

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

Council Chambers, Peoria, Illinois, September 12, 2000, a Regular Meeting of the City Council was held this date at 6:20 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, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 11; Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Grieves requested a moment of silent prayer, and then led the Pledge of Allegiance.

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

PROCLAMATION: NEIGHBORHOOD HOUSE: SOUTH SIDE NEIGHBORHOOD FEST DAY – September 16, 2000

PROCLAMATION: PEORIA CHAPTER OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION: CONSTITUTION WEEK – September 17-23, 2000

MINUTES

Council Member Nichting moved to approve the Minutes of the Executive Sessions and the Regular City Council Meeting held on September 5, 2000, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 11;

Nays: None.

CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE:

(00-695) BID for FIRE DEPARTMENT RESCUE EQUIPMENT, Recommending the Bid of GLOBAL FIRE EQUIPMENT, in the Amount of \$59,867.00.

(00-696) PAYMENT ESTIMATES FOR PUBLIC IMPROVEMENT PROJECT: FROSTWOOD PARKWAY EXTENSION (to Charter Oak Road, Woodcrest Subdivision) (Earth excavation, storm sewers, sanitary sewers, water main, concrete pavement, bituminous concrete pavement and base, seeding, sodding, and all appurtenant construction thereto) OTTO BAUM COMPANY, INC. – PAY ESTIMATE #2: \$353,693.70; WEST ARMSTRONG AVENUE ROADWAY & STREET LIGHTING IMPROVEMENT (North Street to I-74 Bridge)(Removing existing curb, sidewalks & driveway approaches and constructing concrete combination curb & sidewalks, driveway pavement, a bituminous overlay and a City-standard ornamental street lighting system.) C&G CONCRETE CONSTRUCTION – PAY ESTIMATE #1: \$83,219.58; TOTAL AUTHORIZATION APPROVED: \$436,913.28. (For Information Only)

- (00-697) **Communication from Corporation Counsel with RESOLUTION NO. 00-697 Regarding the RELEASE of EXECUTIVE SESSION MINUTES.**
- (00-698) **APPOINTMENT and REAPPOINTMENT by Mayor Lowell G. Grieves to the CIVIC CENTER AUTHORITY:**
- Appointment: Mr. Fred Grafton**
- Reappointment: Mr. Kenneth L. Goldin**
- (00-699) **Communication from Director of Public Works Regarding the ENGINEERING PROJECT STATUS REPORT. (For Information Only)**

CONSIDERATION of REPORT BACKS as Follows:

- (00-636) **Communication from Acting Inspections Director and Animal Shelter Director with REPORT BACK on SERIOUS ANIMAL BITES and PIT BULL DOGS.**
- (00-665) **Communication from Director of Public Works Regarding the**
* **G.I.S./COMMUNITY MAPPING PROJECT – REPORT BACK. (For Information Only)**

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

Council Member Thetford requested that Item No. 00-665 be removed from the Consent Agenda for further discussion.

Item Nos. 00-695 through 00-699, and 00-636 (excluding Item Nos. 00-665 which was removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 11;

Nays: None.

- (00-665) **Communication from Director of Public Works Regarding the**
* **G.I.S./COMMUNITY MAPPING PROJECT – REPORT BACK. (For Information Only)**

Council Member Thetford moved to defer this item for one week until the September 19, 2000, Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until September 19, 2000, was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 11;

Nays: None.

UNFINISHED BUSINESS

- (00-451) **Communication from Director of Planning and Growth Management with ORDINANCE Rezoning Property Located at OAK POINTE SUBDIVISION LOTS 4-10 from the Present Class A-1 District (Agriculture) and RE District (Residential Estate) to a Class R-1 District (Single Family Residential).**

City Clerk Mary Haynes distributed copies of Petitions, bearing 34 signatures, protesting the proposed rezoning to all members of the City Council. She also said that the Legal Department had determined that a two-thirds vote would be required to pass the proposed Ordinance.

A citizen also distributed information to all members of the City Council.

Council Member Nichting moved to grant Privilege of the Floor to those who wished to address the Council; seconded by Council Member Turner.

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

Mr. Jim Fletcher, 9015 N. Frye Road, explained the homes currently on Frye Road were older and the neighborhood was older, and there were concerns by the neighborhood there would be infrastructure problems by mixing a new neighborhood with an older neighborhood. He said that Frye Road was already in poor condition and the street base would not hold up under heavy construction traffic conditions. He said the street had no curbs, sidewalks or sanitary sewers, and there was concern about erosion problems. He also discussed current problems with low water pressure and volume. He urged the Council to reject the request for rezoning.

In discussion with Council Member Sandberg, Mr. Fletcher indicated that the neighbors would probably support the installation of curbs, sidewalks, and sanitary sewer.

Ms. Yavonne Stewart, Frye Road, expressed concern about the increase of traffic and safety for children in the area. She said she and her neighbors enjoyed the "quiet country-type" setting that currently existed, and she indicated she felt that additional residents would disrupt the neighborhood. She urged the Council to vote no.

Mr. Scott Altorfer stated he did not feel the proposed development would harm the neighborhood, but would in fact increase the value of the neighborhood. He said he felt the City should use this development to encourage people to either stay in the City or move into the City.

Mr. Robert Hall, Attorney representing the Petitioner, stated it was his opinion that the protest petition which had been filed with the City Clerk was not adequately served to be valid. He discussed the requirements under Section 2.8 of the Zoning Code about written protests. He said the applicant or the applicant's attorney should have been served prior to 11:00 A.M. on September 11, 2000, by either certified mail or in person, but they were not. He said where there was a certified mailing, the effective time of service was dependent on the time of receipt of the mail. He submitted an affidavit to the City Clerk, signed by Mr. Chad Jones of the Jorgenson Real Estate Group, for the record. He added he and his client had not had an opportunity to review the petitions due to the late filing, and he requested to reserve the right to contest the validity on any grounds.

Mr. Hall discussed the matter concerning the change in zoning and land use. He said he felt that the agricultural and residential estate zoning classifications were not the highest and best use of the proposed property, and he said it was his opinion that the proposed R-1 zoning was consistent with the area.

Mr. Hall also discussed the preliminary plat and infrastructure of the proposed subdivision. He said the houses would be upscale and the lots would be sizeable, and he felt this development would be a good addition to the existing neighborhood. He said he and his client had been working with the City Staff to address the neighborhoods' concerns regarding the structural integrity of Frye Road, and possible damage during development. He said the developer would bear the responsibility for a new bituminous overlay of the road to Locust Lane at the completion of the essential subdivision. He discussed comparisons of other similar type subdivisions such as the one proposed for this site. He said that narrow winding lanes could be a traffic calmer in some situations, which could possibly address some of the traffic concerns.

Mr. Hall further discussed concerns regarding water flow and fire protection. He said the developer had agreed to provide automatic, interior sprinkler suppression systems for fire prevention. Following further comments, Mr. Hall urged the Council to approve the proposed zoning request and the preliminary plat as submitted.

In discussion with Mayor Grieves about the sanitary sewer, Mr. Hall indicated that the developer may be agreeable to paying a proportionate share along with the other neighbors, if it was their desire. He said it would not be economical for the developer to bear the entire expense of a sanitary sewer extension for this project.

In discussion with Council Member Sandberg regarding whether or not these lots would be within the District #150 School District, it was indicated that, even though the boundary lines were very erratic in this particular area, it was felt that the houses would all be located within the District #150 School District.

Mr. Bill Reibel, 9303 N. Frye Road, stated that most people in the neighborhood were retirees and they were active walkers who enjoyed the quietness of the existing neighborhood. He said increased traffic would not be good for the neighborhood and he urged the Council not to support the development.

Corporation Counsel Randy Ray stated it was his opinion that the notice and service of the objection complied with the law. He said the petitions were filed before 11:00 A. M. on September 11, 2000, in the City Clerk's Office, along with a certification that they had served the notice by depositing it in certified mail by Saturday, September 9, 2000. He said it was his opinion that the applicant did not actually have to receive notice prior to 11:00 A.M. on Monday. He said he felt the residents had complied with the Ordinance and the petitions should be honored.

Following further discussion, Council Member Nichting moved to deny the Ordinance rezoning property located at Oak Pointe Subdivision Lots 4-10 from the present Class A-1 District (Agriculture) and RE District (Residential Estate) to a Class R-1 District (Single Family Residential); seconded by Council Member Turner.

Motion to DENY was DEFEATED by roll call vote.

Yeas: Grayeb, Nichting, Turner – 3;

Nays: Ardis, Duncan, Gibson, Morris, Sandberg, Spears, Thetford, Mayor Grieves – 8.

Council Member Morris moved to adopt the Ordinance rezoning property located at Oak Pointe Subdivision Lots 4-10 from the present Class A-1 District (Agriculture) and RE District (Residential Estate) to a Class R-1 District (Single Family Residential); seconded by Council Member Gibson.

ORDINANCE NO. 14,996 was adopted by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Sandberg, Spears, Thetford, Mayor Grieves – 8;

Nays: Grayeb, Nichting, Turner – 3.

(00-452) Communication from Director of Planning and Growth Management with Staff Recommendation to Approve with Conditions, and Planning Commission Recommendation to DENY the RESOLUTION Approving the PRELIMINARY PLAT of OAK POINTE SUBDIVISION, a Residential Subdivision Located at 9315 N. FRYE ROAD, the Subject Property is Located to the East of Knoxville Avenue and to the South of Illinois Route 6, at the end of Frye Road.

Council Member Nichting moved that the Preliminary Plat be sent back to the Planning Commission for further review; seconded by Council Member Sandberg.

Motion to send the Preliminary Plat back to the Planning Commission for further review was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 10;

Nays: Grayeb - 1.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(00-700) REQUEST from CITIZENS to ADDRESS THE COUNCIL Regarding VARIOUS ISSUES.

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

Mr. Randall Emert, W. Antoinette Street, thanked the Council and City Staff for the installation of speed limit signs, and the enforcement of the signs by the Police Department. He expressed his appreciation for the Staff listening to his concerns.

Mr. Bill Reibel, Frye Road, expressed concern that he felt the construction of eleven homes at the end of Frye Road would greatly impact his neighborhood. He said the homes would be compacted together on eight or ten acres, and construction would be occurring within a small area. He said he did not feel this compared to other projects that the Council had compared this project with, and he felt the neighborhood would be greatly bothered especially during the construction period.

EXECUTIVE SESSION

(00-701) 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.

Council Member Thetford moved that the Council go into an 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; seconded by Council Member Grayeb.

Approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 11;

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 7:40 P.M.

