

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

Council Chambers, Peoria, Illinois, October 2, 2001, 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 led the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

PROCLAMATION: FRIENDSHIP HOUSE AND DRESS FOR SUCCESS: STRIDE FOR SUCCESS DAY – October 6, 2001

PROCLAMATION: ALZHEIMER'S ASSOCIATION: 10<sup>TH</sup> ANNUAL MEMORY WALK SUNDAY – October 7, 2001

PROCLAMATION: PEORIA JAYCEES HAUNTED HOUSE MONTH – October, 2001

**MINUTES**

Council Member Nichting moved to approve the Minutes of the Executive Sessions held on September 18, 2001 and the Minutes of the Regular City Council Meeting and Executive Sessions held on September 25, 2001, 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.**

**(01-654) BIDS for JEFFERSON AVENUE RELOCATION, Recommending the Low Bid of P.J. HOERR, INC., in the Amount of \$878,793.80.**

**(01-655) Communication from Director of Public Works Requesting Authorization to PURCHASE 2750 SQUARE FEET of REAL ESTATE Located Behind 5112 N. RONALD ROAD, from the Peoria County Delinquent Tax Agent in the Amount of \$368.00, for the HAMILTON ROAD STORM SEWER PROJECT.**

**(01-656) Communication from Corporation Counsel with Request for Authorization to Approve SETTLEMENT AGREEMENT, in the Amount of \$60,000, to DEBRA DEBOLT Due to a Traffic Accident with a City Vehicle.**

- (01-657) \* Communication from Director of Economic Development and Director of Public Works with ORDINANCE VACATING PORTIONS of RICHMOND, RAVINE, and DECHMAN AVENUES and ALLEYS Between these Avenues in the MIDTOWN PLAZA REDEVELOPMENT AREA.
- (01-658) SIDEWALK PARTICIPATION REQUEST – GREELEY ALTERNATIVE SCHOOL – 919 N.E. JEFFERSON AVENUE, in the Amount of \$26,424.88.
- (01-659) SIDEWALK PARTICIPATION REQUEST – KIRBY RISK – 1015 S. W. REED STREET, in the Amount of \$20,129.52.
- (01-660) SIDEWALK PARTICIPATION REQUEST – ST. ANN’S CHURCH – 1010 S. LOUISA STREET, in the Amount of \$26,495.22.
- (01-661) SIDEWALK PARTICIPATION REQUEST – GETZ CAR WASH – 1610 S. W. JEFFERSON AVENUE, in the Amount of \$12,580.48.
- (01-662) SIDEWALK PARTICIPATION REQUEST – TOBIN BROTHERS DEVELOPMENT – 914 N. E. ADAMS STREET, in the Amount of \$20,077.28.
- (01-663) APPLICATION for CLASS “H” TEMPORARY OUTDOOR LIQUOR LICENSE for ILLINOIS VALLEY STRIDERS in the City Parking Lot adjacent to the Edgewater Building on Peoria’s Riverfront on October 6, 2001, from 2:00 P.M. to 10:00 P.M.
- (01-664) REPORTS:
- A. CITY TREASURER’S REPORT – August, 2001.
  - B. PEORIA PUBLIC LIBRARY FINANCIAL REPORT – August 31, 2001
  - C. PEORIA PUBLIC LIBRARY STATISTICAL REPORT – August 31, 2001

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

Item Nos. 01-654 through 01-664 (excluding Item No. 01-657 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.

- (01-657) \* Communication from Director of Economic Development and Director of Public Works with ORDINANCE VACATING PORTIONS of RICHMOND, RAVINE, and DECHMAN AVENUES and ALLEYS Between these Avenues in the MIDTOWN PLAZA REDEVELOPMENT AREA.

In discussion, Council Member Sandberg referred to East Richmond and questioned if this portion would go to the developers of Midtown Plaza.

Director of Economic Development Dave Dobson explained and confirmed the land would go to the developer.

Director of Public Works Steve Van Winkle said the segment of East Richmond Street was bordered on one side by the developer and on the other side by another property owner. He said the developer was told he would have to work with the adjacent property owner regarding the sharing of access that would be provided by the development. He added, it was his understanding, this had all been worked out and was completed, but he did not have a document with the details.

Council Member Sandberg expressed concern that the property located on the southside of Richmond, which accessed onto Richmond and was not part of the development, had a shared egress easement that incorporated three properties.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Mr. Fred George.

Mr. Fred George, 720 Illini Road, East Peoria, representing the developer, stated this issue had been worked out with the adjacent property owners. He said he did not have the documents with him, but it had been finalized for over a month.

Following further discussion, Council Member Thetford moved to defer this item for one week until the October 9, 2001, Regular City Council Meeting; seconded by Council Member Teplitz.

Motion to defer this item until October 9, 2001, was approved by roll call vote.

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

Nays: Grayeb - 1.

**(01-665) Communication from Finance Director/Comptroller Requesting Authorization for the City Manager to Execute an AGREEMENT with CLIFTON GUNDERSON L.L.P. to Provide ANNUAL AUDIT SERVICES for Two Years.**

Council Member Morris moved to authorize the City Manager to execute an Agreement with Clifton Gunderson L.L.P. to provide annual audit services for two years; 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.

**(01-666) Communication from Equal Opportunity Director with RESOLUTION DENOUNCING DISCRIMINATION and HATE CRIMES.**

Council Member Nichting moved to approve the Resolution Denouncing Discrimination and Hate Crimes, with an amendment to Item 1. in the eighth paragraph of the Resolution so that Item 1. would read "The City of Peoria hereby reiterates its position that it is opposed to all forms of discrimination, whether against Christians, Jews, Muslims, or others; as well as hate crimes."; seconded by Council Member Morris.

RESOLUTION NO. 01-666, as amended, was approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

**(01-465) Communications from Director of Planning and Growth Management with REQUEST to Further Review the Neighborhood Development Commission Recommendation to Fund the YWCA's PERMANENT HOUSING INITIATIVE GRANT for 2001. (Refer to 01-233 and 01-668), with a Communication from the YWCA with a Recap of Community Activities.**

YWCA CEO Pam Schubach distributed an informational packet regarding supportive housing and GlenPerry Apartments to all members of the City Council.

Council Member Gulley discussed the project and some of the opposition to the project. He said there was some historic value of some of the proposed properties that would be demolished. He said there were some attempts to save the buildings, but there were no conclusions at this time.

Council Member Gulley moved to fund the YWCA's Permanent Housing Initiative Grant in the amount of \$10,000.00; seconded by Council Member Morris.

Council Member Sandberg indicated he could not support the motion because he felt this particular location and program had never been before the Neighborhood Development Commission.

Director of Planning and Growth Management Wayne Anthony said the program had gone before the Neighborhood Development Commission, but this specific location had not been addressed by the Commission.

Council Member Sandberg suggested that the location be sent back to the Neighborhood Development Commission for their recommendation. He said it was his understanding, the neighborhood did not oppose the program or the location, but they opposed losing significant historic structures.

Mr. Anthony said there were several major challenges that would have to be met by the YWCA before they could demolish these properties. He said the YWCA would have to have permission from the State to demolish these properties since they held historic significance.

Council Member Grayeb said he needed more information regarding current capacity on current homeless shelters, and he questioned the need.

Ms. Pam Schubach, YWCA CEO, said at times the homeless shelters were full and some assistance was provided by the cities where the shelters were located. She said the project before the Council was not a homeless shelter issue. She said CDBG monies could be used for activities related to housing that may impact or deal with homeless families. She said the proposed project was not a homeless shelter and she discussed the levels of homeless issues and how they were different. She said the property was uncontrolled and was a neighborhood problem. She said she offered a solution to a neighborhood problem and she discussed plans to providing new housing in other areas.

Following additional discussion, Council Member Morris moved for a substitute motion to remand the issue of funding the YWCA's Permanent Housing Initiative Grant for 2001, in the amount of \$10,000, back to the Neighborhood Development Commission for them to make a recommendation; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: Mayor Ransburg - 1.

Clerk's Note: Refer to citizens' comments under Item No. 01-668.

**(01- 517) Communication from Corporation Counsel Requesting Adoption of ORDINANCE A or ORDINANCE B Providing for COUNCIL RULES.**

Corporation Counsel Randall Ray distributed a communication to all Members of the City Council with suggestions to further alter the Rules Ordinance clarifying the use of most super-majority vote requirements.

Council Member Thetford moved to adopt Ordinance B providing for Council Rules, as amended to delete the following: Under Item No. 18, in the fifth paragraph, the words "which has been owned by the City less than 5 years at the time of the initial Council action authorizing such sales or lease," in the following paragraph, delete the words, "the sale or transfer or lease for any term in excess of 20 years of City owned real property which as been owned by the City for 5 years or more at the time of the initial Council action authorizing such sale or lease," Under Item No. 18, delete the ninth, tenth, eleventh and twelfth paragraphs, "A lease is for a term in excess of twenty (20) years if at the end of twenty (20) years. If at the end of twenty (20) years the City has any continuing obligation, including but not limited to an obligation to purchase improvements placed upon the real estate by Lessee and/or to continue to lease for any continuing period of time beyond twenty (20) years. Any amendment to an ordinance, resolution or motion which originally required a super-majority vote to pass, shall require the affirmative vote of a majority of Council Members holding office, except for the following amendments: (A) Amendments waiving a precondition, thereby causing the occurrence (sale or lease for more than twenty (20) years of real property owned by the City for five (5) years or more at the time of the initial City Council action authorizing such sale or lease) which requires the affirmative vote of two-thirds of the Council Member actually voting, but not less than the affirmative vote of a majority of the Council Members then holding office, including the Mayor; in such a case passage of the amendment shall require the affirmative vote of two-thirds of the Council Members actually voting, but no less than the affirmative vote of Council Members holding office. (B) Amendments providing for a sale or lease for more than twenty (20) years of real property owned by the City for five (5) years or more at the time of the initial City Council action authorizing such sale or lease; in such a case passage of the amendment shall require the affirmative vote of two-thirds of the Council Members actually voting, but no less than the affirmative vote of two-thirds of the Council Members holding office."; seconded by Council Member Turner.

Council Member Sandberg questioned the legality of canceling a Council Meeting for lack of agenda items, which was proposed in Ordinance B. He also expressed concern regarding how these changes would affect budget integrity and the selling of property. He spoke in support of the rules that had been in place for over 50 years regarding super-majority requirements, and he contributed those rules to protecting the public interests.

Council Member Turner indicated he did not feel that eight or nine Council Members could make any better decisions than six Council Members could make. He spoke of changes through time, and he felt the issue was about citizen trust in their elected officials to make decisions on their behalf.

Following some clarifications requested by Council Member Nichting regarding prevailing sides and the ZBA, Council Member Spears said he would not support either Ordinance because by requiring a simple majority vote after the Budget process had been completed would require using the fund balances. He said a super majority vote requirement for a Budget amendment would show that the Council valued any change in the Budget. He said the fund balances should be retained unless it was vitally important to a super majority of the Council. He said he would not support a change for the sale of real estate.

Council Member Turner moved to call the question; seconded by Council Morris.

Motion to call the question was approved by roll call vote.

Yeas: Grayeb, Gulley, Morris, Sandberg, Teplitz, Thetford, Turner, Mayor Ransburg – 8;

Nays: Ardis, Nichting, Spears - 3.

Motion to adopt ORDINANCE NO. 15,207 (Ordinance B) providing for Council Rules as amended to delete the following: Under Item No. 18, in the fifth paragraph, the words "which has been owned by the City less than 5 years at the time of the initial Council action authorizing such sales or lease," in the following paragraph, delete the words, "the sale or transfer or lease for any term in excess of 20 years of City owned real property which as been owned by the City for 5 years or more at the time of the initial Council action authorizing such sale or lease," Under Item No. 18, delete the ninth, tenth, eleventh and twelfth paragraphs, "A lease is for a term in excess of twenty (20) years if at the end of twenty (20) years. If at the end of twenty (20) years the City has any continuing obligation, including but not limited to an obligation to purchase improvements placed upon the real estate by Lessee and/or to continue to lease for any continuing period of time beyond twenty (20) years. Any amendment to an ordinance, resolution or motion which originally required a super-majority vote to pass, shall require the affirmative vote of a majority of Council Members holding office, except for the following amendments: (A) Amendments waiving a precondition, thereby causing the occurrence (sale or lease for more than twenty (20) years of real property owned by the City for five (5) years or more at the time of the initial City Council action authorizing such sale or lease) which requires the affirmative vote of two-thirds of the Council Member actually voting, but not less than the affirmative vote of a majority of the Council Members then holding office, including the Mayor; in such a case passage of the amendment shall require the affirmative vote of two-thirds of the Council Members actually voting, but no less than the affirmative vote of Council Members holding office. (B) Amendments providing for a sale or lease for more than twenty (20) years of real property owned by the City for five (5) years or more at the time of the initial City Council action authorizing such sale or lease; in such a case passage of the amendment shall require the affirmative vote of two-thirds of the Council Members actually voting, but no less than the affirmative vote of two-thirds of the Council Members holding office." was adopted by roll call vote.

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

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

**(01-574) Communication from Director of Planning and Growth Management  
Recommending Adoption of the Following:**

- A. ORDINANCE Approving the FINAL PLAN of PRAIRIE LAKES APARTMENTS, an Apartment Development Located at 9909 N. KNOXVILLE AVENUE, with Conditions.**
- B. ORDINANCE Approving the PRIVATE STREETS, PRIVATE STREET NAMES, and PRIVATE STREET MAINTENANCE AGREEMENT for PRAIRIE LAKES APARTMENTS, Located at the NORTHWEST CORNER of KNOXVILLE AVENUE and ROUTE HIGHWAY SIX.**

Council Member Nichting moved to defer these items until the November 6, 2001, Regular City Council Meeting; seconded by Council Member Sandberg.

Motion to defer these items until the November 6, 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.

**(01-611) Communication from ESDA Director with REPORT BACK Regarding PERSONNEL COSTS for the EMERGENCY COMMUNICATIONS CENTER (ECC). (For Information Only)**

Council Member Nichting moved to receive and file the report back regarding Personnel Costs for the Emergency Communications Center (ECC); seconded by Council Member Turner.

In discussion with Council Member Sandberg regarding the number of calls made to Advanced Medical Transport, ESDA Director Kay Harmon said a summary sheet was included in the City Managers Report which indicated all calls by all agencies, which included calls for AMT and dispatches, but no records were kept on what occurred after AMT was dispatched to a call. She said they maintained their own records. She indicated the City had never charged AMT, Mobile Medics, etc. for providing ambulance service to the City.

Motion to receive and file the report back regarding Personnel Costs for the Emergency Communications Center (ECC) was approved by roll call vote.

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

Nays: None.

**(01-632) 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 Rezoning Property Located at 3813 N. SHERIDAN ROAD from the Present Class R-3 (Single Family Residential) District to a Class O-1 (Arterial Office) District, with Conditions.**

Council Member Spears moved to Table this item, with the stipulation that when it was removed from the Table, all property owners and neighbors within 500 feet should be notified; seconded by Council Member Sandberg.

Motion to table this item, with the stipulation that when it was removed from the Table, all property owners and neighbors within 500 feet should be notified was approved by roll call vote.

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

Nays: None.

**NEW BUSINESS**

**(01-667) REQUEST for a REPORT BACK Regarding Appropriate Entry Points where SIGNAGE, WITH LANDSCAPING, WELCOMING VISITORS to the CITY OF PEORIA Council be Located.**

Council Member Grayeb moved to direct the Administration to report back regarding appropriate entry points where signage welcoming visitors to the City of Peoria could be located; seconded by Council Member Morris.

Council Member Morris said he and the Director of Public Works had already worked on some of the preliminary plans for signage, and he agreed with Council Member Grayeb there was a need for appropriate signage.

Council Member Grayeb suggested that the Chamber of Commerce may want to join in the endeavor.

Council Member Teplitz requested a friendly amendment that the signage include landscaping.

Council Member Grayeb agreed to include landscaping in his motion. The seconder agreed.

Motion to direct the Administration to report back regarding appropriate entry points where signage, with landscaping, welcoming visitors to the City of Peoria could be located was approved by roll call vote.

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

Nays: None.

### **ANNOUNCEMENTS Regarding EVENTS of the PEORIA PERFORMING ARTS**

Council Member Morris reminded citizens about all the upcoming events sponsored by the Peoria Performing Arts. He urged the Council to continue their support of the Performing Arts.

### **PEORIA to HOST the REGIONAL NEIGHBORHOOD NETWORK CONFERENCE**

Mayor Ransburg said Peoria would be the host to 18 cities for the Regional Neighborhood Network Conference during the next week. He urged the Council and citizens to welcome these participants to the City of Peoria.

### **CITIZEN REQUESTS TO ADDRESS THE COUNCIL**

#### **(01-668) 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 City Council.

Mr. Michael Lavan, 1212 N. E. Monroe, President of Morton Square Revolving Fund, spoke against demolishing the properties for the GlenPerry Apartments. He gave a brief history of the success of the Morton Square Revolving Fund with no financial assistance from the City of Peoria. He said buildings did not change neighborhoods, neighborhoods changed neighborhoods. He said if buildings with historic significance continued to be demolished, there would be no links with the Peoria's past.

Mr. Frank Lewis, 712 Evans Street, President of the Olde Towne North Residents Association said he rebuilt his old house, which he bought in a tax sale for \$5,000. He said he had spent more money to remodel the home than he would ever get out of it in a sale. He said his association was actively seeking home ownership. He said his neighborhood would like to be an active participant in any homeowner activity within the neighborhood.

A Citizen expressed concern that her friend's property had been vandalized. She urged the City to install more street lights in her area, and kids needed activities to keep them occupied in their neighborhoods. She also stated school children, who lived within 1½ miles of their school, needed transportation to school and back home.

### **EXECUTIVE SESSION**

No Executive Session was required.

### **ADJOURNMENT**

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

Approved by viva voce vote.

The Council Meeting adjourned at 8:00 p.m.



