

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

Council Chambers, Peoria, Illinois, June 19, 2001, a Regular Meeting of the City Council was held this date at 6:17 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 led the Pledge of Allegiance.

**SWEARING IN OF NEW FIRE CHIEF**

City Clerk Mary Haynes swore in Interim Fire Chief Roy T. Modglin, Jr. as Peoria's new Fire Chief, succeeding Ernie Russell who retired earlier this year. Chief Modglin thanked the Mayor and Council Members, City Manager McKnight, former Fire Chief Ernie Russell, his family, the members of the Peoria Fire Department, and the citizens of Peoria and pledged his best efforts in undertaking his duties as the City's 40<sup>th</sup> Fire Chief.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

PROCLAMATION: AMERICAN RED CROSS HEART OF AMERICA BLOOD SERVICES  
REGION: BADGES FOR LIFE WEEKS - June 25 through July 15, 2001.

DEDICATION OF COUNCIL CHAMBER PODIUM by Council Member John Morris, who acknowledged the efforts of Facilities Manager Dave Marshall and Lead Carpenter Tom Zenger in procuring and installing this podium to be used by citizens addressing the Council.

**MINUTES**

Council Member Nichting moved to approve the Minutes of the Regular City Council Meeting and Executive Sessions held on June 12, 2001, as printed; seconded by Council Member Grayeb.

Approved by roll call vote.

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

Nays: None.

**PETITIONS, REMONSTRANCES & COMMUNICATIONS**

**(01-399)**      **Communication from Superintendent of Police Requesting Authorization for the**  
\*                **City Manager to ACCEPT the TOBACCO ENFORCEMENT GRANT from the**  
                  **Illinois Liquor Control Commission, in the Amount of \$17,590.00.**

**(01-400)**      **Communication from Director of Planning and Growth Management Requesting**  
                  **Approval to REPROGRAM FUNDS, in the Amount of \$14,000.00, from WORLD**  
                  **CHANGERS to CHRISTMAS IN APRIL.**

- (01-401) Communication from Director of Public Works Requesting Approval of the JOINT IDOT LOCAL AGENCY AGREEMENT for Federal Participation and Authorization for the City Manager to Sign the Agreement for the REIMBURSEMENT of the COMPLETED RAILROAD WORK on the RIVERFRONT.
- (01-402) Communication from Director of Public Works Requesting Approval of the JOINT IDOT LOCAL AGENCY AGREEMENT for Federal Participation and Authorization for the City Manager to Sign the Agreement for the RIVER STATION PARKING LOT.
- (01-403) Communication from Corporation Counsel with RESOLUTION NO. 01-403 DENYING an ANNEXATION PETITION Filed by SQUIRE DEVELOPMENT GROUP Pertaining to Property Having an Approximate Address of 8600 N. KOERNER/TRIGGER ROAD.
- (01-404) Communication from Corporation Counsel with RESOLUTION NO. 01-404 Amending Resolution No. 01-268 which Approved the ANNEXATION AGREEMENT for Certain Property Located to the East of Koerner/Trigger Road with an Approximate Address of 8600 N. KOERNER/TRIGGER ROAD, all Located within One and One -Half Miles of the City of Peoria.
- (01-405) Communication from Director of Public Works with ORDINANCE NO. 15,153 Providing for the IMPROVEMENT of EAST LONDON AVENUE (from Central Avenue to Atlantic Avenue – South Side Only).
- (01-406) Communication from Director of Public Works with ORDINANCE NO. 15,154 Providing for the IMPROVEMENT of NORTH ELLIS STREET (from Armstrong Avenue to Interstate #74).
- (01-407) Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,155 Amending Ordinance No. 15,090 Approving the DESIGNATION of PROPERTY Known as the ROCK ISLAND DEPOT AND FREIGHT HOUSE as a Local Historic Landmark.
- (01-408) Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,156 Approving the FINAL PLAT of VILLAGE GRANDE SUBDIVISION, a Single Family Attached Residential Development Located to the WEST OF CHARTER OAK VILLAGE SECTION 6 and to the EAST OF KOERNER/TRIGGER ROAD.
- (01-409) Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,157 Amending APPENDIX B of the Code of the City of Peoria Adding Crematories as a Permitted Use in the Central Business District.

Clerk's Note: This item was reconsidered. See page 25251.

- (01-410) APPLICATION for CLASS “H” TEMPORARY OUTDOOR LIQUOR LICENSE  
\*\* for GREATER PEORIA BOYS' and GIRLS' CLUB for Wednesday, July 4, 2001.
- (01-411) Communication from Director of Public Works Regarding the DEDICATION of the COUNCIL CHAMBER PODIUM. (For Information Only)

**CONSIDERATION of REPORT BACKS as Follows:**

**(01-378)      Communication from Director of Inspections with REPORT BACK Regarding the  
\*\*\* Citizens who Addressed the Council on June 5, 2001, and Voiced their Concern  
About SELECTIVE ENFORCEMENT of the CITY'S HOUSING CODE.**

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

Council Member Turner requested that Item No. 01-399 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item No. 01-410 be removed from the Consent Agenda for further discussion.

Council Member Thetford requested that Item No. 01-378 be removed from the Consent Agenda for further discussion.

Item Nos. 01-399 through 01-411, and 01-378 (excluding Item Nos. 01-399, 01-410, and 01-378 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.

**(01-399)      Communication from Superintendent of Police Requesting Authorization for the  
\* City Manager to ACCEPT the TOBACCO ENFORCEMENT GRANT from the  
Illinois Liquor Control Commission, in the Amount of \$17,590.00.**

Council Member Turner requested that the City Manager and Police Chief include both the Liquor Commissioner and Deputy Liquor Commissioner in developing a similar enforcement policy for liquor.

Council Member Nichting moved to authorize the City Manager to accept the Tobacco Enforcement Grant from the Illinois Liquor Control Commission in the amount of \$17,590.00; 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.

**(01-410)      APPLICATION for CLASS "H" TEMPORARY OUTDOOR LIQUOR LICENSE  
\*\* for GREATER PEORIA BOYS' AND GIRLS' CLUB for Wednesday, July 4, 2001.**

Council Member Sandberg stated he would be abstaining from the vote on this item due to a professional relationship with the Boys' & Girls' Club.

Council Member Grayeb moved to approve the application for Class "H" Temporary Outdoor Liquor License for Greater Peoria Boys' and Girls' Club for Wednesday, July 4, 2001; seconded by Council Member Morris.

Approved by roll call vote.

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

Nays: None;

Abstention: Sandberg – 1.

**(01-378)      Communication from Director of Inspections with REPORT BACK Regarding the  
\*\*\* Citizens who Addressed the Council on June 5, 2001, and Voiced their Concern  
about SELECTIVE ENFORCEMENT of the CITY'S HOUSING CODE.**

Council Member Thetford asked Inspections Director John Kunki to summarize the situations regarding these properties, both of which were in the Third District.

Director Kunki stated that both 1601 N.E. Glendale and 412 E. Melbourne had a history of housing and environmental violations.

Director Kunki related that 1601 N.E. Glendale was first scheduled before the Administrative Hearing Officer in 1997 and has had 29 scheduled appearances, and seven of those times no one appeared. He said that at the owner's request, another hearing was scheduled for July 10<sup>th</sup>. He said there have been 10 environmental complaints since 1995.

Director Kunki stated that 412 E. Melbourne was also in the Hearing Officer process for exterior violations, and that after nine scheduled appearances and several failures to appear, the violations were corrected. He stated there were also 12 environmental complaints against this property.

Director Kunki concluded that these were not cases of selective enforcement or harassment by the inspectors. He said they were responding to complaints made by citizens and enforcing the housing code because the owners did not maintain their properties in conformance with the code.

In discussion with Council Member Sandberg, Director Kunki confirmed that: (1) the Glendale case was forwarded to the Legal Department last year to attempt to reclaim the HILP funds; (2) if a property was occupied by a family member of the owner of record, it was considered rental property; and (3) the tenant of the Melbourne property was notified of the requirements of the Rental Registration program prior to June 5<sup>th</sup> but had not complied.

Council Member Teplitz commended the Inspections Director and staff on their responsiveness to citizens' complaints.

Council Member Thetford stated there had clearly been no retaliation against these individuals for coming before the Council in that all these actions had been occurring long before June 5<sup>th</sup>. She said she also appreciated the efforts of the Inspections Department and the effectiveness of the Rental Registration program.

Council Member Thetford moved to receive and file the Report Back; 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.

**(01-409)      REQUEST for RECONSIDERATION of ORDINANCE NO. 15,157 Regarding  
Amending APPENDIX B Adding Crematories as a Permitted Use.**

Clerk's Note: See page 25249.

Council Member Turner stated he had intended to pull this item from the Consent Agenda to discuss whether it would be preferable to have a Special Use rather than a Permitted Use, since this would be within the Central Business District.

Council Member Turner moved to reconsider Item No. 01-409, Ordinance No. 15,157 Amending Appendix B of the Code of the City of Peoria Adding Crematories as a Permitted Use in the Central Business District; seconded by Council Member Morris.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Turner, Mayor Ransburg – 10;

Nays: Thetford – 1.

Council Member Turner moved to defer this item for one week until the June 26, 2001 Regular City Council Meeting; seconded by Council Member Morris.

Motion to defer this item until the June 26, 2001 Regular City Council Meeting was approved by roll call vote.

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

Nays: Sandberg – 1.

**(01-412) Communication from Director of Planning and Growth Management with ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to PUBLIC SAFETY BUILDINGS in CONTROLLED THOROUGHFARE CORRIDOR OVERLAY DISTRICTS.**

Council Member Spears moved to adopt the Ordinance amending Appendix B of the Code of the City of Peoria relating to public safety buildings in Controlled Thoroughfare Corridor Overlay Districts; seconded by Council Member Nichting.

ORDINANCE NO. 15,158 was adopted by roll call vote.

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

Nays: None.

**(01-413) Communication from Director of Planning and Growth Management with ORDINANCE Granting a SPECIAL USE in a Class O-1 (Arterial Office) District in an oT CONTROLLED THOROUGHFARE CORRIDOR OVERLAY DISTRICT for a PUBLIC SERVICE BUILDING (FIRE STATION) for the Property Located at 2514 W. RICHWOODS BOULEVARD (Temporary Address), with Conditions.**

City Clerk Mary Haynes referred to a hand-out from citizen Bill O'Brien requesting a one-week deferral on this item.

Council Member Spears moved to defer this item for one week until the June 26, 2001 Regular City Council Meeting; seconded by Council Member Morris.

Corporation Counsel Randy Ray and Fire Chief Roy Modglin confirmed that the one-week deferral would not interfere with the City's ability to obtain this property or meet the public safety needs of the Fourth District residents.

Motion to defer this item until the June 26, 2001 Regular City Council Meeting was approved by roll call vote.

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

Nays: None.

**(01-414) Communication from Director of Planning and Growth Management with  
ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating  
to OFF-PREMISE SIGNS. (Refer to Item Nos. 00-635 and 01-415)**

Council Member Grayeb moved to adopt the Ordinance amending Appendix B of the Code of the City of Peoria relating to off-premise signs; seconded by Council Member Sandberg.

\* Council Member Sandberg stated there has been disparate enforcement of off-premise signs, particularly the small "sandwich board" signs in the downtown area. He said that while the proposed ordinance addressed billboards very well, it did not provide a solution regarding these smaller signs. He asked when reasonable rules would be forthcoming for the B-1 District as a permanent solution to the moratorium on enforcement of the current ordinance.

Planning & Growth Management Director Wayne Anthony stated he was not aware this was the Council's direction, but said they would address this concern as quickly as possible.

Motion to adopt ORDINANCE NO. 15,159 amending Appendix B of the Code of the City of Peoria relating to off-premise signs was approved by roll call vote.

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

Nays: None.

**(01-415) \* Request to PREPARE ORDINANCE REGULATING OFF-PREMISE  
SANDWICH BOARD SIGNS (Refer to Item No. 01-414)**

Council Member Morris moved to direct Staff to prepare an ordinance which would regulate and/or permit off-premise signs of less than eight square feet; seconded by Council Member Nichting.

Approved by roll call vote.

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

Nays: None.

**UNFINISHED BUSINESS**

**(01-367) Communication from Corporation Counsel Requesting Consideration of  
(01-392) ORDINANCE NO. 15,149 and ORDINANCE NO. 15,152 Vacating INTERIOR  
STREETS so the DOWNTOWN STADIUM PARCEL Could be Conveyed, with a  
Request for Staff to make their Recommendation at the June 19, 2001 Council  
Meeting.**

Corporation Counsel Randy Ray explained the Council was being asked to amend Section 2 of both ordinances by changing the effective date from June 20, 2001 to June 27, 2001. He clarified that new ordinances would be prepared to replace the two existing ordinances.

Council Member Gulley moved to adopt the ordinance amending Ordinance No. 15,149 and the ordinance amending Ordinance No. 15,152; seconded by Council Member Morris.

Council Member Nichting stated he would abstain from discussion and the vote due to his ownership of property in the vicinity of the Downtown Stadium site.

Council Member Turner stated he would abstain from discussion and the vote due to his employment with Caterpillar.

Motion to adopt ORDINANCE NO. 15,160 amending Ordinance No. 15,149 and ORDINANCE NO. 15,161 amending Ordinance No. 15,152 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Sandberg, Spears, Teplitz, Thetford, Mayor Ransburg – 9;

Nays: None

Abstention: Nichting, Turner – 2.

**(01-364) Communication from Corporation Counsel Requesting Authorization to Enter into a CONVEYANCE AND PARKING AGREEMENT with CATERPILLAR, INC. for the HAMILTON and WATER PARKING LOT, and Request Authorization for the City Manager to Execute the Document. (New cover communication)**

Council Member Gulley moved to authorize the City Manager to execute a Conveyance and Parking Agreement with Caterpillar, Inc. for the Hamilton and Water Parking Lot; seconded by Council Member Morris.

Council Member Nichting stated he would abstain from discussion and the vote due to his ownership of property in the vicinity of the Downtown Stadium site.

Council Member Turner stated he would abstain from discussion and the vote due to his employment with Caterpillar.

Motion to authorize the City Manager to execute a Conveyance and Parking Agreement with Caterpillar, Inc. for the Hamilton and Water Parking Lot was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Sandberg, Spears, Teplitz, Thetford, Mayor Ransburg – 9;

Nays: None

Abstention: Nichting, Turner – 2.

**NEW BUSINESS**

**(01-416) Request to CANCEL AUGUST 7, 2001 and JULY 3, 2001 COUNCIL MEETINGS**

Council Member Spears stated that a number of neighborhood events were scheduled for Tuesday evening, August 7<sup>th</sup> in observance of National Night Out Against Crime and asked the Council to consider canceling their meeting for that night.

Council Member Morris requested that Neighborhood Staff arrange transportation, as they did last year, for those Council Members who wished to go together to the various events.

City Manager McKnight suggested the Council may also want to cancel the July 3<sup>rd</sup> meeting and instead meet on the fifth Tuesday, July 31<sup>st</sup>.

Council Member Spears moved to cancel the July 3, 2001 and August 7, 2001 Council meetings and to meet on July 31, 2001; 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.

**(01-417) Request for REPORT BACK Regarding Allowing ADVERTISING SIGNS ALONG RECONFIGURED INTERSTATE 74.**

Council Member Spears said it had been brought to his attention by some business owners that there were no advertising signs (fast food, gas stations, hotels) on the portion of I-74 within the City. He said that other cities he had visited did have such signs on their highways. He suggested that with the reconfiguration of I-74, the City should investigate whether these businesses could be aided with small advertising signs, which could also result in significant revenue to the City.

City Engineer Gene Hewitt explained this was an issue regulated by IDOT, but that Engineering Staff could initiate a dialogue with IDOT to determine what rules applied.

Council Member Spears moved to have staff prepare a report back on the feasibility of allowing small advertising signs along the City portion of Interstate 74; seconded by Council Member Nichting.

Approved by roll call vote.

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

Nays: None.

**STEAMBOAT FESTIVAL**

Council Member Thetford expressed congratulations and thanks to PACE and all the volunteers who contributed to the successful Steamboat Festival held last weekend on the Riverfront.

**CITIZEN REQUESTS TO ADDRESS THE COUNCIL**

Mayor Ransburg stated he wanted to explain the Council's intention in proposing a new policy for citizens who wished to address the Council. He said the Council's consensus at last Saturday's Retreat was that they passionately supported the right of citizens to address the Council; however, there was also a concern that if the purpose of the speaker was to lodge a complaint or express concern about the behavior of City Staff, there should perhaps be notification in advance to ensure that the City Manager and Staff could respond with facts. He said the City Manager has been requested to develop a policy to allow a fair and full hearing for these situations.

Council Member Sandberg stated the Council's position additionally included allowing citizens to request in writing that an item be placed on the Council agenda as regular business rather than having to wait until the end of the meeting to speak.

Mayor Ransburg clarified that at this point, no changes had been made in the process for citizens wishing to address the Council.

**(01-418) REQUEST by CITIZENS to ADDRESS the CITY COUNCIL.**

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

Mr. James Polk, 2127 N. Ardell Place, expressed concern about putting citizens through a lengthy process in order to address their elected representatives.



**EXECUTIVE SESSION**

- (01-419) Consideration of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 2(c)(5) The purchase or lease of real property for the use of the public body; 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 an action is probable or imminent; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.**

Council Member Sandberg moved that the Council go into Executive Session to discuss 2(c)(5) The purchase or lease of real property for the use of the public body; 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 an action is probable or imminent; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; seconded by Council Member Morris.

Approved by roll call vote.

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

Nays: None.

The City Council moved to Room 404 in City Hall at 7:32 P.M.

**RECONVENING OF THE CITY COUNCIL**

City Clerk Mary Haynes noted the following Council Members present: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11; Absent: None.

The City Council reconvened at 8:23 P.M.

- (01-420) SETTLEMENT OF LAWSUIT WITH ELLEN DAVIS IN THE AMOUNT OF \$35,000.00**

Council Member Nichting moved to authorize settlement of a lawsuit (Case #98-L-193, Ellen Davis vs. City of Peoria) for an amount of \$35,000.00; 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.

**ADJOURNMENT**

Council Member Nichting moved to adjourn the Council Meeting; seconded by Council Member Teplitz.

Approved by viva voce vote.

The Council Meeting adjourned at 8:24 P.M.

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