INTERIM CITY MANAGER CONTRACT To Be Discussed in Executive Session of AUGUST 19, 2003

Council Member Grayeb moved that Human Resources Director Pat Parsons meet with Director Steve Van Winkle in reference to Director Van Winkle's appointment to the position of Interim City Manager and forge a proposed Interim City Manager contract to be discussed by the City Council in Executive Session on August 19, 2003, with the flexibility of coming back into open session after the Executive Session on August 19, 2003, to vote on said contract; seconded by Council Member Nichting.

Council Member Morris commended Interim City Manager for his achievements over the past five months. He said he would not be supporting the motion and he felt Mr. Ewert should continue as Interim City Manager until a permanent City Manager had been appointed.

Council Member Teplitz stated she felt what was going on would become abundantly clear to the public, and she said she would not be supporting the motion and allow special interests to control the City Council. She pointed out the Community had made astounding strides during the past five months and cited the medical-technical district as a major addition. She said Mr. Ewert's expertise in this field would be missed. She said she had the utmost respect for Director Van Winkle. She said she would inform her bosses of exactly what this was about and the effect she felt it would have on the long-term stability of the community, most particularly when looking at the next eighteen months in the City's budget cycle.

Council Member Thetford said she felt this was an issue that needed to be discussed further, and she said she would not be supporting the motion.

Council Member Turner said he had been supportive of Interim City Manager Ewert from the beginning and he would continue to support him. Mr. Turner stated emphatically that he did not have any special interests. He stated he voted his conscience and he stated he felt he should be able to vote the way he wanted to vote, and added the decisions he made were in the best interest of the community and its citizens, and he would continue to vote in that same manner. He emphatically stated he did not appreciate not being informed of the events he read in the paper, and since he was not previously informed, this proved he was not part of the special interests. He pointed out that Mr. Ewert had been hired as the Interim City Manager and that position should be understood by the Council that it was an interim position. He said if what he read in the paper regarding a salary offer was correct, the position would be topped off at \$150,000.00. He objected to this because of recent layoffs. He said he would not support increasing that amount. He said he felt Mr. Ewert had done an excellent job as Interim City Manager, but the City needed to fill the permanent City Manager position with someone who could remain five to six years or longer.

Council Member Sandberg said it was his understanding the motion on the floor was not a final action, but a request to direct Staff to meet with Director Van Winkle during the coming week and develop a backup plan with options and opportunities available for Council discussion in executive session on August 19, 2003.

Council Member Gulley expressed concern that information stated during the past week regarding decisions relating to the Interim City Manager was made without any input from the City Council. He said he felt it was important that complete information regarding candidates for the position of Interim City Manager be presented to the City Council for discussion so an informed decision could be made.

Council Member Morris suggested personal comments and preferences made by Mayor Ransburg should be cleared or voted on by the Council prior to making them public. He commended the Mayor for taking the time to inform the public as to what his thoughts were regarding the current Interim City Manager. He applauded Mr. Ewert on his expertise regarding the Sears Block, which was a major project.

Council Member Gulley moved for a substitute motion to include a review and consideration of a proposal extending Bern Ewert's contract for Interim City Manager as well as the proposal for Mr. Van Winkle to be discussed in Executive Session on August 19, 2003, and then vote on the floor regarding the Council's final decision; seconded by Council Member Teplitz.

Council Member Sandberg requested point of order that if the substitute motion failed, and the first motion on the floor passed, would that prevent the substitute motion from being voted on separately regarding the current Interim City Manager?

Deputy Corporation Counsel Jim Murphy stated that the substitute motion would really be an amendment to the original motion, but another motion could be offered.

Mayor Ransburg apologized to Council Members who might have been offended by comments he made in public. He said when the Council hired Mr. O'Malley to fill the City Manager's position a few weeks prior, an amendment to Mr. Ewert's contract was passed in executive session extending his term for two more weeks, so there would be no gap between his August 31 date and the arrival of Mr. O'Malley. The Mayor stated since Mr. O'Malley declined the position of City Manager, his concern was the City was running out of time regarding the position of Interim City Manager. He further stated if the Council approves, Mr. Ewert said he would be willing to extend his contract up to ninety days, or until a new City Manager was hired at the same rate of pay he was currently receiving. The Mayor expressed concern with Director Van Winkle having to perform both jobs as Interim City Manager and Director of Public Works.

City Clerk Mary Haynes explained the substitute motion before them was to direct Human Resources Director to work out a contract with both Mr. Ewert and Director Van Winkle and bring those proposals back to Council on August 19, 2003, for discussion in Executive Session and be prepared to reconvene the Council meeting for a possible vote on the floor.

Substitute motion was DEFEATED by roll call vote.

Yeas: Gulley, Morris, Teplitz, Thetford, Mayor Ransburg - 5;

Nays: Ardis, Grayeb, Nichting, Sandberg, Spears, Turner - 6.

Motion to direct the Human Resources Director to work on terms and a proposal with Director Steve Van Winkle regarding the position of Interim City Manager after August 31, 2003, with the understanding there would be discussion held in Executive Session on August 19, 2003, and the Council would return for a probable vote on the floor, was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Nichting, Sandberg, Spears, Turner - 7;

Nays: Morris, Teplitz, Thetford, Mayor Ransburg - 4;

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(03-445) REQUEST to Address the City Council Regarding the ISSUANCE OF ANY ADULT USE LICENSES (SEXUALLY ORIENTED BUSINESSES).

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

Ms. Sandra Fritz, 2449 W. Imperial Drive, representing Citizens for Community Values for the City of Peoria, presented the Clerk with Petitions bearing 127 signatures supporting ordinances regulating sexually oriented businesses, and she requested the petitions be entered into the public record. She also presented to the Clerk, a letter addressed to the Mayor and City Council Members stating the request to have the signatures entered into public record; a letter written by the Citizens for Community Values for the City of Peoria to Dr. Mroz, one of the owners of the property where the proposed adult use plans to locate; and a letter to Mayor Ransburg and Council Members from the proprietors on N. University in the area of the proposed adult use establishment, with a request to have the letters entered into public record.

Council Member Nichting moved to accept the Petitions bearing 127 signatures supporting ordinances regulating sexually oriented businesses into the permanent record.

Hearing no objections, the Petitions were placed into the permanent record.

Don Middleton, operator of Don's Music Land, 7717 N. University St., spoke in opposition to the location of the proposed Gentlemen's Club, and he urged Council to vote against the proposed adult use establishment.

(03-465) REQUEST 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.

Floyd Nolan, 1332 N. Machin Ave., spoke objecting to the hiring of Mr. Ewert at the \$200,000.00 salary.

Ms. Levetta Ricca, 711 S. Greenlawn, said the August 5, 2003, National Night Out Against Crime, was a huge success and she thanked the Council for their support.

Ms. June Moore, 1409 W. Millman, expressed concern regarding trees that had fallen during the recent storms and requested Council's help in getting them removed. She thanked everyone who supported the Night Out Against Crime.

EXECUTIVE SESSION

- (03-466) 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.**

Council Member Nichting 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; seconded by Council Member Turner.

Motion 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 was approved by roll call vote.

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

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 7:46 P.M.

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

/js