

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

Council Chambers, Peoria, Illinois, August 19, 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 (arrived at 6:20 P.M.), Morris (arrived at 6:35 P.M.), Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11; Absent: None.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Ransburg requested a moment of silent prayer and requested that the family of Police Officer Michael Perkins, be remembered. He said Officer Perkins, age 40, son of Aurthur Mae Perkins, passed away due to a heart attack on August 16, 2003. Mayor Ransburg then led the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

PRESENTATION: PEORIA CITY BEAUTIFUL IRIS AWARD PRESENTATIONS TO  
NEIGHBORHOOD ASSOCIATIONS AND HOMEOWNERS

Council Member Gulley arrived at 6:20 P.M.

**(03-467) PRESENTATION by MR. NEIL JOHNSON of AmerenCILCO Regarding the Recent POWER BLACK OUT Which Affected 52 MILLION PEOPLE in the NORTHEAST from OHIO to CANADA to the STATE OF NEW YORK.**

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Mr. Neil Johnson.

Mr. Neil Johnson, representing AmerenCILCO, reported that the Peoria area did not have any problems during the power failure that affected 52 million people in the Northeast from Ohio to Canada to the State of New York. He said the North American Electric Liability Council would be filing a report with the Department of Energy within four to six weeks which would detail the causes of the outage. He said apparently seven to eight large transmission lines failed resulting in voltage swings which caused the systems to fail. He explained how the grid and its components worked. He further explained there were some tremendous voltage swings, and as these large transmission lines began to fail or heat up, the lines began to physically expand and sag. He said as this occurred, the lines came into contact with flora, etc. as well as the lines could actually burn in half, which was what occurred in Cleveland and some other areas as these large transmission feeders failed. He said these feeders were very integral to the distribution of energy throughout the United States.

Mr. Johnson said the United States had the most modern network of grid in the world and to improve the grid would require the addition of more transmission lines to allow import and export energy into specific areas. He further stated that the Peoria area had absolutely no problems. He said the power outage was observed on the system and all systems operated appropriately, and were monitored. He said Ameren's entire generation was stable throughout the Midwest, including Missouri, and there were no local impacts.

Mr. Johnson also explained black starts from zero. He referred to the year 2000 when it was predicted that there would be energy failures at midnight on December 31, 1999, and he said all utilities spent a tremendous amount of money practicing and revitalizing their emergency procedures from a black start scenario, in case the entire North American continent lost their generation. He said those utility companies involved in the recent blackout

followed their procedures and power was restored. He added that AmerenCILCO was currently in the process of reviewing their voluntary complete system relay check within the next 60 days so AmerenCILCO would ensure their system was updated. He said generation was strong and everything was currently in good shape.

Mayor Ransburg thanked Mr. Johnson for his report.

### MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council and Executive Session Meetings held on August 12, 2003, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

### PETITIONS, REMONSTRANCES & COMMUNICATIONS

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

- (03-468) TAG DAY REQUEST from the KNIGHTS OF COLUMBUS #427 to Solicit Donations at Various Locations for Their ANNUAL TOOTSIE ROLL DRIVE for the Mentally Handicapped on September 20 and 21, 2003. (Dates are Open.)**
- (03-469) Communication from Director of Public Works Requesting Authorization to PROCEED with the BID PROCESS to EXPEDITE the PURCHASE OF CARS AND TRUCKS NEEDED TO RETAIN AN EFFICIENT FLEET.**
- (03-470) Communication from Director of Economic Development Recommending the SALE of a CITY-OWNED VACANT LOT Located at 1012 N. E. JEFFERSON, in the Amount of \$50.00 Plus Closing Costs, and Authorizing the Interim City Manager to Execute the Necessary Documents.**
- (03-471) Communication from Director of Public Works Requesting Authorization to GRANT a PERMANENT ELECTRIC UNDERGROUND EASEMENT to AmerenCILCO on the RAILROAD RIGHT-OF-WAY WEST of UNIVERSITY in Pioneer Industrial Park, as Outlined, and Requesting Authorization for the Interim City Manager to Execute the Necessary Documents.**
- (03-472) \* Communication from Interim Director of Planning and Growth Management Recommending Adoption of ORDINANCE Rezoning Property Located at 5305 and 5314 N. BELCREST COURT from the Present Class R-2 (Single-Family Residential) District to a Class N-1 (Institutional) District, and AMEND Ordinance No. 14,568 (as amended), an OFFICIAL DEVELOPMENT PLAN in a Class N-1 (Institutional) District by Incorporating the Requested Zoned Properties into the ODP and Updating the Future Development of Hospital Property Located East of the Hospital for Property Located at 5409 N. KNOXVILLE AVENUE.**
- (03-473) Communication from Interim Director of Planning and Growth Management Recommending Adoption of ORDINANCE NO. 15,510 Rezoning Property Located at 932 W. LAKE AVENUE from the Present Class R-3 (Single-Family Residential) District to a Class O-1 (Arterial Office) District.**

- (03-474) Communication from Interim Director of Planning and Growth Management  
Recommending Adoption of ORDINANCE NO. 15,511 Granting a SPECIAL USE in a  
Class R-4 (Single -Family Residential) District for a DAY CARE for Property Located at  
2421 N. ATLANTIC AVENUE, with Conditions.
- (03-475) Communication from Interim Director of Planning and Growth Management  
Recommending Adoption of ORDINANCE NO. 15,512 Amending Ordinance No. 15,223,  
an EXISTING SPECIAL USE in a Class R-7 (Multi-Family Residential) District for a  
COMMUNICATION TOWER for a 12-FOOT TOWER EXTENSION for  
CO-LOCATION for Property Located at 1601 W. GIFT AVENUE.
- (03-476) Communication from Interim Director of Planning and Growth Management  
Recommending Adoption of ORDINANCE NO. 15,513 Amending Ordinance No. 14,399,  
an EXISTING SPECIAL USE in a Class R-4 (Single -Family Residential) District for a  
SCHOOL to Include PROPOSED BUILDING ADDITIONS and PARKING LOT  
RECONFIGURES for Property Located at 2000 W. GLEN AVENUE.
- (03-477) Communication from Interim Director of Planning and Growth Management  
Recommending Adoption of ORDINANCE NO. 15,514 Granting a SPECIAL USE in a  
Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER for Property  
Located at the INTERSECTION of COMMERCE DRIVE and LINDBERG DRIVE.
- (03-478) APPOINTMENT by Mayor David P. Ransburg to the HISTORIC PRESERVATION  
COMMISSION, with Recommendation to Concur:
- |                            |                      |
|----------------------------|----------------------|
| Geoffrey A. Smith (Voting) | Term Expires 6/30/05 |
|----------------------------|----------------------|
- (03-479) APPOINTMENTS by Mayor David P. Ransburg to the PEORIA MEDICAL AND  
TECHNOLOGY DISTRICT ADVISORY COUNCIL, with Recommendation to Concur:
- |   |                      |
|---|----------------------|
| Rosemary Bannon (Voting)                | Term Expires 6/30/04 |
| Lynne M. Binkele (Voting)               | Term Expires 6/30/04 |
| Robert Bullock (Voting)                 | Term Expires 6/30/04 |
| Gloria H. Lurie (Voting)                | Term Expires 6/30/04 |
| Bernadine M. Nolan (Voting)             | Term Expires 6/30/04 |
| Leslie J. Paulson (Voting)              | Term Expires 6/30/04 |
| Alexandria (Lynn)Scott Pearson (Voting) | Term Expires 6/30/04 |
| Dr. Tim Vega (Voting)                   | Term Expires 6/30/04 |
- (03-480) APPOINTMENTS by Mayor David P. Ransburg to the PEORIA MEDICAL AND  
TECHNOLOGY DISTRICT COMMISSION, with Recommendation to Concur:
- \*\*
- |                                   |                      |
|-----------------------------------|----------------------|
| Michael Bryant (Voting)           | Term Expires 6/30/05 |
| Karla Dennhardt (Voting)          | Term Expires 6/30/04 |
| Dr. William Engelbrecht (Voting)* | Term Expires 6/30/07 |
| Dr. Peter B. Johnsen (Voting)     | Term Expires 6/30/08 |
| Dr. J. Richard Lister (Voting)    | Term Expires 6/30/07 |
| James M. Moore (Voting)           | Term Expires 6/30/05 |
| Tasha L. Morris (Voting)          | Term Expires 6/30/08 |
| Stephen Shostrom (Voting)         | Term Expires 6/30/06 |
| Kathleen Teegarden (Voting)       | Term Expires 6/30/06 |

(03-481) **APPOINTMENT by Mayor David P. Ransburg to the PUBLIC BUILDING COMMISSION, with Recommendation to Concur:**

**Ketra A. Mytich (Voting)**

**Term Expires 9/30/08**

(03-482) **SIDEWALK PARTICIPATION REQUEST – FAMILY DOLLAR STORE, 820 N. E. JEFFERSON AVENUE, in the Amount of \$15,466.16.**

Council Member Morris arrived at 6:35 P.M.

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

Council Member Nichting requested Item No. 03-472 be removed from the Consent Agenda for further discussion.

Council Member Teplitz requested Item No. 03-480 be removed from the Consent Agenda for further discussion.

Item Nos. 03-468 through 03-482 (excluding Item Nos. 03-472 and 03-480 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.

(03-472) **Communication from Interim Director of Planning and Growth Management**  
\* **Recommending Adoption of ORDINANCE Rezoning Property Located at 5305 and 5314 N. BELCREST COURT from the Present Class R-2 (Single-Family Residential) District to a Class N-1 (Institutional) District, and AMEND Ordinance No. 14,568 (as amended), an OFFICIAL DEVELOPMENT PLAN in a Class N-1 (Institutional) District by Incorporating the Requested Zoned Properties into the ODP and Updating the Future Development of Hospital Property Located East of the Hospital for Property Located at 5409 N. KNOXVILLE AVENUE.**

Interim Director of Planning and Growth Management Pat Landes distributed a copy of the Institutional District (N1) Official Development Plan Amendment #3 to all members of the City Council.

Council Member Nichting moved to adopt the Ordinance rezoning property located at 5305 and 5314 N. Belcrest Court from the present Class R-2 (Single-Family Residential) District to a Class N-1 (Institutional) District, and amend Ordinance No. 14,568 (as amended), an Official Development Plan in a Class N-1 (Institutional) District by incorporating the requested zoned properties into the ODP and updating the future development of Hospital property located East of the Hospital for property located at 5409 N. Knoxville Avenue; seconded by Council Member Turner.

ORDINANCE NO. 15,515 was approved by roll call vote.

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

Nays: None.

**(03-480)      APPOINTMENTS by Mayor David P. Ransburg to the PEORIA MEDICAL AND TECHNOLOGY DISTRICT COMMISSION, with Recommendation to Concur:**  
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<b>Michael Bryant (Voting)</b>	<b>Term Expires 6/30/05</b>
<b>Karla Dennhardt (Voting)</b>	<b>Term Expires 6/30/04</b>
<b>Dr. William Engelbrecht (Voting)*</b>	<b>Term Expires 6/30/07</b>
<b>Dr. Peter B. Johnsen (Voting)</b>	<b>Term Expires 6/30/08</b>
<b>Dr. J. Richard Lister (Voting)</b>	<b>Term Expires 6/30/07</b>
<b>James M. Moore (Voting)</b>	<b>Term Expires 6/30/05</b>
<b>Tasha L. Morris (Voting)</b>	<b>Term Expires 6/30/08</b>
<b>Stephen Shostrom (Voting)</b>	<b>Term Expires 6/30/06</b>
<b>Kathleen Teegarden (Voting)</b>	<b>Term Expires 6/30/06</b>

\*Following a brief explanation by City Clerk Mary Haynes that the Mayor's communication had not indicated that Dr. William Engelbrecht was a voting member, Council Member Teplitz moved to concur with the Mayor's recommendation to appoint Michael Bryant, Karla Dennhardt, Dr. Peter B. Johnsen, Dr. J. Richard Lister, James M. Moore, Tasha L. Morris, Stephen Shostrom, Kathleen Teegarden, and Dr. William Engelbrecht to the Peoria Medical and Technology District Commission, and to list Dr. Engelbrecht as a voting member; seconded by Council Member Turner.

In discussion with Council Member Sandberg regarding this new commission and if instructions would be given to the newly appointed members about their responsibilities in meeting certain statutes, Corporation Counsel Randy Ray said he planned to attend the first meeting and provide the members with written materials, otherwise, he said, it would generally be the responsibility of the Staff liaison to guide the new commission. He said he agreed that when they held their first meeting, it would certainly be appropriate for someone from the Legal Department to provide the commission with a copy of the Open Meetings Act.

Motion to concur with the Mayor's recommendation to appoint Michael Bryant, Karla Dennhardt, Dr. Peter B. Johnsen, Dr. J. Richard Lister, James M. Moore, Tasha L. Morris, Stephen Shostrom, Kathleen Teegarden, and Dr. William Engelbrecht to the Peoria Medical and Technology District Commission, and to list Dr. Engelbrecht as a voting member, was approved by roll call vote.

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

Nays: None.

**(03-483)      Communication from Director of Economic Development Recommending Approval of a BUSINESS DEVELOPMENT FUND LOAN to inPLAY LLC, in the Amount of \$150,000, as Outlined, and Requesting Authorization for the Interim City Manager to Execute the Necessary Documents.**  
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Council Member Gulley pointed out the request had been approved by the Loan Review Committee, and he said this was an opportunity to create additional jobs for the community, which was a foundation of providing the loan. He also requested to know what the remaining balance was in the Loan Fund after this loan was approved.

Director of Economic Development David Dobson said the proposed loan would generate 17 full time employment positions. He also reported that as of June 30, 2003, the loan fund balance was \$351,710.00, and after the proposed loan was approved, the balance would be reduced to \$210,710.00. He added the loan was to provide for a banquet facility attached to the inPlay building and would accommodate some 350 people. He said the loan would be for ten years at a 4% interest rate.

Council Member Gulley moved to approve the Business Development Fund Loan to inPlay LLC, in the amount of \$150,000 as outlined, and authorize the Interim City Manager to execute the necessary documents; seconded by Council Member Turner.

In discussion with Council Member Sandberg regarding the use of the rooftop gardens, Director of Inspections John Kunski said the temporary permits for the use of the rooftop had expired and the owner had been notified that the rooftop was not to be used.

Council Member Thetford expressed concern that no representatives from inPlay were present to answer her questions, and she moved to defer this item for one week until the August 26, 2003, Regular City Council Meeting; seconded by Council Member Sandberg.

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.

Clerk's Note: See Page 26197, Item No. 03-489, for further action.

**(03-484) Communication from Director of Public Works Recommending CLOSURE of the RIVERCENTER (SEARS) PARKING FACILITY Effective October 1, 2003, as Outlined.**

Council Member Gulley moved to approve the closure of the Rivercenter (Sears) Parking Facility effective October 1, 2003, as outlined; seconded by Council Member Nichting.

In discussion with Council Member Gulley, Director of Public Works Steve Van Winkle explained the deterioration of the parking facility and the decrease in use over the past few years. He said because of continued maintenance costs and the economics of the deck, he felt it would be better to close the facility. He added that those people who were still using the deck would be given an opportunity to use a City-owned deck at the same rate. He reiterated the parking facility would close effective October 1, 2003.

Motion to approve the closure of the Rivercenter (Sears) Parking Facility effective October 1, 2003, as outlined was approved by roll call vote.

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

Nays: None.

**(03-485) Communication from Director of Public Works with a Request from the Peoria City/County Landfill Committee for the Council to Approve and Direct the Administration to Prepare an AMENDMENT to the LANDFILL OPERATIONS AGREEMENT with WASTE MANAGEMENT for the PEORIA CITY/COUNTY LANDFILL #2 to Allow the TIPPING FEE to TEMPORARILY EXCEED the NOT-TO-EXCEED TIPPING FEE by \$1.15/TON, to Provide for Increases in State-Mandated Fees, upon Approval by the City Council and County Board Through November 30, 2003.**

Director of Public Works Steve Van Winkle explained this item was approved by the County Board at their most recent meeting. He further explained this was not something he wanted to bring before the Council because it meant the City would be allowing the contractor to charge, at the gate, a fee higher than the contract allowed. He said there was language in the contract that, if the cost increase was not due to their actions such as State mandates, then negotiations could be re-opened to resolve the situation. He said there was a cap on the tipping fee at the Landfill that was regulated through the contract, and the remainder of 2003, beginning September 1, the tipping fee at the gate would be \$1.15 higher than what the contract would otherwise allow. He said after the beginning of the year, their ability to raise to the cap would be decreased by \$1.15. He recommended the Council approve the change to the contract.

Council Member Nichting moved to concur with the Peoria City/County Landfill Committee request to approve and direct the Administration to prepare an amendment to the Landfill Operations Agreement with Waste Management for the Peoria City/County Landfill #2 to allow the tipping fee to temporarily exceed the not-to-exceed tipping fee by \$1.15/ton, to provide for increase in State-mandated fees; seconded by Council Member Turner.

Council Member Gulley expressed concern about recent tree removal, and he explained there were some small businesses attempting to aid in clean-up and the removal of trees. He said when those smaller companies arrived at the Landfill, they were billed at the cubic yard rate. He added these were loads smaller than the normal pick-up truck load, which made for a difficult situation for smaller companies. He requested that this situation be reviewed and possibly resolved in some manner.

Motion to concur with the Peoria City/County Landfill Committee request to approve and direct the Administration to prepare an amendment to the Landfill Operations Agreement with Waste Management for the Peoria City/County Landfill #2 to allow the tipping fee to temporarily exceed the not-to-exceed tipping fee by \$1.15/ton, to provide for increase in State-mandated fees was approved by roll call vote.

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

Nays: None.

**(03-486) Communication from Director of Public Works Requesting Approval of an AMENDMENT to the WASTE COLLECTION CONTRACT with WASTE MANAGEMENT to Provide for Additional Compensation in the Amount of \$25,000/Year to Cover Increases in State-Mandated Fees which Became Effective July 1, 2003.**

Council Member Nichting moved to approve the amendment to the Waste Collection Contract with Waste Management to provide for additional compensation in the amount of \$25,000/year to cover increases in State-mandated fees which became effective July 1, 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.

**(03-487) Communication from Interim Director of Planning and Growth Management with Recommendation from the Zoning Commission to DENY and City Staff Recommendation to APPROVE an ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to Zoning for Various Text Adjustments Relating to FEE INCREASES.**

Council Member Thetford moved to concur with the City Staff's recommendation to adopt the Ordinance amending Appendix B of the Code of the City of Peoria relating to Zoning for various text adjustments relating to fee increases; seconded by Council Member Teplitz.

ORDINANCE NO. 15,516 was adopted by roll call vote.

Yeas: Grayeb, Morris, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 7;

Nays: Ardis, Gulley, Nichting, Sandberg - 4.

**UNFINISHED BUSINESS**

**(02-425) Communication from Director of Planning and Growth Management with Recommendation from the Zoning Commission to DENY and City Staff 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 adopt the Ordinance rezoning property located at 319 Mary Street from the present Class R-4 (Single Family Residential) District to a Class C-1 (General Commercial) rather than the proposed Class I-2 (Railroad/Warehouse Industrial) District; seconded by Council Member Teplitz.

Motion to adopt ORDINANCE NO. 15,517 rezoning property located at 319 Mary Street from the present Class R-4 (Single Family Residential) District to a Class C-1 (General Commercial) rather than the proposed Class I-2 (Railroad/Warehouse Industrial) District, as amended, was adopted by roll call vote.

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

Nays: None.

**(03-415) Communication from Corporation Counsel Recommending Adoption of an ORDINANCE Amending CHAPTER 18 of the Code of the City of Peoria Relating to ADULT BUSINESSES. (New Communication)**

**MOTION ON THE FLOOR: To Adopt the Ordinance amending Chapter 18 of the Code of the City of Peoria Relating to Adult Businesses (as presented on July 29, 2003), and receive and file the report back.**

Council Member Thetford said after further review of the proposed Ordinance, she said she agreed that the proposed Ordinance should be adopted.

In discussion with Council Member Sandberg, Corporation Counsel Randy Ray explained the proposed Ordinance would restrict those patrons under the age of 21 from the establishment, with the exception of employees.

Motion to adopt ORDINANCE NO. 15,518 amending Chapter 18 of the Code of the City of Peoria Relating to Adult Businesses (as presented on July 29, 2003), and to receive and file the report back was approved by roll call vote.

Yeas: Ardis, Grayeb, Morris, Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 9;

Nays: Gulley, Sandberg - 2.

**(03-427) Communication from Interim Director of Planning and Growth Management Recommending to Receive and File a REPORT BACK, and Recommending Adoption of an ORDINANCE Amending Ordinance No. 15,502 Amending APPENDIX B of the Code of the City of Peoria for TEXT AMENDMENT Relating to DELETING THE REQUIREMENTS for PARKING in the B-1 (Central Business) District.**

Council Member Turner moved to adopt the Ordinance, amending Ordinance No. 15,502, amending Appendix B of the Code of the City of Peoria for text amendment relating to deleting the requirements for parking in the B-1 (Central Business) District, as amended by adding the following language to the end of the second sentence under Section 1(2) "with the exception of landscaping requirements," and to receive and file the report back; seconded by Council Member Gulley.

Council Member Turner explained when the Council approved the elimination of the required parking spaces in the B-1 District on July 22<sup>nd</sup>, the issue of voluntary parking, those spaces provided willingly, and whether or not they had to meet the same standards as the required parking spaces, was not resolved. He said he wanted the public to understand that any parking provided, either as required or voluntary, must meet the accessibility requirements. He said it was important for the community to know that provisions were made for parking for disabled citizens.

He said landscaping was important and added value to a development, but it would not impact health and safety to the same degree as the other standards. He said Staff found that cities which did not have required parking in certain areas, those cities still required standards to be met for the voluntary parking. He said voluntary parking should meet the same standards as required parking with the exception of the landscaping.

In discussion with Council Member Thetford, Interim Director of Planning and Growth Management Pat Landes indicated there would be no negative impact if the amendment was approved.



Council Member Sandberg expressed concern regarding the parking requirements as amended.

Council Member Teplitz stated she also had some concerns and would not be supporting the motion.

Motion to adopt the Ordinance amending Ordinance No. 15,502 amending Appendix B of the Code of the City of Peoria for text amendment relating to deleting the requirements for parking in the B-1 (Central Business) District, as amended by adding the following language to the end of the second sentence under Section 1(2) "with the exception of landscaping requirements," and to receive and file the report back. Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Thetford, Turner, Mayor Ransburg - 9;

Nays: Teplitz, Sandberg - 2.

### NEW BUSINESS

**(03-488) Request to Approve a Motion for the City Council to go into EXECUTIVE SESSION on THURSDAY, AUGUST 28, 2003, Beginning at 6:00 P.M. 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.**

Following a brief comment regarding the need to interview candidates for the position of permanent City Manager, Council Member Ardis moved that the City Council go into Executive Session on Thursday, August 28, 2003, beginning at 6:00 P.M. 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.

Approved by roll call vote.

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

Nays: None.

**(03-489) Request to Approve a Motion to LIMIT THE COUNCIL AGENDA FOR THE AUGUST 26, 2003, REGULAR CITY COUNCIL MEETING to Include the Bond Refinancing and to Hold an 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; DEFER Item No. 03-276 regarding 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, and DEFER Item No. 03-483 the Business Development Fund Loan to inPlay LLC, in the amount of \$150,000, until the September 2, 2003, Regular City Council Meeting.**

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Council Member Ardis said he felt there was a need for the City Council to meet in Executive Session prior to August 28<sup>th</sup> Executive Session for Council discussion regarding the process of interviewing the candidates for the permanent position of City Manager.

Council Member Ardis moved to limit the Council Agenda for the August 26, 2003, Regular City Council Meeting to include the Bond refinancing and to hold an 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 defer Item No. 03-276 regarding 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, and defer Item No. 03-483 the Business Development Fund Loan to inPlay LLC, in the amount of \$150,000, until the September 2, 2003, Regular City Council Meeting; seconded by Council Member Turner.

Motion to limit the Council Agenda for the August 26, 2003, Regular City Council Meeting to include the Bond refinancing and to hold an 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 defer Item No. 03-276 regarding 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, and defer Item No. 03-483 the Business Development Fund Loan to inPlay LLC, in the amount of \$150,000, until the September 2, 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.

Clerk's Note: Item No. 03-276 regarding 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 was deferred until the September 2, 2003, Council Meeting.

Item No. 03-483 the Business Development Fund Loan to inPlay LLC, in the amount of \$150,000, was deferred until the September 2, 2003, Regular City Council Meeting.

#### **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 481 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 with a request to have the signatures entered into public record and a request to have the letter entered into public record.

No objections were heard.

##### **(03-490) REQUEST by CITIZENS to ADDRESS the CITY COUNCIL on VARIOUS ISUES.**

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

Ms. June Moore, 1409 W. Millman, invited the Council and citizens to attend the Taste of Bradley event that would be held on Sunday, August 24, 2003, beginning at 4:30 P.M.

Mr. John White, 1309 E. Elmhurst, discussed drug activity and rental properties, and he encouraged the Council to contact the County to see what could be done in conjunction with the County. He also encouraged the Council to adopt a separate nuisance ordinance requiring all residential properties to register with the City, with the exception of owner-occupied properties.

EXECUTIVE SESSION

- (03-491) Recommendation to Approve 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 Grayeb 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, and to return to the Council Chambers; seconded by Council Member Nichting.

Approved by roll call vote.

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

Nays: None.

City Council Members held the Executive Session in Room 404 of City Hall at 7:35 P.M.

RECONVENING OF THE CITY COUNCIL

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

The City Council reconvened at 8:41 P.M.

- (03-492) CONTRACT for EMPLOYMENT of INTERIM CITY MANAGER with STEVE VAN WINKLE, Pursuant to a MOTION Adopted at the August 12, 2003, Council Meeting, Requesting that a PROPOSAL for CONTRACT with STEVE VAN WINKLE be Developed, Discussed and Brought Forward for Approval. (Refer to Item No. 03-464)**

Council Member Grayeb moved to approve a Contract for employment with Steve Van Winkle as Interim City Manager effective September 1, 2003, with the stipulation that within two weeks the Council and Steve Van Winkle will agree on a list of activities he should concentrate on during his tenure as Interim City Manager; seconded by Council Member Turner.

Council Member Thetford said she would not support the motion as presented. She said, while she thought a great deal of Director Van Winkle and his work with the Public Works Department, she did not feel it was in the best interest of the City at this time. She said it was her opinion that the Council would be placing this person in a position in which he would clearly have to wear two hats even though he would be a full time City Manager. She said she also was dismayed and concerned that while the Council had disagreed on an amount that would be paid to a permanent City Manager, the compensation package for the Interim City Manager, from a cash standpoint, came to \$163,500 annually. She said the Council seemed to have a difficult time approaching that amount for a permanent City Manager. She said she was also concerned that the Council would be turning away the services of an individual who had been the City Manager in a number of communities and who had put together a proposal to complete or initiate twelve efforts that would be incredible to be completed within three or four months. She said she did not agree with these decisions.

Council Member Morris said to be consistent with his remarks the previous week regarding the current Interim City Manager who, he said, had done a significant job for the City of Peoria and he wished the Council had retained for a further period of time. He said he would not support the motion as proposed. He said, should the Council name Steve Van Winkle as Interim City Manager, he looked forward to working with him. He said Mr. Van Winkle was a person with a great deal of experience who had served as Acting City Manager many times and who has a career in public administration that many would respect. He said he could not be inconsistent with his vote last week in demonstrating to the Council that he sincerely felt this decision was an error in collective judgment to rebuke the current Interim City Manager.

Council Member Teplitz said she respected the will of the majority of the Council to make this decision. She said she retained her right to speak out on each and every issue before the Council, and she indicated she regarded this decision to be one of the most important issues to come before the Council. She stated she would not support the decision to compensate at an amount above what the Council planned to offer a permanent City Manager. She said she did not feel Mr. Van Winkle had experience as a City Manager and she was sorry to see the Council would not have the use of the brilliance and experience displayed in the past five months by the Interim City Manager. She said she would sorely miss his abilities and she looked forward to what the next year brought to the Council and the community.

Council Member Gulley said he hoped the relationship with Interim City Manager Ewert would continue. He said in moving forward with the selection of Mr. Van Winkle, the Council should stop and reflect what Mr. Ewert had done for the community and especially in the First District. He said he wished Mr. Ewert had been present at this meeting and he hoped the record would accurately reflect that this was not an effort to terminate Mr. Ewert, but to move the City forward to select a new permanent City Manager.

Council Member Turner said he had been supportive of Mr. Ewert, who was an excellent City Manager. He said Mr. Ewert was hired for a five-month contract and the contract had since expired, and he felt it was time to move into a direction to look for a full time permanent City Manager. He said, with the concerns of this Council, it would be difficult to move toward the hiring of a permanent City Manager with Mr. Ewert in place; and by appointing Mr. Van Winkle, it would give the Council an opportunity to look for a full time City Manager. He repeated that Mr. Ewert did a tremendous job as Interim City Manager, but he felt it was time to move in a different direction. He said there were many issues the Council needed to face and they needed someone in place on a full time basis.

Council Member Ardis said, regardless of getting into the money standpoint which was not fair when talking about the numbers on an annualized basis and there was no comparison, he thanked Director Van Winkle for even considering putting himself in this situation. He said this said a great deal about Director Van Winkle's integrity and character, and he personally thanked him. He said this time needed to be used to seriously focus on hiring a permanent City Manager. He said the business community and citizens wanted that to happen, as well as the Council did. He said, now that the issue of whether or not Interim City Manager Ewert would leave or stay would be resolved, the Council could focus on the process that would continue on August 28<sup>th</sup> and come together to hire the best City Manager Peoria could find as soon as possible.

Council Member Nichting referred to Council Member Ardis' and Council Member Thetford's comments about compensation and he pointed out by the employment of Steve Van Winkle as Interim City Manager, the net positive effect was that the wages and benefits, and the difference between what would be paid and what was currently being paid would be a savings of over \$130,000. He said he felt this was a positive move in view of the Budget problems the City currently faced. He said he felt Mr. Van Winkle's service to the City spoke volumes about his experience and his ability to get things done. He said he would support the motion.

Council Member Grayeb said for the purpose of clarity, the agreement he referred to in this motion would be in the possession of both City Clerk Mary Haynes and Corporation Counsel Randy Ray. He said Human Resources Director Pat Parsons also had a copy of the agreement. He said an activity list would be compiled, which the Council felt was a high priority, and he felt this was an opportunity for the City to move forward. He said, if he thought for one minute any of the progressive momentum would be hindered by this vote, he would not be voting in this way. He said he enthusiastically supported Mr. Van Winkle, who was a man of great integrity and great ability. He said his comments was no disparagement toward the current Interim City Manager whatsoever.

Mayor Ransburg said he valued what Interim City Manager Ewert had done for the community. He said when Mr. Ewert first joined the City of Peoria, it was felt that he would not be able to do too much in five months, but he felt he had done an amazing amount of work. He said he not only performed tasks that he agreed to do, but additional things, and he felt it displayed what an experienced journeyman could do in a challenging position. He said he had known Steve Van Winkle for many years and he said he had great respect and affection for him as a person, but he was concerned that Mr. Van Winkle would be taking on two responsibilities and this may not be a good decision for him or the community. He said he believed in democracy and he said he would do everything to assist Mr. Van Winkle to be successful for as long as he served in the position.

Motion to approve of a Contract for employment of Steve Van Winkle as Interim City Manager effective September 1, 2003, with the stipulation that within two weeks the Council and Steve Van Winkle will agree on a list of activities he should concentrate on during his tenure as Interim City Manager was approved by roll call vote.

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

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

**(03-493) Communication from Mayor David P. Ransburg Recommending Approval of an  
EXTENSION of EMPLOYMENT CONTRACT for INTERIM CITY MANAGER  
H. B. EWERT.**

This item was not voted due to the approval of a contract of employment with Mr. Steve Van Winkle.

**ADJOURNMENT**

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

Approved by viva voce vote.

The Council Meeting adjourned at 8:55 P.M.

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

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