

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

Council Chambers, Peoria, Illinois, October 1, 2002, a Regular Meeting of the City Council was held this date at 6:15 P.M., at City Hall, 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: ALZHEIMER'S ASSOCIATION: MEMORY WALK SUNDAY – October 6, 2002

PROCLAMATION: YOUTH FARM WEEK – September 30 – October 6, 2002

PROCLAMATION: NATIONAL HEAD START AWARENESS MONTH – October 2002

WELCOME

Mayor Ransburg and the Council welcomed former Council Members Jim Bateman and Andre Bohannon to the Council Chambers.

Mayor Ransburg welcomed members of an organization he belonged to called World Presidents Organizations, who were all CEO's of their own companies.

MINUTES

Council Member Nichting moved to approve the Minutes of the Regular City Council Meeting held on September 24, 2002, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS**CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE.**

(02-669) **Communication from Superintendent of Police Requesting Approval of a
* **THREE-YEAR CONTRACT with S. HARRIS UNIFORMS to Provide
 UNIFORMS for the Police Department.****

- (02-670) **Communication from Director of Economic Development Recommending the SALE of a CITY-OWNED VACANT LOT Located at 1011 S. WESTERN AVENUE, in the Amount of \$350.00 Plus Closing Costs from CHRISTIAN FAMILY CENTER CHURCH, and Authorizing the City Manager to Execute the Necessary Documents.**
- (02-671) **STREET LIGHTING REQUESTS at VARIOUS LOCATIONS: 1800 Block W. Martin Street; 1000 Block S. Greenlawn Avenue; 2400 Block S. W. Adams Street; 200 Block S. W. Water Street; 800 Block N. E. Perry Avenue; 1300 Block N. North Street; and 11400 Block N. Allen Road.**
- (02-672) **COMMERCIAL SIDEWALK PARTICIPATION: 905 N. E. Adams Street; 3106 N. E. Adams Street; 3219 S. W. Adams Street; 320 E. Armstrong Avenue; 809 E. Frye; 1619 W. Fredonia Street; 1700 W. Fredonia Street; 304 E. Illinois Street; 509 E. Kansas Street; 708 W. Loucks Avenue; 2000 N. W. Perry Avenue. (For Information Only)**
- (02-673)
** **Communication from Finance Director/Comptroller Regarding the CAPITAL IMPROVEMENT PROGRAM FIRST PERIOD 2002 CAPITAL PROJECTS STATUS REPORT. (For Information Only)**
- (02-674) **REPORTS:**
- *** **A. Communication from Finance Director/Comptroller Regarding the AUGUST 2002 REVENUE AND OPERATING EXPENDITURE REPORT and AUGUST 2002 ACTIVE CIP PROJECTS FINANCIAL REPORT – UNAUDITED. (For Information Only)**
- B. PEORIA PUBLIC LIBRARY FINANCIAL REPORT – August 31, 2002.**
- C. PEORIA PUBLIC LIBRARY STATISTICAL REPORT – August 31, 2002.**

Consideration of REPORT BACKS as Follows:

- (02-664)
**** **Communication from Director of Planning and Growth Management with REPORT BACK Regarding CDBG PUBLIC SERVICE FUNDS.**
- (02-675) **ADOPTION of COMMITTEE REPORT Regarding TAKE-HOME VEHICLE POLICY.**

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

Council Member Sandberg requested that Item Nos. 02-673 and 02-674 be removed from the Consent Agenda for further discussion.

Council Member Teplitz requested that Item Nos. 02-664 be removed from the Consent Agenda for further discussion.

Council Member Turner requested that Item Nos. 02-669 be removed from the Consent Agenda for further discussion.

Item Nos. 02-669 through 02-675 (excluding Item Nos. 02-664, 02-669, 02-673, and 02-674 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.

**(02-669) Communication from Superintendent of Police Requesting Approval of a
* THREE-YEAR CONTRACT with S. HARRIS UNIFORMS to Provide
 UNIFORMS for the Police Department.**

Council Member Turner expressed concern there were no detailed responses or comparison information on the bids. He indicated he did not understand why other vendors could not meet the specifications for police uniforms. He requested a report back regarding this matter.

Superintendent of Police John Stenson said he would provide all the information as requested.

Council Member Turner moved to approve the three-year contract with S. Harris Uniforms to provide uniforms for the Police Department; seconded by Council Member Morris.

Council Member Sandberg also expressed concern that out of 23 requests for bids and 4 received bids, none but one could meet the criteria for uniforms. He said he would like to know if the criteria was so select that it prevented competitive bidding. He questioned who generated the specifications. He said he would like the report back to include the criteria for the uniforms.

Council Member Thetford pointed out that S. Harris Uniforms had submitted the low bid.

Motion to approve the three-year contract with S. Harris Uniforms to provide uniforms for the Police Department was approved by roll call vote.

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

Nays: None.

**(02-673) Communication from Finance Director/Comptroller Regarding the
** CAPITAL IMPROVEMENT PROGRAM FIRST PERIOD 2002 CAPITAL
 PROJECTS STATUS REPORT. (For Information Only)**

Council Member Sandberg moved to defer this item for one week until the October 8, 2002, City Council Meeting; seconded by Council Member Morris.

Motion to defer this item until October 8, 2002, was approved by roll call vote.

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

Nays: None.

(02-674) REPORTS:

***** A. Communication from Finance Director/Comptroller Regarding the
 AUGUST 2002 REVENUE AND OPERATING EXPENDITURE REPORT
 and AUGUST 2002 ACTIVE CIP PROJECTS FINANCIAL REPORT –
 UNAUDITED. (For Information Only)**

Director of Finance/Comptroller Ellie Hogan distributed a revised August 2002 Active CIP Projects Financial Report to all members of the City Council.

Council Member Nichting moved to receive and file the August 2002 Revenue and Operating Expenditure Report and the revised August 2002 Active CIP Projects Financial Report – Unaudited; seconded by Council Member Sandberg.

Approved by roll call vote.

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

Nays: None.

**(02-664) Communication from Director of Planning and Growth Management with
**** REPORT BACK Regarding CDBG PUBLIC SERVICE FUNDS.**

Council Member Teplitz requested comments regarding the progress of funding. She 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 the Council.

Mr. Jim Bateman, 1100 N. Parkside Drive, member of the Advisory Board of Home Ownership Made Easy (HOME), expressed his concern regarding the HOME Program. He said the program was very unique and he hoped the program would not be lost. He said every City program should have the same attributes as the HOME Program, and HOME was probably the only program in the City that utilized matching funds given voluntarily by private businesses. He further explained the success of the program was measured by outcome based measures. He discussed the numbers of people who were positively impacted by this program which resulted in placing 44 families in homes, which they purchased, in the first year of the program. He added these families probably would not have been able to make these purchases without the assistance of the program. He said all this was done with just two City employees. He said the qualifications to use CDBG funding to fund these two positions was lost because the City elected to no longer participate in the HUD Down Payment Assistance Program because of their change in requirements. He said he felt the City's creditability was on line with the private sector and he urged the City to continue funding the program.

Mr. Mark Spinney, 255 W. Detweiller, said the City's support for the two employee positions was a significant portion of the HOME Program. He said about \$90,000 per year was needed from the City to fund the two positions. He said there were a large number of volunteer hours provided by the Board for this program and events, as well as fundraising in the community. He said the City's \$90,000 supported about half of the costs to operate the organization. He explained there was just three months left in the current two-year commitment, and he urged the Council to fund another two year commitment. He added they would like to know as soon as possible if funding would be continued.

Council Member Teplitz moved to receive and file the report back regarding CDBG Public Service Funds; seconded by Council Member Turner.

In discussion with Council Member Thetford, Assistant Director of Planning and Growth Management Pat Landes explained the funding that could be used to fund the two employee positions. She said corporate funds, private funds, external from the City, could be used, and CDBG Public Service funds could be used. She further explained there were two primary sources of funding from HUD which included HOME funds and CDBG funds. She said HOME funds were being used, and this program was not to be confused with the Home Ownership Made Easy program, to fund the down payment assistance. She stated CDBG program money was used for salaries because HOME funds could not be used for salaries. She added CDBG program funds could be used for the salaries as long as the employees were administering a HOME funded program. She explained that HUD reviewed the percentage of time used for the Staff to administer a HOME product and only that percentage of employee time would be eligible.

She said because the City ceased using HOME funds for down payment assistance, HUD ruled the only eligible funding source was CDBG public service funds. She said there were some other types of grants that could be explored in the future but it would not be until 2003 and there was no guarantee.

In further discussion with Council Member Thetford, Assistant Director Landes said the Staff was looking for Federal money to fund the positions, but the funding would not be available until later in 2003. She said the plan all along was to use CDBG funding and there was no warning that HUD would change their regulations.

Council Member Thetford discussed the success of the Home Ownership Made Easy Program. She said she felt this program needed to be a priority on the Council's list to fund the positions to continue the program.

Council Member Turner spoke in support of the public/private partnership that had developed. He expressed concern that, with the City ready to begin Budget discussions, there was already a \$3 million shortfall. He said CDBG public service funds were used to support and provide assistance and act as a bridge to aid those in society who were in dire need of assistance. He said when the economy went down, these people were the first to feel the impact and dollars that were multiplied by assisting agencies should not be taken from them. He said he would support the efforts to find corporate funding, but he said he would not support the use of CDBG public service funds for the Home Ownership Made Easy funding.

Council Member Teplitz left the Council Chambers.

Council Member Sandberg expressed concern regarding Council decisions on past projects in TIF Districts which affected the corporate funds in a negative manner. He pointed out these kinds of decisions had pushed the City into corporate debt and had taken away corporate funds which were needed to fund assistance programs such as the Home Ownership Made Easy program.

Motion to receive and file the report back regarding CDBG Public Service Funds was approved by roll call vote.

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

Nays: None.

Council Member Teplitz returned to the Council Chambers.

(02-676) Communication from Director of Economic Development with ORDINANCE Amending Ordinance No. 14,593, as Amended, EXPANDING the BOUNDARIES of the ENTERPRISE ZONE.

Corporation Counsel Randy Ray distributed a revised Ordinance to all members of the City Council.

Council Member Nichting moved to adopt the revised Ordinance amending Ordinance No. 14,593, as amended, expanding boundaries of the Enterprise Zone; seconded by Council Member Morris.

Council Member Sandberg read from the proposed Ordinance which indicated that Enterprise Zones were enacted to spur development incentives in "depressed" areas. He said it was his opinion that the area being proposed for Enterprise Zone expansion was not depressed. He explained he had supported Enterprise Zone designation since its inception, but only for areas which were economically depressed and in need of revitalization. He said Pioneer Park was not a depressed area, plus the proposed development was not new to the area and was only moving one-half mile from its current location. He said he would not support the motion.

In discussion with Council Member Grayeb regarding Council Member Sandberg's comments, Director of Economic Development Dave Dobson said he felt the proposed application for the expansion of the Enterprise Zone would be approved by the State, as others had been in the past. He explained the proposed expansion was in compliance with the State's regulations. He said the potential for development of industrial sites would not be made available without the expansion. He said the Wal-Mart and Menard's projects were located on Allen Road but the expansion would also create incentives for industrial development to the rear of those properties and would provide infrastructure. He said without this assistance, he had been advised that industrial development would not be available.

In discussion with Council Member Morris, Director Dobson explained the benefits made available to developers in an Enterprise Zone, which included State sales tax exemptions for construction materials. He said there was a review body which would oversee the operation of the zones and they had already conducted a review of this proposal.

Council Member Sandberg expressed concern and pointed out that corporate dollars would be reduced by the Enterprise Zone.

Director Dobson explained the property tax exemption which only applied to certain industrial uses. He said there was no property tax reduction in relationship to a retail operation such as a Menard's or Wal-Mart operation. He said there was no reduction of their real property taxes and it only applied to certain selected industrial uses which were identified in the local Ordinance.

Mayor Ransburg requested a report back regarding the impact to the City if a \$6 million building was developed, in the Enterprise Zone, and qualified for one of the SIC codes.

Council Member Grayeb expressed concern regarding the language in the Enterprise Zone Act regarding the term "depressed areas" and he questioned this further.

Director Dobson explained it was his opinion that the land use in the proposed area was under-utilized, and he felt the highest and best use would be industrial development. He said he had questioned this issue himself, but after conferring with the State, he said it was clarified this area qualified under the State's interpretation.

In further discussion with Council Member Grayeb, Mayor Ransburg spoke in support of the motion to approve the proposed Ordinance. He said if the area qualified under the State's interpretation, then the City should proceed. He added the City had made a major investment in sewers in the area and the developer committed to building the needed infrastructure for other lots to develop. He said the area was certainly under-developed even though the City had made an investment in that area.

Council Member Teplitz spoke in support of the proposed Ordinance. She commended Council Member Nichting in his efforts in bringing this project forward.

Council Member Ardis said he did not feel the use of the Enterprise Zone was ideal in this situation, but he indicated he would support the motion. He said he would volunteer his assistance to work with Director Dobson's office to encourage new growth and expansion into existing empty buildings.

Motion to adopt revised ORDINANCE NO. 15,370 amending Ordinance No. 14,593, as amended, expanding boundaries of the Enterprise Zone was approved by roll call vote.

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

Nays: Sandberg - 1.

(02-677) CITY MANAGER REPORT to CITY COUNCIL.

Council Member Thetford moved to receive and file the City Manager Report to City Council; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS**(99-546) REQUEST for STAFF to REVIEW the MORATORIUM Placed on FENCES for CORNER LOTS, and Request Staff to Provide RECOMMENDATIONS.**

Council Member Nichting referred to the moratorium placed on fences for corner lots where it was determined that two front yards existed. He said as a result of the moratorium, citizens were now having front yard fences installed which generated a number of concerns in neighborhoods.

Council Member Nichting moved to direct Staff to review the moratorium and the number of complaints regarding front yard fencing, and he requested to know when Staff would be coming back to the City Council with recommendations; seconded by Council Member Sandberg.

Council Member Spears suggested that a Public Hearing was needed for public comment and then the issue could move forward through the process. He suggested the public may want to have fences in their front yard.

Council Member Nichting indicated he thought the Staff had held a Public Hearing and no conclusive comments were made.

Council Member Nichting amended his motion to direct Staff to review the moratorium and the number of complaints regarding front and side yard fencing for corner lots, what had been accomplished and the determination of Staff and the Commission and to report back, and direct Staff to come back with recommendations.

Council Member Sandberg suggested that fencing for through lots should also be reviewed. He pointed out that any change to the Zoning Ordinance needed to proceed through the Zoning Commission. He said the Council needed a clear understanding from the Administration regarding the different dynamics between a single yard interior lot, corner lot and a through lot.

Council Member Grayeb pointed out that deplorable looking fencing could exist in a yard and still meet the City Code. He suggested that aesthetics and quality of fencing be discussed when this issue comes back to the City Council.

Motion to direct Staff to review the moratorium and the number of complaints regarding front and side yard fencing for corner lots, what had been accomplished and the determination of Staff and the Commission and to report back, and direct Staff to come back with recommendations was approved by roll call vote.

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

Nays: None.

Mayor Ransburg left the Council Chambers and requested that Mayor Pro Tem Morris assume the Chair.

NEW BUSINESS**(02-678) REQUEST Staff to ENFORCE the ORDINANCE ADDRESSING the PLACEMENT OF POLITICAL SIGNS in the PUBLIC RIGHT-OF-WAY.**

Council Member Sandberg expressed concern regarding the number of illegal signs being posted on public property.

Corporation Counsel Randy Ray confirmed that political signs were not allowed to be posted on the public right-of-way.

Council Member Sandberg moved to direct Staff to bring the Ordinance back to Council which addressed the issue of placement of political signs to either confirm the Ordinance or eliminate the Ordinance; seconded by Council Member Spears.

Council Member Ardis pointed out the Ordinance was valid and he suggested that the Staff be directed to enforce the Ordinance.

Council Member Ardis moved for a substitute motion to direct the Staff to enforce the Ordinance addressing the placement of political signs in the public right-of-way; seconded by Council Member Sandberg.

Council Member Teplitz said she felt the Ordinance had been enforced in the past. She suggested that City Staff would only be able to address bigger issues in the future since the looming 2003 Budget may include additional Staff reductions.

Director of Public Works Steve Van Winkle explained that his department did not canvass the City on a daily basis looking for illegally placed political signs, but he said when an illegally placed sign was spotted, the sign was removed. Also he said if there was a specific complaint, his office responded. He also pointed out that the median areas were checked more proactively than most areas.

Council Member Grayeb pointed out, according to most of the complaints he had received, the grassy area between the street curb and sidewalk was the public right-of-way and political signs should not be posted in that area.

Mayor Ransburg returned to the Council Chambers.

Council Member Teplitz suggested that the City provide a copy of this Ordinance to anyone running for public office.

Substitute motion to direct the Staff to enforce the Ordinance addressing the placement of political signs in the public right-of-way was approved by roll call vote.

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

Nays: None.

COMMENTS Regarding NEW DEVELOPMENTS and NEW BUSINESSES

Council Member Spears announced several new businesses had opened in the Fourth District. He said that Subway was locating on Sterling Avenue, Davis Brothers Pizza had located on Glen Avenue and the new Pleasant Valley Middle School had opened its doors just recently. He also commended the Civic Center for their 20th Anniversary event.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(02-679) 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.

Ms. June Moore, 1409 W. Millman, discussed trash in her neighborhood and requested a reply.

EXECUTIVE SESSION

It was determined that no Executive Session was needed.

ADJOURNMENT

Council Member Morris moved to adjourn the Council Meeting; seconded by Council Member Sandberg.

Approved by viva voce vote.

The Council Meeting adjourned at 8:15 P.M.

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

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