

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

Council Chambers, Peoria, Illinois, October 21, 2003, a Regular Meeting of the City Council was held this date at 6:15 P.M., at City Hall, Council Chambers, 419 Fulton Street, Mayor David P. Ransburg presiding.

ROLL CALL

Roll call showed the following Council Members present: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11; Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: VIRGIL BOUCHER DAY – October 21, 2003

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting held on October 14, 2003, as printed, with a correction on Page 26277 under Unfinished Business changing Item No. 03-355 to 03-555; 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

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

- (03-599) **Communication from Acting Public Works Director Requesting Authorization to PURCHASE FLEET EQUIPMENT Through the State of Illinois Joint Purchasing Contract, as Outlined, in the Amount of \$238,281.56.**
- (03-600) **STREET LIGHTING REQUESTS: 2424 W. ANTOINETTE; NORTHMOOR & LEXINGTON; and 2415 N. ATLANTIC, in the Amount of \$211.35 per year.**
- (03-601) **Communication from Interim Director of Planning and Growth Management
* Recommending Adoption of an ORDINANCE Rezoning Property Located at 908 W. HOWETT STREET & 313 NEW STREET from the Present Class R-4 (Single-Family Residential) District to a Class C-1 (General Commercial) District.**
- (03-602) **Communication from Interim Director of Planning and Growth Management
** Recommending Adoption of an ORDINANCE Granting SITE PLAN APPROVAL Through the SPECIAL USE PROCESS in a Class O-1 (Arterial Office) District in a Controlled Thoroughfare Overlay District for an OFFICE BUILDING and PARKING LOT for the Property Located at 4502 N. SHERIDAN ROAD, with Conditions.**

- (03-603) **Communication from Interim Director of Planning and Growth Management Recommending Adoption of ORDINANCE NO. 15,538 Rezoning Property Located on the 66 ACRES of VACANT LAND Located South of CHADWICK PLACE SUBDIVISION, East of KOERNER ROAD, and Immediately East of GRANDVIEW KNOLLS SUBDIVISION from the Present Class A-1 (Agricultural) District to a Class R-2 (Single-Family Residential) District.**

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

Council Member Sandberg requested Item Nos. 03-601 and 03-602 be removed from the Consent Agenda for further discussion.

Council Member Gulley also requested that Item No. 03-601 be removed from the Consent Agenda for further discussion.

Item Nos. 03-599 through 03-603 (excluding 03-601 and 03-602 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.

- (03-601) **Communication from Interim Director of Planning and Growth Management
* Recommending Adoption of an ORDINANCE Rezoning Property Located at
908 W. HOWETT STREET & 313 NEW STREET from the Present Class R-4
Single-Family Residential) District to a Class C-1 (General Commercial) District.**

Council Member Sandberg said he would be abstaining from the discussion and vote due to the professional services he had performed for this project and the Petitioner.

Council Member Gulley said it was brought to his attention there were some neighborhood concerns regarding the retail site and a change to the intended use since the time of the hearing.

Council Member Gulley moved to Table this item; seconded by Council Member Teplitz.

Motion to Table was approved by roll call vote.

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

Nays: None.

Abstention: Sandberg - 1

- (03-602) **Communication from Interim Director of Planning and Growth Management
** Recommending Adoption of ORDINANCE Granting SITE PLAN APPROVAL
Through the SPECIAL USE PROCESS in a Class O-1 (Arterial Office) District in a
Controlled Thoroughfare Overlay District for an OFFICE BUILDING and PARKING
LOT for the Property Located at 4502 N. SHERIDAN ROAD, with Conditions.**

Council Member Sandberg said he would be abstaining from the discussion and vote due to the professional services he had performed for this project and the Petitioner.

Council Member Nichting moved to adopt the Ordinance granting Site Plan Approval through the Special Use Process in a Class O-1 (Arterial Office) District in a Controlled Thoroughfare Overlay District for an Office Building and Parking Lot for property located at 4502 N. Sheridan Road, with conditions; seconded by Council Member Turner.

ORDINANCE NO. 15,539 was approved by roll call vote.

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

Nays: None;

Abstention: Sandberg - 1.

(03-604) Communication from Acting Public Works Director Recommending Adoption of an ORDINANCE Amending Chapter 26 of the Code of the City of Peoria Relating to EXCAVATIONS ON THE PUBLIC WAY.

Following a brief clarification, Council Member Nichting moved to adopt the Ordinance amending Chapter 26 of the Code of the City of Peoria relating to excavations on the public way; seconded by Council Member Grayeb.

ORDINANCE NO. 15,540 was approved by roll call vote.

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

Nays: None.

(03-605) Communication from Interim Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Amending APPENDIX B of the Code of the City of Peoria for TEXT AMENDMENTS Relating to the Jurisdictional Duties of the PEORIA MEDICAL and TECHNOLOGY DISTRICT COMMISSION.

Council Member Teplitz moved to adopt the Ordinance amending Appendix B of the Code of the City of Peoria for text amendments relating to the jurisdictional duties of the Peoria Medical and Technology Commission; seconded by Council Member Thetford.

ORDINANCE NO. 15,541 was approved by roll call vote.

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

Nays: None.

(03-606) Communication from Interim Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Rezoning Parcel 1) Property from a Class R-7 (Multi-Family Residential) District (oT) in a Controlled Thoroughfare Overlay District to a Class C-2 (Large Scale Commercial) District (oT) in a Controlled Thoroughfare Overlay District and to Obtain a SPECIAL USE in a Class C-2 (Large Scale Commercial) District (oT) in a Controlled Thoroughfare Overlay District for a DRIVE-UP RESTAURANT Located at the westerly portion of Property Located at 718 W. GLEN AVENUE; Parcel 2) To Remove Property from the Glen Avenue Controlled Thoroughfare Overlay District and Rezoning said Property from a Class R-7 (Multi-Family Residential) District (oT) in a Controlled Thoroughfare Overlay District to a Class C-2 (Large Scale Commercial) District Located at the easterly portion of 718 W. GLEN AVENUE; Parcel 3) To Remove Property from the Glen Avenue Thoroughfare Overlay District and Rezoning said Property from a Class C-1 (General Commercial) District (oT) in a Controlled Thoroughfare Overlay District to a Class C-2 (Large Scale Commercial) District Located at 4823 N. SHERIDAN ROAD, with Condition.

Council Member Spears moved to adopt the Ordinance rezoning Parcel 1) property from a Class R-7 (Multi-Family Residential) District (oT) in a Controlled Thoroughfare Overlay District to a Class C-2 (Large Scale Commercial) District (oT) in a Controlled Thoroughfare Overlay District and to obtain a Special Use in a Class C-2 (Large Scale Commercial) District (oT) in a Controlled Thoroughfare Overlay District for a Drive-Up Restaurant located at the westerly portion of property located at 718 W. Glen Avenue; Parcel 2) to remove property from the Glen Avenue Controlled Thoroughfare Overlay District and rezoning said property from a Class R-7 (Multi-Family Residential) District (oT) in a Controlled Thoroughfare Overlay District to a Class C-2 (Large Scale Commercial) District located at the easterly portion of 718 W. Glen Avenue; Parcel 3) to remove property from the Glen Avenue Thoroughfare Overlay District and rezoning said property from a Class C-1 (General Commercial) District (oT) in a Controlled Thoroughfare Overlay District to a Class C-2 (Large Scale Commercial) District located at 4823 N. Sheridan Road, with condition; seconded by Council Member Turner.

Council Member Sandberg said he would be abstaining from the discussion and vote due to the professional services he had performed for this project and the Petitioner.

In discussion with Council Member Thetford regarding the reason some of these parcels had to be removed from the Thoroughfare Overlay District, Interim Director of Planning and Growth Management Pat Landes explained the parcels had to be removed because the Thoroughfare District was restrictive in the uses permitted. She said the Thoroughfare District was enlarged a few years ago for another project that was not successfully completed. She said for Parcels 2 and 3 to have a retail use, they had to be outside of the district. She added a retail use would work with the land use in the Comprehensive Plan and, at the same time, cross easements were required in case there was further development to the South or to the West.

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

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

Mr. David Pittman, 818 W. Moss Avenue, spoke as President of Lakeview Wilds, Inc. which was a non-profit group that had been trying for a number of years to raise funds for the purpose of creating a conservation parcel in the area being discussed. He requested a thirty-day deferral on the decision so they could voice their objection to the project. He said they would like to study traffic patterns for the two new businesses being proposed, which would be located at an already very busy intersection. He expressed concern regarding the impact on the streamway, which he felt would be significant. He said there were also concerns about soil erosion downstream. He said the enforcement of the ingress and egress would have difficulties. He suggested a similar problem was located at Main and University. He questioned if a concrete divider may be needed on the roadway. He also expressed concern about the destruction of a variety of native woodland plants within the site area.

Mr. Tom Edwards, 2702 N. Peoria Avenue, said this development would have a significant impact on the surrounding neighborhoods. He said this was the only stream in the entire City that had been in the Master Plan that had been approved for obliteration at the top end of it. He said he reviewed the plan and he did not see how the stream would be tunneled under the parking lots and he did not see any plan for water retention facilities. He expressed concern that there may be significant run-off into a creek that was already overloaded. He expressed concern that a commercial zoning would open the site up to other kinds of development. He said he hoped this request would go to the Planning Commission before being explored further.

Motion to adopt ORDINANCE NO. 15,542 rezoning Parcel 1) property from a Class R-7 (Multi-Family Residential) District (oT) in a Controlled Thoroughfare Overlay District to a Class C-2 (Large Scale Commercial) District (oT) in a Controlled Thoroughfare Overlay District and to obtain a Special Use in a Class C-2 (Large Scale Commercial) District (oT) in a Controlled Thoroughfare Overlay District for a Drive-Up Restaurant located at the westerly portion of property located at 718 W. Glen Avenue; Parcel 2) to remove property from the Glen Avenue Controlled Thoroughfare Overlay District and rezoning said property from a Class R-7 (Multi-Family Residential) District (oT) in a Controlled Thoroughfare Overlay District to a Class C-2 (Large Scale Commercial) District located at the easterly portion of 718 W. Glen Avenue; Parcel 3) to remove property from the Glen Avenue Thoroughfare Overlay District and rezoning said property from a Class C-1 (General Commercial) District (oT) in a Controlled Thoroughfare Overlay District to a Class C-2 (Large Scale Commercial) District located at 4823 N. Sheridan Road, with condition was approved by roll call vote.

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

Nays: None;

Abstention: Sandberg - 1.

(03-607) Communication from Corporation Counsel Recommending Adoption of an ORDINANCE Amending Articles III and IV of CHAPTER 18 of the Code of the City of Peoria Pertaining to SEXUALLY ORIENTED ADULT BUSINESSES; Providing for Licensing and Regulation of such Businesses and their Employees; and Providing for Additional Miscellaneous Regulations of Sexually Oriented Adult Businesses.

In discussion with Council Member Nichting, Corporation Counsel Randy Ray explained sexually oriented adult uses were a First Amendment protected activity, therefore, the granting of a license for a sexually oriented adult use may not be at the discretion of any official. He said local governments may regulate sexually oriented adult uses as to reasonable time, place and manner, and to limit the harmful secondary effects of increased crime and lower property values, which were among them, of sexually oriented businesses. He said the Courts had consistently held that cities may rely on studies done by other cities as to the negative secondary effects of these types of businesses and summaries of those studies were included in the Council packet, with the complete studies on file in his office for the Council to review. He said, while there was an amendment right to have a sexual oriented business, there was no First Amendment right to serve alcoholic beverages in a sexually oriented business. He said the 7th Circuit Court held in the Ben's Bar, Inc. v. Village of Somerset case that there was no such right and further quoted a line of cases which found it was reasonable to conclude the combination of alcohol and nudity begets undesirable behavior. He added that outside counsel had reviewed the City's Ordinances and had recommended that the legislative record be enhanced by the inclusion of the numerous studies as to secondary effects to streamline definitions to eliminate duplication, increase clarity, and narrowly tailor the regulations to deter multiple procedural defects relating to the initial decision-making process, administrative appeals and to judicial review of adverse licensing decisions. He said outside counsel recommended that the Ordinance before the Council be adopted and the studies as to negative secondary effects be made part of the legislative record.

Council Member Nichting moved to adopt the Ordinance amending Articles III and IV of Chapter 18 of the Code of the City of Peoria pertaining to sexually oriented adult businesses; providing for licensing and regulation of such businesses and their employees; and providing for additional miscellaneous regulations of sexually oriented adult businesses, and the studies done by other cities as to the negative secondary effects of these types of businesses be made part of the legislative record; seconded by Council Member Teplitz.

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

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 the Citizens for Community Values, presented to the Council Petitions bearing 468 signatures addressing concerns regarding sexually oriented businesses, escort and escort services, massage establishments and practitioners, and requesting that Ordinances be written and enforced to safeguard the public and their property. She also read and distributed a letter requesting a ban on alcohol in adult-use businesses. She quoted the number of police calls in the years 2000 through 2001 for the 500 and 600 Blocks of Main Street. She also discussed the number of known sex offenders in the area and the increase of venereal diseases and sex crimes.

Mr. Jim Cummings, 415 W. Maywood, discussed the Ben's Bar v. the Village of Somerset case and he pointed out that most of these businesses would not be able to operate at a profit without liquor. He said it was the unique combination of sex and alcohol that made strip clubs successful but it was the alcohol that brought in the profits. He said the argument that an adult establishment would be made into a teenage hangout was a red herring. He said if the no alcohol clause would achieve the stated purpose, prohibiting alcohol on the premises of adult entertainment establishment would unquestionably reduce the secondary effects. He urged the Council to adopt the proposed Ordinance.

Mr. Lawrence Walters, 781 Douglas Avenue, Altamonte Springs, Florida, a First Amendment Attorney representing Elliot's Gentlemen's Club, said he felt the City was trying to regulate the Elliot's Gentlemen's Club and Elliot's would be the business most affected by the Council's decision on the proposed Ordinance. He said he was speaking in hopes of deflecting a costly and lengthy First Amendment battle that could be resolved in an amicable manner. He said he felt it would be in the City's best interest not to approve the proposed Ordinance. He expressed concern regarding how the owner's of Elliot's had been treated over the past several months. He also expressed concern that the City had not requested input from the industry they were seeking to regulate. He said there was a significant equal protection problem with exempting the pre-existing Big Al's in the downtown area and in preventing Elliot's from obtaining a liquor license. He said he felt this was an abuse of governmental authority because it created a monopoly for Big Al's. He referred to the City of Los Angeles v. Alameda Books, Inc. case, which his firm was involved in, and he said the law was changed and to the extent the City was relying on any case law before 2001, that was old out-dated law. He said this case stated that a City could not base their case on out-dated irrelevant studies and turn a blind eye to what was happening in their own City. He said he was not aware of any problem relating to an increase in crime or a decrease in property values in the City of Peoria caused by adult entertainment. He indicated that if they were forced to challenge the City, he said the entire liquor ordinance would be challenged which could provide an opportunity for any adult business owner to open an adult facility without controls. He urged the Council to vote against the proposed Ordinance so that taxpayers' dollars would not be spent on litigation. He suggested that representatives of Elliot's meet with City officials and resolve this issue in an amicable manner. He urged the Council to table this issue.

Council Member Sandberg expressed concern that the City indicated that the City of Los Angeles v. Alameda Books, Inc. case was used by Staff to support the proposed adoption of the Ordinance.

Ms. Betty Rohman, 10905 N. Sleepy Hollow, said the Ben's Bar v. the Village of Somerset case was ruled in 2003 which was a more recent case than what the Elliot's attorney referred to. She added there were other adult use licenses in the City other than Big Al's and she felt that the location of Big Al's was in a totally different frame of reference. She said Big Al's was in a commercial area and she urged the Council not to be threatened by a lawsuit.

Council Member Nichting indicated he supported the proposed Ordinance to curb the secondary effects of adult use businesses.

Following further discussion, Council Member Morris said adopting the proposed Ordinance was not an action that was for one moment in time and one business in time. He said the City of Peoria needed to concentrate on making this a great place for families to live, work, do business, for neighborhoods, etc. He said the vote on this Ordinance went far beyond this point in time but to plan what kind of place Peoria would be in the future.

Council Member Teplitz said this was not a Fifth District issue but was a City-wide issue. She said before the particular location of Elliot's became an issue, she was concerned how the City could move forward by not just preventing this happening at one location, but how the City could proceed to prohibit this kind of business throughout the community. She commended the Corporation Counsel for his exploration of this issue and making an appropriate recommendation to the Council. She said she would support the motion.

Council Member Thetford spoke in support of the proposed Ordinance and she pointed out that both sides of the issue using the same case law from the same lawsuit to support their side was not unusual. She indicated these kinds of establishments could be proposed for most any prominent street in the City and she said she felt the City was on sound legal ground by adopting the proposed Ordinance.

Council Member Turner spoke in support of the proposed Ordinance and he pointed out the issue being argued regarded community values. He indicated he was not in favor of community values falling to an unacceptable level.

Council Member Sandberg said he had in the past and was currently providing professional services for Elliot's Gentleman's Club and he said he brought this to the attention of the Corporation Counsel. He requested that Corporation Counsel Randy Ray explain what his responsibilities were in voting on this issue.

Corporation Counsel Randy Ray said it was his opinion that Council Member Sandberg did not have a conflict because this was based on the Ordinance before the Council being a law of general applicability. He said his opinion was also based on a brief conversation with Council Member Sandberg that his business was not so oriented toward adult business uses or sexually oriented business uses as to cause his interest to be different than the general public. He said he felt it would be appropriate for Council Member Sandberg to vote on this issue.

In response to Council Member Sandberg's question regarding why the Corporation Counsel felt that the City of Los Angeles v. Alameda Books, Inc. case ruling favored the City, Corporation Counsel Randy Ray said the case regarded being able to bar more than one adult use in the same building and it had held that harmful secondary effects did form the basis to support adult regulation. He added it was one of the many cases that had consistently held this ruling. He also pointed out there was a case in Brenton, Washington, where it was held that not every City had to conduct its own study and could rely on other studies. He said this remained the law.

In further discussion, Council Member Sandberg pointed out that Big Al's was less than 750 feet from Twin Towers which had residential units. He said he felt the proposed Ordinance was much more comprehensive than he expected and he said he did not feel there was time to discuss all the elements. He expressed concern that there were terms in the proposed Ordinance that the Council may not understand. He also said he was concerned that fake identifications would be used by those younger than eighteen to obtain access into Elliot's if the proposed Ordinance was passed. He said he was concerned that by the City losing control over liquor that the City would have no control over adult use businesses. He said he would not support the proposed Ordinance. He added that the adult use Ordinance the City has had since 1976 prevented these kinds of businesses from being allowed just anywhere in the City.

Council Member Ardis pointed out that Big Al's was located in its present location prior to Twin Towers being built. He said he disagreed that the City would have no control over any establishments that did not have a liquor license. He added he was also concerned that eighteen-year-olds would be allowed in the establishment if there was no alcohol served. He commended the Corporation Counsel for his research on this subject and he said the material assisted him in making his decision to support the proposed Ordinance.

Council Member Gulley expressed concern regarding possible litigation in relation to the proposed Ordinance. He suggested that the City meet with opponents of the proposed Ordinance and come to a resolution that would work for all parties.

Council Member Spears expressed concern that with no alcohol being served at an adult use business that a younger crowd would be allowed to go into the establishment. He said he felt that control over alcohol would be one more leverage to maintain control over adult use businesses.

Council Member Teplitz pointed out the employees of adult use businesses could be as young as eighteen, whether there was alcohol sold at an establishment or not.

Motion to adopt ORDINANCE NO. 15,543 amending Articles III and IV of Chapter 18 of the Code of the City of Peoria pertaining to sexually oriented adult businesses; providing for licensing and regulation of such businesses and their employees; and providing for additional miscellaneous regulations of sexually oriented adult businesses, and the studies done by other cities as to the negative secondary effects of these types of businesses be made part of the legislative record was approved by roll call vote.

Yeas: Ardis, Grayeb, Morris, Nichting, Teplitz, Thetford, Turner, Mayor Ransburg - 8;

Nays: Gulley, Sandberg, Spears - 3.

UNFINISHED BUSINESS

(03-354) Communication from Interim City Manager Regarding EXTENSION of the RESIDENTIAL REFUSE and YARDWASTE COLLECTION CONTRACT with WASTE MANAGEMENT, and EXTENSION of the STACKED CONDOMINIUM/CITY BUILDING REFUSE COLLECTION CONTRACT with PDC SERVICES. (New Communication)

*Clerk's Note: What is before the Council is the motion to approve the extension of the Residential Refuse and Yardwaste Collection Contract with Waste Management and to extend the Stacked Condominium/City Building Refuse Collection Contract with PDC Services until December 31, 2009, plus three two-year option renewals, with modifications as negotiated and described, and receive and file the communication regarding Peoria Area Communities' Refuse Collection.

Interim City Manager Steve Van Winkle distributed a copy of Garbage Collection Bid Information from 1991 to all members of the City Council.

A letter from citizen, Tom Edwards, was also distributed to all members of the City Council.

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

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

Mr. David Pittman, 818 W. Moss Avenue, requested that the Council consider bidding out the trash collection contract to determine if a better deal for the citizens of Peoria could be obtained. He said the assumptions made that no other significant businesses would be interested in the contract was merely speculation. He said the chances of getting a better deal was unknown without going out to bid. He also expressed concern that he felt the per household cost was high and he suggested that the pick up frequency be reduced. He said city-wide recycling usually had a participation rate of 50% and the current program was not reaching those levels. He said the current contract did not support recycling. He said the landfill should be maintained or extended as long as possible. He said landfills were expensive to build and difficult to maintain and all would eventually leak. He urged the Council to send the contract out to bid and add recycling to the contract.

Ms. Joyce Blumenshine, 2419 E. Reservoir, spoke on behalf of the Heart of Illinois Sierra Club and she requested a review of why Peoria was behind the times in the handling of recycling. She said there were some creative options to handling recycling and she urged the Council not to tie the City to a six-year contract. She suggested that the contract be limited to one year and open it up for new options. She also said one of the most important things was to separate the leaf-handling and yard waste out for bid. She said there were businesses that were eager to do quality recycling of these components and could bring new or additional revenue to the City.

Mr. Tom Edwards, 2702 N. Peoria, suggested that the decision on this matter be deferred. He said he wanted the City of Peoria to be an example to other communities on recycling and handling of waste. He referred to the letter he distributed to the Council and he urged them to read it and consider his comments. He spoke against a six-year contract that would raise the costs. He said he felt the contract should be extended for one year minus the portion that addressed pick up of grass and leaves for the nine months of April through November to save money immediately. He said he felt that other avenues needed to be explored.

Council Member Sandberg said about one-third of citizens in Peoria put yard waste at the curb for pick-up. He agreed that yard waste should be picked up less often. He said yard waste pick up was not equally important to all districts in the City. He spoke in support of a recycling program and he said he could not support a six-year contract.

Council Member Gulley said he agreed with the focus on recycling. He said the contract provided for an opportunity to negotiate additional recycling opportunities, policies and other changes. He said he would not want to wait six years to revisit some of these issues. He said he would like the option of coming up with new recycling strategies.

In further discussion with Mayor Ransburg, Interim City Manager Steve Van Winkle said the present contract with Waste Management included a recycling subscription service. He said Waste Management was willing, as an independent, to consider recycling city-wide or continue to talk about recycling in different forms. He said there was no reason to wait 5½ years to talk about recycling again.

Council Member Thetford said she agreed that recycling was the right thing to do but she did not have a lot of support for recycling in her District. She said she did not feel recycling had risen to the level in Peoria that it had in other communities. She said putting the proposed contract out to bid may not be in the City's best interest at this time. She spoke in support of some of the enhanced services that were being provided to older neighborhoods in the present contract, and she urged the Council to support the motion.

Council Member Nichting clarified that yard waste did not go into the landfill but was deposited in the composting facility. He indicated that not all landfills eventually leaked and he pointed out that no industry was regulated as much as this one. He spoke in support of the proposed contract and commended the Interim City Manager for his work on the contract.

Interim City Manager Steve Van Winkle urged the Council to approve the extension to the contract. He said he felt there was little likelihood of coming up with a better deal regarding costs. He added he went to great lengths in the Council communication to compare costs of many other different communities, including some that were brought to the floor by people who spoke from the audience. He said there was a cost to recycling and those costs had been compared. He said something that was not mentioned were limbs and branches that were picked up by the hauler following wind and ice storms at no extra cost that would normally cost the City thousands of dollars. He said he strongly recommended the approval of the contract because it was a good contract that provided good services and compared favorably cost-wise. He said the contract also provided the option to recycle.

Motion to approve the extension of the Residential Refuse and Yardwaste Collection Contract with Waste Management and to extend the Stacked Condominium/City Building Refuse Collection Contract with PDC Services until December 31, 2009, plus three two-year option renewals, with modifications as negotiated and described, and receive and file the communication regarding Peoria Area Communities' Refuse Collection was approved by roll call vote.

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

Nays: Sandberg - 1.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(03-608) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding VARIOUS ISSUES.

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

Mr. Tom Edwards, 2702 N. Peoria, clarified the Springfield comparison costs gave the City's costs of \$9.00 just for pick up of trash and by adding \$3.25, it would put Peoria in the second highest community of nine communities in the comparison. He said this information was misstated earlier in the meeting.

Mr. Mike Mitchell, 721 E. Illinois Avenue, representing the East Bluff United Neighborhood Association, which was founded on August 27, 2003, said this area had approximately 1,500 homes and 6,000 to 8,000 residents. He said they formed their association in an attempt to end or reduce the influx of crime in the area and attempt to restore the residents' pride in the East Bluff. He said they wanted to be involved in the future decisions of the Council that pertained to residents in the East Bluff. He said their association had requested that Police Officers not only drive through the neighborhood but to walk the neighborhood also. He said Police Officers were taking steps to correct problems but according to the officers, this program had only been tentatively approved by the Council and would begin January 1, 2004. He said the starting date of this program was totally unacceptable to their neighborhood. He said the officers had started the program on their own. He urged the Council to approve the purchase of the needed cell phones, bullet-proof vests and any other needed equipment for this program. He requested that this purchase be placed on the next Council Agenda for Council approval and members of the association would be in attendance.

Ms. Sara Partridge, 2207 N. Atlantic Street, distributed packets to several of the Council Members which included a video, neighborhood historic information, and other neighborhood information. She said a problem in her neighborhood was that residents would throw their garbage into their garages which attracted rats. She said her neighborhood needed to get rid of the rat problem. She said she was in the East Bluff Neighborhood Service boundary area and these problems did not occur suddenly but took about twenty years to evolve. She said the situation had to stop and she challenged the Council to visit her neighborhood to see what the residents had to live with. She said many good families had left the neighborhood and there were presently 289 vacant homes.

Council Member Thetford said directly related to issues raised by Ms. Partridge and problem properties was a seminar on Saturday, November 15, 2003, sponsored by the City of Peoria and the Weed and Seed Program and the Department of Inspections regarding a Landlord Property Training Seminar. She said the seminar would begin at 8:00 A.M. and end at 5:00 P.M. at the Gateway Building and Mr. John Campbell was a key speaker. She said this seminar would be a community policing tool that would assist landlords and property managers to keep illegal activity out of rental properties. She said these were problems city-wide.

EXECUTIVE SESSION

- (03-609) **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; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; and 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 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; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; and 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 Thetford.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 8:29 P.M.

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

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