

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

Council Chambers, Peoria, Illinois, April 10, 2001, a Regular Meeting of the City Council was held this date at 6:15 P.M., at City Hall, 419 Fulton Street, Mayor Lowell G. Grieves presiding.

ROLL CALL

Roll call showed the following Council Members present: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves – 9; Absent: Grayeb, Spears -2.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Grieves requested a moment of silent prayer and requested that the family of Mark Montrose be remembered. He explained Public Works Civil Engineer and GIS Specialist Mark Montrose died March 31, 2001, as a result of complications relating to an automobile accident. Mayor Grieves then led the Pledge of Allegiance.

WORD OF THE WEEK “ACCOUNTABLE”**PROCLAMATIONS, COMMENDATIONS, ETC.**

PROCLAMATION: THE LINCOLN STATUE PROJECT

PROCLAMATION: THE NATURE CONSERVANCY’S EMIQUON PROJECT

MINUTES

Council Member Nichting moved to approve the minutes of the Executive Session and the Regular City Council Meeting held on April 3, 2001, as outlined; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves–9;

Nays: None.

CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE.

(01-202) NOTICE OF LAWSUIT on Behalf of RANDALL D. ROYER and LAURIE ROYER Regarding a Personal Injury at 6400 N. University.

(01-203) BIDS for BONDS for CITY TREASURER, CITY CLERK and FINANCE
*** DIRECTOR Recommending CALENDAR & COMPANY, as Outlined.**

(01-204) Communication from Director of Public Works and Finance Director/Comptroller Requesting Authorization to Purchase a POLICE DETECTIVE VEHICLE through the State of Illinois Joint Purchasing Contract from LANDMARK FORD at a Cost of \$15,118.00

(01-205) Communication from Director of Inspections and Finance Director/Comptroller Requesting Authorization for the City Manager to Execute TWO-YEAR CONTRACTS with MIKE HULSE, SEYMOUR LAWN & CARE for WEED AND LITTER ABATEMENT CONTRACT, and to Use the Bidders as Outlined as Backup Contractors.

- (01-206) **Communication from Finance Director/Comptroller with ORDINANCE Abating the NIAGARA and TWIN TOWERS SPECIAL SERVICE AREA TAXES LEVIED to Pay the Principal and Interest on \$3,520,000 SERIES 1996A and \$3,075,000 SERIES 1996B DOWNTOWN REDEVELOPMENT PARKING REVENUE REFUNDING BONDS.**
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- (01-207) **Communication from Director of Public Works with SUPPLEMENTAL MFT RESOLUTION NO. 01-207 and ORDINANCE NO. 15,115 Amending the BUDGET for Fiscal Year 2001 of the City of Peoria for the PURCHASE of SALT for the 2001-2002 Winter Season.**
- (01-208) **Communication from Director of Public Works Requesting Authorization to Lease/Purchase a PAVEMENT PROFILING MACHINE from ALTORFER, INC. at a Cost of \$99,175.00 over Three Years OR to PURCHASE the EQUIPMENT for \$88,584.00 Utilizing Capital Fund Balance which would require Adoption of the ORDINANCE Amending the BUDGET for Fiscal Year 2001 of the City of Peoria.**

- (01-209) **Communication from Director of Public Works Regarding GARBAGE COLLECTION SCHEDULE CHANGES FOR DISTRICTS #3 AND #4. (For Information Only)**

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

Council Member Nichting requested that Item Nos. 01-203, 01-206 and 01-208 be removed from the Consent Agenda for further discussion.

Item Nos. 01-202 through 01-209 (excluding Item Nos. 01-203, 01-206, and 01-208 which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves-9;
Nays: None.

- (01-203) **BIDS for BONDS for CITY TREASURER, CITY CLERK and FINANCE DIRECTOR Recommending CALLENDAR & COMPANY, as Outlined.**
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Finance Director/Comptroller Ellie Hogan distributed a replacement communication to all members of the City Council changing the four year bid of Callendar & Company to \$31,113,00.

Council Member Nichting moved to accept the bid of Callendar & Company for Bonds for the City Treasurer, City Clerk and Finance Director as outlined in the amended communication; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves-9;
Nays: None.

- (01-206) **Communication from Finance Director/Comptroller with ORDINANCE Abating the NIAGARA and TWIN TOWERS SPECIAL SERVICE AREA TAXES LEVIED to Pay the Principal and Interest on \$3,520,000 SERIES 1996A and \$3,075,000 SERIES 1996B DOWNTOWN REDEVELOPMENT PARKING REVENUE REFUNDING BONDS.**
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Finance Director/Comptroller Ellie Hogan distributed a replacement Ordinance to all members of the City Council.

Council Member Nichting moved to adopt the replacement Ordinance abating the Niagara and Twin Towers Special Service Area Taxes Levied to pay the principal and interest on \$3,520,000 Series 1996A and \$3,075,000 Series 1996B Downtown Redevelopment Parking Revenue Refunding Bonds; seconded by Council Member Turner.

ORDINANCE NO. 15,116 was adopted by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves-9;

Nays: None.

**(01-208) Communication from Director of Public Works Requesting Authorization to
*** Lease/Purchase a PAVEMENT PROFILING MACHINE from ALTORFER, INC.
 at a Cost of \$99,175.00 over Three Years OR to PURCHASE the EQUIPMENT for
 \$88,584.00 Utilizing Capital Fund Balance which would require Adoption of the
 ORDINANCE Amending the BUDGET for Fiscal Year 2001 of the City of Peoria.**

Council Member Turner and Council Member Duncan both stated they would be abstaining from discussion and the vote due to their employment with Caterpillar, Inc.

Director of Public Works Steve Van Winkle discussed the importance of obtaining the equipment needed to attack the winter break-up of roads and concrete pavement. He recommended the lease/purchase option of the pavement profiling machine as outlined from Altorfer, Inc., in the amount of \$99,175.00 over three years.

Council Member Nichting moved to authorize the lease/purchase of the pavement profiling machine from Altorfer, Inc., in the amount of \$99,175.00 over three years; seconded by Council Member Ardis.

Approved by roll call vote.

Yeas: Ardis, Gibson, Morris, Nichting, Sandberg, Thetford, Mayor Grieves – 7;

Nays: None;

Abstention: Duncan, Turner - 2.

Clerk's Note: The proposed Budget amendment was not adopted.

**(01-210) Communication from Director of Economic Development Requesting Approval of
 REAL ESTATE SALE CONTRACT to TRANSFER 1.543 acres to JOE
 McCARTHY OLDS-GMC TRUCK, INC. FOR \$8,000 and Authorization for the
 City Manager to Execute the Necessary Documents.**

Council Member Nichting moved to approve the real estate sale contract to transfer 1.543 acres to Joe McCarthy Olds-GMC Truck, Inc., in the amount of \$8,000.00, and authorize the City Manager to execute the necessary documents; seconded by Council Member Thetford.

Council Member Sandberg indicated he would not be able to support the motion because the City of Peoria paid \$108,000 for the property in 1985, and he felt the City would lose \$100,000.

Council Member Nichting explained the current lease would allow the City to receive \$1.00 a year for 84 more years. He said this was part of an overall plan from years ago that regarded the annexation of Pioneer Park, so he urged the Council to approve the \$8,000.00.

Motion to approve the real estate sale contract to transfer 1.543 acres to Joe McCarthy Olds-GMC Truck, Inc., in the amount of \$8,000.00, and authorize the City Manager to execute the necessary documents was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Thetford, Turner, Mayor Grieves – 8;

Nays: Sandberg - 1.

(01-211) Communication from Interim Fire Chief and Corporation Counsel Regarding FIRE STATION #13 RELOCATION Requesting Authorization for the City Manager to Execute the LAND ACQUISITION AGREEMENT.

Council Member Nichting moved to defer this item for one week until the April 17, 2001, Regular City Council Meeting; seconded by Council Member Ardis.

Motion to defer this item until the April 17, 2001, Regular City Council Meeting was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves-9;

Nays: None.

(01-212) CITY MANAGER REPORT to CITY COUNCIL.

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

Approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves-9;

Nays: None.

UNFINISHED BUSINESS

(00-864) Communication from Director of Planning and Growth Management with Recommendation from the Zoning Commission to APPROVE and Recommendation from the City Staff to DENY an ORDINANCE Amending an EXISTING USE WITH APPROVAL as a SPECIAL USE per Current Requirements in a Class C-1 District (General Commercial) to Include AUTO REPAIR AND AUTOMOBILE AND LIGHT TRUCK SALES for Property Located at 2022 N. WISCONSIN AVENUE, with Conditions.

Assistant Director of Planning and Growth Management Pat Landes gave a brief history of the property. She said a change to the existing special use was needed in order for the property owner to sell automobiles on the property. She said a new property owner opened a business of bicycle sales and service on the property without approval through the zoning process. She said the property owner had been notified that the expansion to include auto sales was illegal and could not happen without Zoning Commission and City Council approval. She explained the Petitioner applied for a special use for a filling station with auto repair work, with a paved parking lot. She said the application was amended to include a request for auto sales. She said the Staff was concerned about safety regarding traffic with a grade school just across the street and in the vicinity of an intersection. She added the site plan submitted by the Petitioner did not comply with landscaping or parking requirements so she said the City Staff recommended denying the proposed Ordinance.

Council Member Thetford moved to deny the Ordinance amending an Existing Use with Approval as a Special Use per current requirements in a Class C-1 District (General Commercial) to include Auto Repair and Automobile and Light Truck Sales for property located at 2022 N. Wisconsin Avenue, with conditions, and direct Staff to review the existing uses for compliance and report back in four weeks, which would be at the May 8, 2001, Regular City Council Meeting, on their findings to determine necessary actions and possible revocation; seconded by Council Member Ardis.

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

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

Ms. Debra Valent, resident and business owner in the area of the proposed property, distributed pictures of the property. She also distributed a copy of petitions opposing the change in use for 2022 N. Wisconsin Avenue to all members of the Council. She expressed concern regarding the overall appearance of the signage, the building and the maintenance of the property. She also expressed concern about the eighteen to twenty-three cars parked on the lot at any given time. She pointed out there was a school located across the street and child safety was a problem because of traffic and the intersection. She spoke in support of the Council denying the proposed request by the Petitioner.

In discussion with Council Member Turner, Assistant Director Landes explained the process of certificate of occupancy and how the City made sure that conditions approved by Council were followed by any Petitioner.

Mr. Tim Beaney, 2212 N. Maryland, explained improvements he planned to make to the property and his bicycle business. He said business had reduced so the improvements had not been completed as quickly as he had planned. He added he was trying to conform to the City's requirements.

Motion to DENY the Ordinance amending an Existing Use with Approval as a Special Use per current requirements in a Class C-1 District (General Commercial) to include Auto Repair and Automobile and Light Truck Sales for property located at 2022 N. Wisconsin Avenue, with Conditions, request and direct Staff to review the existing uses for compliance and report back in four weeks, which would be at the May 8, 2001, Regular City Council Meeting, on their findings to determine necessary actions and possible revocation was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves-9;

Nays: None.

(01-116) Communication from Director of Planning and Growth Management with Recommendation from the Zoning Commission and City Staff to DENY an ORDINANCE Rezoning Property Located at 2801 W. NEVADA STREET, 2300 S. OREGON STREET and 2734 W. WYOMING STREET from the Present Class R-4 District (Single-Family Residential) to a Class R-6 District (Multi-Family Residential) and Granting a SPECIAL USE for a CHURCH to Include a DRUG REHABILITATION FACILITY and ASSOCIATED DAY CARE CENTER with REPORT BACK.

City Clerk Mary Haynes distributed a letter from the Petitioner to all members of the City Council requesting that this item be withdrawn.

Council Member Duncan moved to concur and receive and file the letter requesting that this item be withdrawn; seconded by Council Member Turner.

Motion to concur and receive and file the letter requesting that this item be withdrawn was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves-9;

Nays: None.

- (01-199) REQUEST to Direct Staff to BEGIN THE PROCESS of CHANGING #1 NEWS PLAZA to #1 RICHARD PRYOR PLAZA to honor Comedian Richard Pryor and Communication from Director of Planning and Growth Management with REPORT BACK Regarding the RENAMING of #1 NEWS PLAZA to RICHARD PRYOR PLAZA. (For Information Only) (Refer to Item No. 01-174)**

Following a brief comment, Council Member Sandberg moved to receive and file the report back regarding the renaming of #1 News Plaza to Richard Pryor Plaza; seconded by Council Member Nichting.

Motion to receive and file the report back was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves-9;

Nays: None.

NEW BUSINESS

- (01-213) Request to DRAFT a RESOLUTION Opposing UNFUNDED MANDATES Proposed by State Legislature.**

Council Member Nichting moved to direct the Legal Department to draft a Resolution opposing unfunded mandates proposed by the State Legislature; seconded by Council Member Ardis.

Council Member Nichting stated each year mandates were proposed and handed down from the State which resulted in taxpayers paying additional money, and he suggested an official statement from the City of Peoria opposing mandates without appropriate funding also being provided.

Motion to direct the Legal Department to draft a Resolution opposing unfunded mandates proposed by the State Legislature was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves-9;

Nays: None.

- (01-214) REQUEST for a REVIEW and REPORT BACK on BANNING the Wearing of HOODS and MASKS at RALLIES Held on Public Property.**

Council Member Duncan moved to direct the Legal Department to review and report back on banning the wearing of hoods and masks by individuals at rallies held on public property; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Grieves-9;

Nays: None.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

No citizens came forward.

EXECUTIVE SESSION

It was determined that no Executive Session was needed.

CONGRATULATIONS TO NEWLY ELECTED AND RE-ELECTED OFFICIALS

Mayor Grieves congratulated all the newly elected and re-elected officials of last week's election. He thanked all the participants and urged them to remain involved in the community.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 7:13 P.M.

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

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