

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

Council Chambers, Peoria, Illinois, December 9, 2003, a Regular Meeting of the City Council and Town Board 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 (arrived at 6:45 P.M.), 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 he expressed sympathy to the family of former U. S. Senator Paul Simon from Illinois who passed away. Mayor Ransburg then led the Pledge of Allegiance.

WELCOME TO NEW CITY MANAGER RANDY OLIVER

Mayor Ransburg officially recognized and welcomed newly appointed City Manager Randy Oliver. He said he and the Council looked forward to working with him.

PROCLAMATIONS, COMMENDATIONS, ETC.

PRESENTATION by the UNITED SERVICE ORGANIZATION of a UNITED STATES FLAG to the CITY OF PEORIA.

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting held on December 2, 2003, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

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:

(03-680) Communication from Acting Public Works Director Requesting Authorization to PURCHASE a FORKLIFT, Recommending the Bid of ALTORFER RENTAL, in an Amount Not to Exceed \$15,950.00.

(03-681) Communication from Acting Director of Public Works Requesting Authorization to PURCHASE Approximately 117 SQUARE FEET of PROPERTY Located at 2026 WEST FORREST HILL AVENUE, for the Total Amount of \$247.13, for Use of Right-of-Way for PHASE II IMPROVEMENTS of WEST FORREST HILL AVENUE.

- (03-682) * Communication from Acting Director of Public Works Requesting Concurrence in the CONTRACT AWARD by the Greater Peoria Sanitary District to WIEGAND & STORRER, INC. for REPAIR AND MODIFICATION of VARIOUS SANITARY SEWERS, in the Estimated Amount of \$21,651.00.
- (03-683) ** Communication from Interim Director of Planning and Growth Management Recommending Approval of a RESOLUTION Approving the PRELIMINARY PLAN of PRAIRIE VISTA APARTMENTS PHASE I AND II, a Multi-Family Residential Development Located at the NORTHEAST CORNER of ALLEN ROAD and ALTA ROAD, with Conditions.
- (03-684) *** Communication from Interim Director of Planning and Growth Management with a Request from the Historic Preservation Commission to Adopt an ORDINANCE Amending CHAPTER 16 of the Code of the City of Peoria Relating to HISTORIC PRESERVATION to Allow the Commission Discretion to Extend the Existing Prohibition of New Applications for Designations from One Year to Two Years.
- (03-685) **** Communication from Director of Finance/Comptroller Requesting Approval of 2003 ENCUMBRANCES.
- (03-686) Communication from Fire Chief Regarding a GRANT APPLICATION, with Recommendation to Receive and File. (For Information Only)
- (03-687) ***** Communication from Director of Finance/Comptroller Regarding the CAPITAL IMPROVEMENT PROGRAM FIRST PERIOD 2003 CAPITAL PROJECTS STATUS REPORT, with Recommendation to Receive and File. (For Information Only)

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

Council Member Sandberg requested Item Nos. 03-684, 03-685, and 03-687 be removed from the Consent Agenda for further discussion.

Council Member Nichting requested Item No. 03-683 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested Item No. 03-682 be removed from the Consent Agenda for further discussion.

Item Nos. 03-680 through 03-687 (excluding 03-682, 03-683, 03-684, 03-685, and 03-687 which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

- (03-682)** **Communication from Acting Director of Public Works Requesting Concurrence in the CONTRACT AWARD by the Greater Peoria Sanitary District to WIEGAND & STORRER, INC. for REPAIR AND MODIFICATION of VARIOUS SANITARY SEWERS, in the Estimated Amount of \$21,651.00.**
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In discussion with Council Member Gulley regarding whether or not the memorandum of understanding was in place and if EEO requirements had been met, Director of Public Works Steve Van Winkle explained the contractual understanding was scheduled to come before the Council on December 16, 2003, for approval. He said the contract would be performing for both agencies depending on where the emergency break or crises occurred.

Interim EEO Director David Watkins said it was his understanding this was not a typical construction-type contract. He said the people who had been selected made emergency repairs so the participation goals for typical construction contracts may not apply. He said they would be reviewing the composition of their work crews.

Council Member Gulley expressed concern that compliance numbers should still apply because there were lower-income personnel that would like to have this work also.

Council Member Gulley moved to concur in the contract award by the Greater Peoria Sanitary District to Wiegand & Storrer, Inc. for repair and modification of various sanitary sewers, in the estimated amount of \$21,651.00; seconded by Council Member Morris.

Approved by roll call vote.

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

Nays: None.

- (03-683)** **Communication from Interim Director of Planning and Growth Management Recommending Approval of RESOLUTION NO. 03-683 Approving the PRELIMINARY PLAN of PRAIRIE VISTA APARTMENTS PHASE I AND II, a Multi-Family Residential Development Located at the NORTHEAST CORNER of ALLEN ROAD and ALTA ROAD, with Conditions.**
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Council Member Nichting moved to approve the Resolution approving the Preliminary Plan of Prairie Vista Apartments Phase I and II, a multi-family residential development located at the Northeast corner of Allen Road and Alta Road, with conditions, and as amended that all roofing shingles associated with the project shall be "architectural shake" in design, that the screening for garbage dumpsters shall be brick exterior in nature and meet all other applicable requirements, and that the detention basin shown on the attached plan be one which will hold detention storm water at all times in the nature of a small lake or pond) as an aesthetic amenity for the project; seconded by Council Member Turner.

RESOLUTION NO. 03-683, as amended, was approved by roll call vote.

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

Nays: None.

**(03-684) Communication from Interim Director of Planning and Growth Management with a
*** Request from the Historic Preservation Commission to Adopt an ORDINANCE
 Amending CHAPTER 16 of the Code of the City of Peoria Relating to HISTORIC
 PRESERVATION to Allow the Commission Discretion to Extend the Existing
 Prohibition of New Applications for Designations from One Year to Two Years.**

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

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

Mr. Mike Levan, 1212 N. E. Monroe, said he did not think the proposed Ordinance should be changed and he felt the reasons for change were not valid. He said he was concerned about historic buildings being torn down. He said everyone viewed handicapped differently.

Council Member Teplitz moved to adopt the Ordinance amending Chapter 16 of the Code of the City of Peoria relating to Historic Preservation to allow the Commission discretion to extend the existing prohibition of new applications for designations from one year to two years; seconded by Council Member Thetford.

Council Member Teplitz said this was considered by the Historic Preservation Commission after much discussion. She said once a property had been reviewed by the Commission and there was a finding of economic hardship, and the work was allowed to proceed, it would be unfair to have the same set of facts reconsidered one year later because nothing would have changed. She said this would not apply to every single circumstance and would be used at the discretion of the Commission. She explained that not allowing this change would cause a problem for plans for a church and the buyer of that property.

Council Member Sandberg expressed concern that Historic Preservation Commission minutes were not included with the Council communication, and he requested that the minutes be sent to him. He said he would not be supporting the motion because he felt the proposed Ordinance was not necessary, and he objected to the discretionary feature. He questioned what the criteria would be for the Commission to exercise their discretion. He also expressed concern that he felt the facts could change over the proposed time period.

Council Member Spears also said he would not be supporting the motion because the Commission would have to exercise their discretion. He said he felt it was dangerous to change an Ordinance because of one piece of property. He said if this was a good Ordinance change, it should be reviewed and determined how the change would affect all properties that needed historic designation.

Council Member Thetford said the proposed change to the Ordinance would also allow an individual property owner to request a motion for the prohibition. She said it was not just the Commission who could bring it forward. She also said there had to be a finding for economic hardship or the extension would not occur. She stated she felt this Ordinance could affect a number of situations.

Council Member Ardis arrived at 6:45 P.M.

Council Member Sandberg pointed out, if the property was sold, the property or the economics would not change but the criteria that the Historic Preservation Commission should use to consider designation would change. He said this example was why this proposal was wrong. He said the decision would be compounded because of the discretion portion.

Motion to adopt ORDINANCE NO. 15,557 amending Chapter 16 of the Code of the City of Peoria relating to Historic Preservation to allow the Commission discretion to extend the existing prohibition of new applications for designations from one year to two years was approved by roll call vote.

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

Nays: Gulley, Sandberg, Spears - 3.

**(03-685) Communication from Director of Finance/Comptroller Requesting Approval of
**** 2003 ENCUMBRANCES.**

Council Member Sandberg expressed concern that an approximate listing of encumbrances was not included with the communication.

Finance Director/Comptroller Jim Scroggins explained usually an estimated number for encumbrances was provided in December of each year and a detailed number was provided in March of each year when a Budget amendment was also provided. He said he would bring the numbers back to the Council at the December 16, 2003, Regular City Council Meeting.

Council Member moved to defer this item for one week until the December 16, 2003, Regular City Council Meeting; seconded by Council Member Gulley.

Motion to defer this item until December 16, 2003, was approved by roll call vote.

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

Nays: None.

**(03-687) Communication from Director of Finance/Comptroller Regarding the CAPITAL
***** IMPROVEMENT PROGRAM FIRST PERIOD 2003 CAPITAL PROJECTS
STATUS REPORT, with Recommendation to Receive and File. (For Information
Only)**

In discussion with Council Member Sandberg regarding the timing of the report and projects that were completed by June, 2003, Director of Public Works Steve Van Winkle explained this report could not be used for management purposes because of the timing. He said this report was a financial report and not one that his department relied upon to use for management or control purposes. He stated there was another system used to track projects to completion and used for decision making.

Council Member Sandberg requested that City Manager Oliver review this report and make some adjustments to remove some of the older projects that were probably completed.

City Manager Oliver said he agreed there were several items on the report that could be closed out.

Council Member Sandberg moved to receive and file the Capital Improvement Program First Period 2003 Capital Projects Status Report; seconded by Council Member Morris.

Council Member Thetford requested that the Heart of Peoria Lights/Sidewalks project be listed in the correct District. She also requested the report reflect that the North Wisconsin Improvement would require \$1.2 million, and that it was on track to have the funding completed in 2004. She referred to the Pennsylvania Avenue Improvements in relation to the I-74 work, and she said she would welcome comments on what shape those improvements should take as the I-74 project proceeded.

Motion to receive and file the Capital Improvement Program First Period 2003 Capital Projects Status Report was approved by roll call vote.

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

Nays: None.

(03-688) Communication from Corporation Counsel Requesting Authorization for the City Manager to Execute the AGREEMENT with ILLINOIS-AMERICAN WATER COMPANY Relating to BILLING AND ACCOUNTING SERVICES for the TRASH COLLECTION FEE on Behalf of the City of Peoria.

Council Member Teplitz moved to authorize the City Manager to enter into an agreement with Illinois-American Water Company relating to billing and accounting services for the trash collection fee on behalf of the City of Peoria; seconded by Council Member Thetford.

Approved by roll call vote.

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

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

(03-689) Communication from Director of Economic Development Requesting Approval of the RESOLUTION Adopting in PRINCIPLE THE HEART OF PEORIA PLAN and Direct the City Manager to Take the Necessary Steps Toward Implementation.

Council Member Gulley moved to approve the Resolution adopting the Heart of Peoria Plan in principle and direct the City Manager to take the necessary steps toward implementation; seconded by Council Member Morris.

Council Member Gulley stated the plan was a good starting point, even though the plan was just being approved in principle at this time. He added that he felt some of the details could be debated, but as the plan moved forward, the details would be coming back before the Council in different forms to be considered individually. He said this was a good plan to begin with the new City Manager as a foundation toward our success.

In discussion with Council Member Grayeb regarding his concern about language relating to staying in alignment with architectural principles, Mayor Ransburg said the plan provided some guiding principles and no major development would be done without going through the commission process and going before the Council for approval. Council Member Grayeb said he did not want a super-ordained commission involved that would instruct every developer exactly what every building had to look like.

Corporation Counsel Randy Ray said certain guidelines were contemplated, but he did not feel there would be the strictness that was suggested by Council Member Grayeb. He added the Council would retain a supervisory role over any types of architectural standards.

In further discussion with Council Member Grayeb, Director of Economic Development David Dobson indicated it was not meant for the illustrations in the document to dictate that development would have to adhere to that exact plan. He said the plan provided only general guidelines.

In further discussion with Council Member Grayeb regarding the use of certain design principles, Director Dobson suggested that in specific plans, there would be certain architecture established for certain areas. He said the Med-Tech District was a good example in that there would be certain materials and quality applied in that design. He said, at this point, he did not feel the Heart of Peoria Commission would have over-riding development design authority. He said they would be working toward keeping urban areas urban, etc.

Council Member Grayeb discussed specific design principles in Miami, Chicago and Toronto, which he said was wonderful. However, he said he wanted to make sure that Peoria would not have a locked architectural fascism created in the City that would be backed up by government or police to punish those who didn't proceed with certain designs. He said there could be a variety of architecture in any great city.

Council Member Spears referred to past downtown development and he said each development was developed to add synergy into the downtown area. He said the downtown had cost the citizens of Peoria a great deal of money. He said he felt the Heart of Peoria Plan was being implemented by the correct department because as this moved forward, there was a need to make sure there was a positive cash flow back to the taxpayers.

Council Member Thetford said she felt there were many principles in the plan that were long over due. She said she did not feel this plan should be amended as development occurred, because she said she felt this plan was not as binding as the Comprehensive Plan. She pointed out there were some existing agreements already in place that would have to be honored even though they might not fit with the plan.

Council Member Sandberg said he felt it was up to the Council to take ownership and discuss the Heart of Peoria Plan. He said he could only support the plan after there was full discussion by the Council when the new City Manager and his administrative team could understand the dynamics of the different perspectives of the plan. He said he felt the plan should be discussed and not just approved in principle.

Mayor Ransburg discussed downtown development and the suggestions in the plan to make walking areas pedestrian friendly. He referenced the museum project and the changes that were made to follow the intent of that plan. He said all this development would make the downtown more attractive and draw people to the downtown area so it would be more than just a destination.

Council Member Nichting commended Mr. Ray Becker, one of the original developers of downtown who made investments in the City during bad economic times.

Motion to approve RESOLUTION NO. 03-689 adopting the Heart of Peoria Plan in principle and direct the City Manager to take the necessary steps toward implementation was approved by roll call vote.

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

Nays: Sandberg - 1.

(03-690) Communication from Corporation Counsel Recommending Adoption of an ORDINANCE CREATING the HEART OF PEORIA COMMISSION.

Council Member Thetford moved to adopt the Ordinance creating the Heart of Peoria Commission; seconded by Council Member Turner.

Council Member Nichting referred to the goals and responsibilities of the proposed Commission and he expressed concern. He said, when Commissions were formed, he felt there were times that the private sector was second guessed by Commissions, and he felt the entrepreneur was the risk taker and should be allowed to make the ultimate decision. He questioned what the proposed Commission would be doing that the City Staff could not do. He also questioned if forming a Commission was just another layer of the plan that was just approved by the City Council.

Director of Economic Development David Dobson said the intent was for the Commission to break the plan down and to prioritize the projects in some fashion. He added the Commission was viewed as a tool to move the process forward and would be sensitive to the private sector.

Council Member Sandberg said he felt this was a continuation of bad public policy. He said he did not feel there was a defined role for the proposed Commission and he indicated he felt the Commission would micro-manage the development process. He said he did not feel the Commission was needed and he indicated he did not agree with the Council's reliance on Commissions. He said it was the Council's responsibility to discuss the plan and direct Staff to get the plan done. He discussed past developments along the Riverfront which were rebuked and denied because the proposed development was not in the vision of the Commission. He urged the Council to work together to review the principles and give Staff direction regarding the plan. He said he would not support another Commission.

In discussion with Council Member Teplitz regarding whether or not the Commission would have the authority to enter into contracts, Corporation Counsel Randy Ray confirmed that the Commission would have the authority to enter into contracts within the work plan, subject to the City Manager's discretion.

Council Member Teplitz said it was her understanding that some of the major concerns of the formation of the Riverfront Commission revolved around the fact that the Commission had the authority to enter into contracts and had an independent power. She said this was something she was not interested in doing when the Med-Tech Commission was formed. She said she felt the Administration should handle the contracts. She expressed concern regarding the wording of that portion of the proposed Ordinance. She said she would like to vote in favor of the Ordinance, but she did not know if the Council was ready to move forward on the responsibilities of the Commission.

Council Member Teplitz moved for a substitute motion to defer this item for one week so the Council could talk about what authorities the Commission would have; no second was heard.

Council Member Teplitz again moved for a substitute motion to defer this item for one month until the January 6, 2004, Regular City Council Meeting so the Council could talk about what authorities the Commission would have; seconded by Council Member Ardis.

Council Member Nichting said he hoped the Council could hold a discussion to address the concerns during that month of deferral.

Substitute motion to defer this item for one month until the January 6, 2004, Regular City Council Meeting so the Council could talk about what authorities the Commission would have was approved by roll call vote.

Yeas: Ardis, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner - 9;

Nays: Grayeb, Mayor Ransburg - 2.

(03-691) Communication from Corporation Counsel Recommending Adoption of an ORDINANCE DISSOLVING the RIVERFRONT BUSINESS DISTRICT COMMISSION Repealing SECTIONS 2-236 Through 2-239 of the Code of the City of Peoria.

City Manager Randy Oliver said this item was a companion item to Item No. 03-690 and he recommended this item be deferred also.

Council Member Thetford moved to defer this item for one month until the January 6, 2004, Regular City Council Meeting; seconded by Council Member Teplitz.

Council Member Sandberg said he felt there was no reason to defer this item. He pointed out the Council communication was clear that work plans had diminished for the Riverfront Commission District and there had been less and less for the Commission to do, and many meetings have been canceled. He said he felt there was no linkage to the formation of an Heart of Peoria Plan Commission.

Council Member Gulley said he had several questions about this proposal and the boundaries, and he questioned if this item should even be deferred.

Motion to defer this item for one month until the January 6, 2004, Regular City Council Meeting was DEFEATED by roll call vote.

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

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

Council Member Sandberg moved to adopt the Ordinance dissolving the Riverfront Business District Commission repealing Sections 2-236 through 2-239 of the Code of the City of Peoria; seconded by Council Member Spears.

Council Member Gulley said he felt there needed to be a Heart of Peoria Plan Commission but he could not agree on some of the goals and responsibilities at this time. He suggested that the Riverfront Commission could serve as the Heart of Peoria Plan Commission and expand their boundaries. He said he did not feel action should be taken at this time. He said once the Heart of Peoria Plan was in place, then perhaps the Riverfront Commission could be dissolved.

In discussion with Council Member Sandberg regarding the Riverfront Commission's 2004 work plan, Director Dobson said the Commission did not develop a 2004 work plan. He added the last regular meeting was held in June or July because there was not enough business to hold a meeting.

Council Member Sandberg also pointed out there were less Staff members to staff the meetings. He urged the Council to support the motion.

Council Member Thetford suggested that Staff and the City Manager needed to talk to Council Member Gulley about his vision for his District. She said she was not comfortable dissolving the Riverfront Commission at this time. She suggested changing the boundaries and responsibilities of the Riverfront Commission to the Heart of Peoria Plan, which she said was an option.

Council Member Spears suggested that the Riverfront Commission have a meeting to discuss disbanding their own commission. He said some Commission Members found out about dissolving the commission on Friday prior to this meeting. He said he was willing to vote in favor of the motion, as recommended by Mayor Ransburg, but he felt there was a problem in the process.

Council Member Morris said he would not support the motion to disband the Riverfront Commission until there was another Commission in place. He commended the leaders of the Riverfront Commission for their work on the Riverfront, but he expressed concern that a work plan was not provided to them for their direction. He urged the Council to vote against the motion.

Council Member Morris moved to table this item; seconded by Council Member Gulley.

Motion to lay on the table the motion to adopt the Ordinance dissolving the Riverfront Business District Commission repealing sections 2-236 through 2-239 of the Code of the City of Peoria was approved by roll call vote.

Yeas: Grayeb, Gulley, Morris, Teplitz, Thetford, Turner - 6;

Nays: Ardis, Nichting, Sandberg, Spears, Mayor Ransburg - 5.

(03-692) Communication from Director of Finance/Comptroller Recommending Adoption of an ORDINANCE LEVYING TAXES for Fiscal Year 2004 for MUNICIPAL PURPOSES for the City of Peoria.

Finance Director/Comptroller Jim Scroggins said he distributed a copy of this communication and proposed Ordinance to the City Council on Monday, December 8, 2003, for their review.

Council Member Thetford moved to adopt the Ordinance levying Taxes for fiscal year 2004 for Municipal Purposes for the City of Peoria; seconded by Council Member Turner.

Council Member Thetford said the 2003 Tax Levy was projected to maintain the real estate tax rate of \$1.2649 which was consistent with both the 2002 and 2001 levies, and was still the lowest level since 1969. She said this was the 12th year that the City's portion of the real estate tax rate had been stable or reduced while other taxing entities had increased their rates resulting in a stable overall property tax rate.

Corporation Counsel Randy Ray advised, since the Ordinance was not available until the day before the meeting, that this item be deferred so no questions could be raised regarding the timing. He said the Ordinance could still be filed at the County prior to the deadline of the last Tuesday of the year.

Council Member Sandberg moved for a substitute motion to defer this item one week until the December 16, 2003, Regular City Council Meeting; seconded by Council Member Grayeb.

Motion to defer this item until December 16, 2003, was approved by roll call vote.

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

Nays: None.

(03-693) Communication from Director of Finance/Comptroller Recommending Adoption of the Following Regarding WEAVERRIDGE SPECIAL SERVICE AREAS:

A. ORDINANCE LEVYING a TAX for Fiscal Year 2004 for the WEAVERRIDGE SPECIAL SERVICE AREA PARCEL A – GOLF COURSE;

Council Member Nichting moved to adopt the Ordinance levying a tax for fiscal year 2004 for the Weaverridge Special Service Area Parcel A – Golf Course; seconded by Council Member Turner.

Motion to adopt ORDINANCE NO. 15,558 was approved by roll call vote.

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

Nays: None.

**B. ORDINANCE LEVYING a TAX for Fiscal Year 2004 for the
WEAVERRIDGE SPECIAL SERVICE AREA PARCEL D;**

Council Member Nichting moved to adopt the Ordinance levying a tax for fiscal year 2004 for the Weaverridge Special Service Area Parcel D; seconded by Council Member Turner.

Motion to adopt ORDINANCE NO. 15,559 was approved by roll call vote.

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

Nays: None.

**C. ORDINANCE LEVYING a TAX for Fiscal Year 2004 for the
WEAVERRIDGE SPECIAL SERVICE AREA PARCEL E;**

Council Member Nichting moved to adopt the Ordinance levying a tax for fiscal year 2004 for the Weaverridge Special Service Area Parcel E; seconded by Council Member Turner.

Motion to adopt ORDINANCE NO. 15,560 was approved by roll call vote.

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

Nays: None.

**D. ORDINANCE LEVYING a TAX for Fiscal Year 2004 for the
WEAVERRIDGE SPECIAL SERVICE AREA LOW DENSITY, MEDIUM
DENSITY, HIGH DENSITY and SUBDIVIDED PARCEL F.**

Council Member Nichting moved to adopt the Ordinance levying a tax for fiscal year 2004 for the Weaverridge Special Service Area Low Density, Medium Density, High Density and Subdivided Parcel F; seconded by Council Member Turner.

Motion to adopt ORDINANCE NO. 15,561 was approved by roll call vote.

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

Nays: None.

**(03-694) Communication from Interim Director of Planning and Growth Management
Recommending Adoption of an ORDINANCE LEVYING a TAX for the FISCAL
YEAR 2004 for the EAST BLUFF NEIGHBORHOOD HOUSING SERVICES
SPECIAL SERVICE AREA.**

Council Member Thetford moved to adopt the Ordinance levying a tax for the fiscal year 2004 for the East Bluff Neighborhood Housing Services Special Service Area; seconded by Council Member Teplitz.

Motion to adopt ORDINANCE NO. 15,562 was approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

(03-645) Communication from Interim Director of Planning and Growth Management Recommending Approval for FUNDING of the 2004 FEDERAL EMERGENCY SHELTER GRANTS (ESG), with REPORT BACK and Request to Concur with the Committee Recommendations and Receive and File the Report Back.

Council Member Nichting moved to concur with the Committee recommendation to approve funding of the 2004 Federal Emergency Shelter Grants (ESG) and to receive and file the report back; seconded by Council Member Teplitz.

In discussion with Council Member Thetford regarding whether or not there were any individuals serving on the review committee who had affiliations with any entity that received funding recommendations, Interim Director of Planning and Growth Management Pat Landes said no and explained there was an outreach effort, as a result of a strong request from HUD to improve the process, and four citizens volunteered all of which had expertise in housing. She said one of those citizens was an employee of an organization that submitted an application. She said that person withdrew and did not vote on the funding, nor did that person participate in the discussions. She said the person was affiliated with Community Action Agency that was a sponsor for the Emergency Rent Assistance Program.

Interim Director of Planning and Growth Management Pat Landes commended her Staff for reviewing the funding. She said regardless of where the funding was allocated, shelter would be provided for homeless families and individuals in the City of Peoria. She added that Mr. Newton from the Southside Mission had called and volunteered beds and the Salvation Army called and also volunteered beds. She said there were enough beds in the community to meet the needs under the recommendations as proposed.

Council Member Thetford said she felt the Review Committee could have chosen to fund all of these projects at some level. She expressed concern that it appeared that some projects were more fully funded than others. She pointed out that she felt the Review Committee could have funded, at some level, the YWCA Overnight Shelter Program and the Y-House.

Interim Director Landes pointed out HUD was cautious that the City follow the correct process and she said HUD approved all the criteria and questions. She said the committee made their review carefully and tried to make funding decisions so the programs that were ranked at a higher level and those with expanded services would receive funding. She added no system was perfect, but the Council had directed Staff to review the process and the criteria, and the Staff found they concurred with the recommendations.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Ms. Jane Genzel.

Member of the Review Committee Jane Genzel said an objective point system was used to review each application. She said the scores for the Y's applications were much lower than the other organizations. She said the other organizations had done a good job of documenting their services, how the money was used, and their budget information. She said requests for assistance totaled \$199,000, but only \$87,000 was allowed to be allocated. She said the Committee felt the responsibility of dispersing the HUD money in a very fiscally responsible manner and their decisions were based on the information in the applications. She said, at one point, it was suggested that the Y's application be removed from the process because of information that was not provided and a request for funds that did not fit what the application requested.

Council Member Grayeb commended the Review Committee, and those who had worked with them, for their efforts. He urged the Council not to second guess the Commission's recommendations because they had spent hours reviewing the applications, making visits to agencies, etc.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Mr. Phil Newton of the Southside Mission and Captain Ledom of the Salvation Army.

Mr. Phil Newton, 2408 W. Madera Court, representing the Southside Mission, said he learned there may be a possibility of some homeless people being on the streets. He said he contacted the City and volunteered to house six ladies from the YWCA and he understood more were coming.

Captain Darryal Leedom, 7036 N. Willowwood, representing the Salvation Army, said they were committed to providing quality care to the homeless. He said they would expand their space, if needed, to provide services.

Motion to concur with the Committee recommendation to approve funding of the 2004 Federal Emergency Shelter Grants (ESG) and to receive and file the report back was approved by roll call vote.

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

Nays: None.

(03-647) *Communication from Corporation Counsel Outlining THREE PROPOSED PLANS INCREASING LIQUOR LICENSE FEES and/or IMPOSING PRIVILEGE TAX on the PURCHASE OF PACKAGED LIQUOR, with Recommendation from the Liquor Commission to Approve PLAN B and Requesting that the Council Select Plan A, B, or C as Follows:

- A. ORDINANCE Amending Chapter 3 of the Code of the City of Peoria Relating to LICENSES TO SELL ALCOHOLIC LIQUOR AT RETAIL (All full Class Liquor License Fees would increase to \$1,000.00 except Class E "Club" License (with membership of 200 or less), which would increase to \$775.00. Application Fees would increase to \$400.00, and License fees for all Subclasses, except Subclass 1 [4:00 a.m.] would increase.);**
- B-1. ORDINANCE Amending Chapter 3 of the Code of the City of Peoria Relating to LICENSES TO SELL ALCOHOLIC LIQUOR AT RETAIL (House-Keeping changes and increase Liquor License Application fees to \$500.00);**
- B-2. ORDINANCE Amending Chapter 27 of the Code of the City of Peoria Relating to TAXATION (New article would levy and impose a privilege tax of 2% of the purchase price on the purchase of packaged alcoholic beverages);**
- C-1. ORDINANCE Amending Chapter 3 of the Code of the City of Peoria Relating to LICENSES TO SELL ALCOHOLIC LIQUOR AT RETAIL (House-Keeping changes and increase Liquor License Application fees to \$500.00);**
- C-2. ORDINANCE Amending Chapter 27 of the Code of the City of Peoria Relating to TAXATION (New article would levy and impose a privilege tax of 1½% of the purchase price on the purchase of packaged alcoholic beverages).**

*Corporation Counsel Randy Ray distributed a copy of a new Ordinance proposing an alternative to Ordinance "A" of the three proposed plans regarding increasing liquor license fees to all members of the City Council.

Council Member Turner gave a brief history of the process of these proposed fee increases. He said input had been gathered by liquor license holders by holding five different meetings. He said these fee increases would generate approximately \$50,000. He said this was the first liquor license increase in over ten years and he requested that the Council support the recommendation to approve the proposed replacement Ordinance.

Council Member Turner said the Liquor Commission had formed a committee of license holders and, in February, the committee would be making a comprehensive review of fees, licenses, and the entire process would be reviewed.

Council Member Turner moved to adopt the replacement Ordinance amending Chapter 3 of the Code of the City of Peoria relating to Licenses to sell Alcoholic Liquor at Retail, with an amendment to Section 3-52. (12) indicating Class K should reflect an increase to \$1,000.00 rather than to \$1,060.00; seconded by Council Member Teplitz.

Council Member Ardis expressed concern that the City would be placing an additional burden on the smaller business owners. He said the liquor businesses already pay extra in sales taxes, HRA taxes, and to increase the prices to consumers may drive business out of Peoria. He said he did not feel this was the time to increase liquor fees. He commended Council Member Turner's commitment in bringing the liquor license holders together to keep them informed and in his work in this endeavor.

Council Member Ardis requested that discussion be held at the December 16, 2003, Council Meeting, regarding a proposal for the Administration to bring back information relating to raising the "H" portion of the HRA tax by 1%. He said this raise would generate approximately \$285,000. He explained the "H" tax was not paid by citizens of Peoria, but those who visited Peoria. He said this proposal would cover the \$50,000 that would have been generated by Council Member Turner's motion, and it would also mandate another \$50,000 for the EDC. He explained there was finally strong leadership at the EDC and some of these dollars generated by people coming into Peoria should flow back. He said he felt the Council should send a message to the leadership of EDC giving their support of their efforts. He added that additional funding could be provided to the Convention & Visitors Bureau for marketing. He said he wanted to remove some of the tax burden to the taxpayers.

Council Member Ardis moved for a substitute motion to direct Staff to bring back information to the December 16, 2003, Council Meeting, that would allow the "H" portion of the HRA tax to be raised 1% in lieu of Council Member Turner's motion. No second was heard.

Mayor Ransburg expressed concern that there was an administrative issue that needed to be considered due to the distribution of Liquor Renewal Packets that needed to be sent out to liquor license holders this week.

Council Member Ardis said he would withdraw his motion until after the original motion could be voted on. He said the Council would know there was another option to consider.

Council Member Turner expressed concern that visitors to Peoria already stayed in hotels in surrounding communities, and he had a problem with an increase to the "H" tax. He urged the Council to support his motion.

In discussion with Council Member Spears regarding the definition of gross sales, Council Member Turner confirmed that the fee would be determined by gross sales of alcohol, rather than all sales in a package liquor store. He explained that the amount of liquor sales could be confirmed by affidavit or on the State Tax Form. He said this would not increase staff time.

City Clerk Mary Haynes said, at liquor license renewal time, everything was verified and the gross amount of liquor sales would be checked as well. She said there was always a need for a check and balance on any implementation. She added there was some kind of overhead to any change.

Council Member Turner further explained the license holder would pay the lower fee if he did not have an affidavit showing he was in the higher sales class.

Corporation Counsel Ray said, if the motion passed, he would report back regarding how many paid the higher fee versus the lower fee. He said the higher fee also included unlimited tasting, which normally carried an additional subclass and fee. He said it was actually a better deal to pay the higher fee because there was an add on with unlimited tasting. He said this could be evaluated in March, 2004.

City Clerk Mary Haynes further explained the lower fee would have to pay the additional \$700 in order to have wine tasting.

Motion to adopt the replacement ORDINANCE NO. 15,563 amending Chapter 3 of the Code of the City of Peoria relating to Licenses to sell Alcoholic Liquor at Retail, with an amendment to Section 3-52. (12) indicating Class K should reflect an increase to \$1,000.00 rather than \$1,060.00 was approved by roll call vote.

Yeas: Gulley, Morris, Nichting, Teplitz, Thetford, Turner, Mayor Ransburg - 7;

Nays: Ardis, Grayeb, Sandberg, Spears - 4.

City Clerk Mary Haynes announced to the license holders that Liquor License Renewal Forms would be mailed as soon as possible. She said the envelopes would be clearly marked that dated documents were enclosed and she urged the licensees to open the documents immediately. She said the required documents and fees should be submitted by January 31, 2004. She said input from the licensees were always welcomed. She thanked the Council and the Legal Department for their work on these fees. She especially thanked City Attorney Sonni Williams for her work on this project.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – TOWN OF THE CITY OF PEORIA

(03-695) ORDINANCE LEVYING AND ASSESSING TAXES for the FISCAL YEAR Beginning APRIL 1, 2003, and Ending March 31, 2004, of the Town of the City of Peoria, Peoria County and State of Illinois for the TOWN GENERAL FUND and I.M.R.F. FUND.

Trustee Nichting moved to adopt the Ordinance levying and assessing taxes for the fiscal year beginning April 1, 2003, and ending March 31, 2004, of the Town of the City of Peoria, Peoria County and State of Illinois for the Town General Fund and I.M.R.F. Fund; seconded by Trustee Grayeb.

Motion to adopt ORDINANCE NO. TO-03-02 was approved by roll call vote.

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

Nays: None.

(03-696) ORDINANCE LEVYING AND ASSESSING TAXES for the FISCAL YEAR Beginning April 1, 2003, and Ending March 31, 2004, for the GENERAL ASSISTANCE FUND of the Town of the City of Peoria, Peoria County and State of Illinois.

Trustee Nichting moved to adopt the Ordinance levying and assessing taxes for the fiscal year beginning April 1, 2003, and ending March 31, 2004, of the General Assistance Fund of the Town General Fund of the Town of the City of Peoria, Peoria County and State of Illinois; seconded by Trustee Grayeb.

Motion to adopt ORDINANCE NO. TO-03-03 was approved by roll call vote.

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

Nays: None.

NEW BUSINESS

ANNOUNCEMENT Regarding \$50 MILLION LOW DOWN PAYMENT HOME MORTGAGE ASSISTANCE PROGRAM

Council Member Thetford said she attended the Press Conference regarding the \$50 million Low Down Payment Home Mortgage Assistance Program. She said there were many local partners working with the City Staff. She said with \$500.00 down, many people in the City could become first time home-buyers. She thanked Fannie Mae and National City Bank for their assistance on the program.

COMMENTS Regarding HRA TAXES

Council Member Morris referred to HRA taxes and gave information regarding their original intent. He said this was a serious discussion and he felt the Council should have some kind of policy discussion regarding the future of HRA taxes.

Council Member Sandberg requested that the City Manager discuss the origination of the HRA taxes and their intent when they were established twenty-five years ago. He said he felt there was an exclusion and a sole purpose on HRA revenues to only fund the Civic Center, either bonds or adjoining uses.

ANNOUNCEMENT Regarding ART EVENTS at LAKEVIEW MUSEUM and The ART GUILD

Council Member Morris encouraged the public to visit Lakeview Museum and The Art Guild events coming to Peoria. He said these events were not funded by the City and citizens should be proud these distinguished events were coming to Peoria.

SHOP IN PEORIA

Council Member Spears urged citizens to do their Holiday Shopping in the City of Peoria to help keep their property taxes low. He urged citizens to shop in his Fourth District.

WELCOME TO NEW CITY MANAGER

Council Member Grayeb welcomed newly appointed Charles Randy Oliver to his position as City Manager. He indicated he hoped everyone could work together and he said he felt Mr. Oliver would be a good fit for Peoria.

City Manager Randy Oliver said he welcomed the opportunity to work with the Council and the citizens of Peoria. He said he felt there were many opportunities in Peoria and he hoped together they could make those opportunities a reality. He said he was looking forward to making things work better.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL**(03-697) 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. Jim McAvoy, 924 W. Loucks, said he would like to see a broad based revenue stream rather than targeting the liquor license holders. He said he felt the licensees made a good compromise. He said all liquor distributors in the State were required to report what was purchased each month to the Illinois State Department of Revenue. He said the numbers were easily verifiable.

EXECUTIVE SESSION**(03-698) Recommendation to Approve a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent.**

Council Member Turner moved that the City Council go into Executive Session to discuss 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent; seconded by Council Member 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 Turner moved to adjourn the Council Meeting; seconded by Council Member Thetford.

Approved by viva voce vote.

The Council Meeting adjourned at 9:35 P.M.