

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

Council Chambers, Peoria, Illinois, October 15, 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: GOSPEL JUBILEE DAY – October 20, 2002

MINUTES

Council Member Nichting moved to approve the Minutes of the Executive Sessions and the Regular City Council Meeting held on October 8, 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.**

- (02-693) NOTICE OF SUIT on Behalf of JOE W. WINDER Regarding a Police Incident on October 11, 2000.
- (02-694) PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECT: US ROUTE 150 & ILLINOIS ROUTE 91 (Widening, overlay and reconstruction of US Route 150 from Trigger/Koerner Road to Frostwood Parkway, and Illinois Route 91 from US Route 150 to the north.) R. A. CULLINAN & SON, INC. – PAY ESTIMATE #7 \$1,993,472.97; TOTAL AUTHORIZATION APPROVED: \$1,993,472.97. (For Information Only)
- (02-695) Communication from Director of Public Works Requesting Approval of the City's Participation in the IMPROVEMENT of SUMMERSHADE CIRCLE with CULLINAN PROPERTIES, LTD., in the Total Amount of \$23,000.00.
- (02-696) Communication from Director of Public Works Requesting Approval of the JURISDICTIONAL TRANSFERS Between the City and Peoria County for WILHELM ROAD and LAKE AVENUE, as Outlined, and Authorizing the Mayor to Sign the Documents.

- (02-697) **Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,372 Rezoning Property Located at 838 W. GLEN AVENUE from the Present Class R-1 (Single-Family Residential) District to a Class O-1 (Arterial Office) District in a CONTROLLED THOROUGHFARE OVERLAY DISTRICT and Request for SITE PLAN Approval.**
- (02-698) **Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,373 Granting a SPECIAL USE in a Class R-4 (Single-Family Residential) District for CHURCH FACILITIES to Include a FREE STANDING SIGN for the Property Located at 1618 S. LARAMIE STREET, with Conditions.**
- (02-699) * **Communication from Director of Planning and Growth Management with ORDINANCE Amending Ordinance No. 15,025, an EXISTING SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER to Include a RESTAURANT and a 5400 SQUARE FOOT RETAIL BUILDING for Property Located at 1800 N. KNOXVILLE AVENUE, with Conditions.**
- (02-700) **Communication from Director of Public Works Requesting Approval for Public Participation of CBD STREETSCAPE IMPROVEMENT for CILCO, 300 LIBERTY STREET, in the Amount of \$35,568.60.**

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

Council Member Sandberg requested Item No. 02-699 be removed from the Consent Agenda for further discussion.

Item Nos. 02-693 through 02-700 (excluding Item No. 02-699 which was 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.

- (02-699) * **Communication from Director of Planning and Growth Management with ORDINANCE Amending Ordinance No. 15,025, an EXISTING SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER to Include a RESTAURANT and a 5400 SQUARE FOOT RETAIL BUILDING for Property Located at 1800 N. KNOXVILLE AVENUE, with Conditions.**

Council Member Sandberg expressed concern regarding the traffic impact in the area of the shopping center and inquired if a traffic study analysis had been completed that would be generated by the use of the restaurant and retail building.

In discussion, it was determined there was always some traffic generation regarding special uses, and the generations were different for out lot buildings of an office nature, a retail nature or a fast food nature.

Council Member Sandberg stated he could not support the Ordinance until it was determined that an appropriate trip generation study had been completed for the area to include a restaurant with a drive-up facility.

Council Member Thetford moved to approve the Ordinance amending Ordinance No. 15,025, an Existing Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center to include a restaurant and a 5400 square foot retail building for property located at 1800 N. Knoxville Avenue, with conditions; seconded by Council Member Turner.

Council Member Nichting stated traffic ratings were based on a 2400 square foot area and he inquired if the 5400 square foot building would change the overall traffic rating.

Director of Public Works Steve Van Winkle said a general estimated traffic number was used that would represent a mid-range for the types of buildings that could be built on that particular lot.

City Manager Michael McKnight stated he would report back to Council regarding the specific trip generation for the restaurant and drive-up building area.

Motion to adopt ORDINANCE NO. 15,374 amending Ordinance No. 15,025, an Existing Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center to include a restaurant and a 5400 square foot retail building for property located at 1800 N. Knoxville Avenue, with conditions, was approved by roll call vote.

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

Nays: Sandberg - 1.

(02-701) Communication from Director of Public Works with Recommendation to REJECT ALL BIDS for ALLEY OVERLAY MAINTENANCE CONTRACT for an ALLEY Located Parallel to and West of Jefferson Street Between Fayette and Hamilton Streets.

Council Member Thetford moved to concur with the recommendation from Staff to reject all bids for alley overlay maintenance contract for an alley located parallel to and West of Jefferson Street between Fayette and Hamilton Streets; 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.

(02-702) Communication from Director of Public Works Regarding the ESTABLISHMENT of the DISTRICT IDENTIFICATION PROGRAM with a Request for Council Action. (Refer to Item No. 02-598)

Director Van Winkle stated the communication before Council was the same communication provided on September 24, 2002, with an addition to the first sentence in the last paragraph on the first page of the Communication to be inserted after the words "one (1) year" to read "Banners must be removed by the owner of the banners within 48 hours after the expiration or revocation of the banner permit." He further stated for clarification, to add the words "per district" after the amount of \$100.00 in the last sentence to read "\$100.00 per district to cover City program costs."

Council Member Ardis thanked Director Van Winkle for his efforts in processing this special program, and moved to adopt the City of Peoria's District Identification Program, as amended, to include additional wording to the first sentence in the last paragraph to read "Banners must be removed by the owners of the banners within 48 hours after the expiration or revocation of the banner permit" and add the words "per district" after the amount of \$100.00 in the last sentence; seconded by Council Member Turner.

Council Member Gulley inquired if the City had a comprehensive list of districts and requested the districts be clearly identified.

Director Van Winkle said a new communication would be brought before the Council requesting interested citizens to come forward with their districts and explain the distinctive features of that district. He said this would allow the Council to distinguish on a case by case basis if the district was appropriate.

Council Member Sandberg stated while he thought this was a commendable program, he expressed concern that the zoning ordinance strongly prohibited banners on private property based on content.

Motion to adopt the City of Peoria's District Identification Program, as amended, to include additional wording to the first sentence in the last paragraph to read "Banners must be removed by the owners of the banners within 48 hours after the expiration or revocation of the banner permit" and add the words "per district" after the amount of \$100.00 in the last sentence was approved by roll call vote.

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

Nays: None.

(02-703) Communication from Director of Economic Development Requesting Approval from PRIDE to Use the DISTRICT IDENTIFICATION PROGRAM, and Authorize the Administration to Proceed.

Council Member Ardis moved to approve the request from PRIDE to use the District Identification Program, and authorize the Administration to proceed: 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.

(02-704) Communication from Director of Planning and Growth Management with ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to ADDING FINANCIAL INSTITUTIONS with DRIVE-UP as a SPECIAL USE in the O-1 (Arterial Office) District. (Refer to Item No. 02-601)

Council Member Nichting moved to adopt the Ordinance amending Appendix B of the Code of the City of Peoria relating to adding Financial Institutions with Drive-up as a Special Use in the O-1 (Arterial Office) District; seconded by Council Member Thetford.

In discussion with Director of Planning and Growth Management Wayne Anthony, Council Member Sandberg determined that financial institutions with previous drive-ups would need to go through the Special Use process before installing ATM's at those drive-ups, which could be denied, depending on specific factors.

Council Member Nichting clarified that straight zoning did not allow Council to push for more screening, whereas in a special use situation, the Council could request additional requirements from the petitioner to allow them to be supportive of the neighborhood as well as being sensitive to the overall business climate.

Motion to adopt ORDINANCE NO. 15,375 amending Appendix B of the Code of the City of Peoria relating to adding Financial Institutions with Drive-up as a Special Use in the O-1 (Arterial Office) District was approved by roll call vote.

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

Nays: None.

(02-705) Communication from Director of Planning and Growth Management with ORDINANCE Reducing the 100-FOOT SETBACK to 76 FEET from CENTERLINE Along SHERIDAN ROAD for Property Addressed as 4518 – 4526 N. SHERIDAN ROAD.

Council Member Thetford moved to approve the Ordinance reducing the 100-foot setback to 76 feet from centerline along Sheridan Road for property addresses as 4518-4526 N. Sheridan Road; seconded by Council Member Morris.

Motion to adopt ORDINANCE NO. 15,376 was approved by roll call vote.

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

Nays: None.

(02-706) Communication from Director of Planning and Growth Management with ORDINANCE Rezoning Property Located at 4518 – 4526 N. SHERIDAN ROAD from the Present Class R-2 (Single-Family Residential) District to a Class O-1 (Arterial Office) District and Granting a SPECIAL USE in a Class O-1 (Arterial Office) District for a FINANCIAL INSTITUTION WITH DRIVE-UP in a CONTROLLED THOROUGHFARE OVERLAY DISTRICT, with Conditions.

Council Member Thetford moved to adopt the Ordinance rezoning property located at 4518-4526 N. Sheridan Road from the present Class R-2 (Single-Family Residential) District to a Class O-1 (Arterial Office) District and grant a Special Use in a Class O-1 (Arterial Office) District for a Financial Institution with Drive-up in a Controlled Thoroughfare Overlay District; seconded by Council Member Teplitz.

Council Member Spears inquired if neighbors along Sheridan Road were aware that a 24-hour ATM would be installed in their neighborhood.

Council Member Sandberg pointed out that Special Uses were Site Plan Specific and he expressed concern that an ATM was not specifically depicted on the attached Site Plan regarding the Drive-up.

Council Member Thetford moved to grant Privilege of the Floor for the petitioners present in the Chambers to address this concern; seconded by Council Member Turner.

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

Mr. Mike O'Bryan, 112 Sunnyview Place, Dahinda, Illinois, said he had spoken with several citizens at the zoning meeting regarding excess traffic that would be generated from a potential drive-through ATM and they did not express any concerns that the facility would be a hindrance to their neighborhood.

Council Member Sandberg said there was a difference between a drive-up facility and an ATM, and the Site Plan only showed three drive-up locations.

Director of Planning and Growth Management Wayne Anthony agreed that a drive-up facility and ATM were different, and added there was nothing on the Site Plan that would prohibit one of the three locations from being an ATM. He said if Council wanted to prohibit an ATM from being constructed on the three areas shown on the Site Plan, the Ordinance needed to include additional language specifying where the ATM's would be located.

Council Member Sandberg requested that the Site Plan needed to depict the difference between a Drive-up Facility and an ATM.

Council Member Thetford moved to amend the motion to adopt the Ordinance rezoning property located at 4518-4526 N. Sheridan Road from the present Class R-2 (Single-Family Residential) District to a Class O-1 (Arterial Office) District and grant a Special Use in a Class O-1 (Arterial Office) District for a Financial Institution with Drive-up in a Controlled Thoroughfare Overlay District and make it clear that the placement of an ATM or ATM's would be limited to either the building itself or the drive-ups that were currently shown on the attached site plan, and that should the Petitioner wish some other type of ATM facility, they would have to request an amendment to the Special Use; seconded by Council Member Teplitz.

Motion to adopt ORDINANCE NO. 15,377, as amended, was approved by roll call vote.

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

Nays: None.

(02-707) Communication from Director of Planning and Growth Management with Recommendation from the Zoning Commission to DENY and Recommendation from the City Staff to APPROVE an ORDINANCE Amending Ordinance No. 13,337, an EXISTING SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER to Include FIVE YEAR-ROUND and TWENTY SEASONAL OUTSIDE MERCHANDISE STORAGE CONTAINERS for Property Located at 3315 N. UNIVERSITY.

Council Member Teplitz moved to approve the Ordinance amending Ordinance No. 13,337, an Existing Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center to include five year-round and twenty seasonal outside merchandise storage containers for property located at 3315 N. University; seconded by Council Member Turner.

In discussion with Director Anthony, Council Member Ardis determined that with the exception of the two containers on the side of the building, the remaining twenty-three would be located in the rear of the building and the pallets properly screened.

Director Anthony said the City had attempted to work with the owners of the establishment to install additional landscaping in the back area of the building to provide proper screening for the storage containers and other refuse.

Council Member Ardis expressed concern regarding proliferation of storage behind a commercial building that provided a significant eyesore to traffic that had been diverted to the area between University and Dries Lane due to the impending construction on Forrest Hill.

In further discussion with Council Member Sandberg, Director Anthony determined the current storage containers and pallets were not part of the original Special Use Site Plan specifics and last year zoning enforcement action was taken against the business regarding the storage containers.

Council Member Sandberg said he felt there was non-enforcement of Special Use restrictions regarding this Ordinance and he would not be supporting the motion.

Motion to adopt ORDINANCE NO. 15,378 amending Ordinance No. 13,337, an Existing Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center to include five year-round and twenty seasonal outside merchandise storage containers for property located at 3315 N. University was approved by roll call vote.

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

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

(02-708) CITY MANAGER REPORT TO CITY COUNCIL.

Council Member Nichting 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**(02-173) Communication from Director of Planning and Growth Management with ORDINANCE Amending Ordinance No. 15,130, an EXISTING SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER to Include an ADDITION to the FENCED AREA for LOWE'S HOME CENTERS, INC. for Property Located at 5001 N. BIG HOLLOW ROAD, with Condition.**

Following a request that the developer send a letter to the businesses located in and around the Glen Hollow Shopping Center indicating the City's concern regarding the tractor trailers currently parked on the site with a request that Lowe's maintain both the front and back areas regarding the removal of trash, Council Member Spears moved to adopt the Ordinance amending Ordinance No. 15,130, an Existing Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center to include an addition to the fenced area for Lowe's Home Centers, Inc., for property located at 5001 N. Big Hollow Road; seconded by Council Member Grayeb.

Motion to adopt ORDINANCE NO. 15,379 was approved by roll call vote.

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

Nays: None.

(02-666) Communication from Director of Planning and Growth Management with Recommendation from the Zoning Commission and City Staff to DENY an ORDINANCE Granting a SPECIAL USE in a Class C-1 (General Commercial) District for a 50-FOOT LATTICE COMMUNICATION TOWER for Property Located at 711 W. McBEAN STREET.

Council Member Gulley moved to table the Ordinance granting a Special Use in a Class C-1 (General Commercial) District for a 50-foot lattice communication tower for property located at 711 W. McBean Street; seconded by Council Member Turner.

Motion to TABLE was approved by roll call vote.

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

Nays: None.

NEW BUSINESS**(02-709) Request for REPORT BACK Regarding REFUSE COLLECTION SERVICES for SINGLE-FAMILY CONDOMINIUMS.**

Council Member Sandberg stated several months ago Staff handed out a non-agenda item regarding consultant services determining the cost of in-house refuse collection services. He said he had several inquiries as to why the current contract allowed for refuse to be picked up at single family homes but did not allow for pick up at single family condominiums. He suggested the current policy was put in practice in the 1950's when condominiums were not part of Peoria's residential fabric. He requested this be reviewed.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

No citizens came forward to speak.

EXECUTIVE SESSION

- (02-710) Consideration of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 2(c)(1), The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 2(c)(5), The purchase or lease of real property for the use of 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 Ardis 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)(5), The purchase or lease of real property for the use of 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 Turner.

Approved by roll call vote.

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

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 7:12 P.M.

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

BY: /s/ Beth Ball
Beth Ball, Deputy Clerk