

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

Council Chambers, Peoria, Illinois, September 19, 2000, 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: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 9; Absent: Ardis, Gibson - 2.

INVOCATION & PLEDGE OF ALLEGIANCE

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

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

PRESENTATION: LOGAN PARK WEST – GARFIELD NEIGHBORHOOD ASSOCIATION:
KID’S WORK STUDY PROGRAM

PROCLAMATION: AMERICAN BUSINESS WOMEN’S DAY – September 20, 2000

PROCLAMATION: OKTOBERFEST WEEKEND – SEPTEMBER 22-24, 2000

MINUTES

Council Member Nichting moved to approve the Minutes of the Special Joint Meeting with District #150 School Board held on September 11, 2000, and the Regular City Council Meeting held on September 12, 2000, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE:

(00-702) Communication from Director of Planning and Growth Management with
**ORDINANCE NO. 14,997 Approving the FINAL PLAT of KNOXVILLE PLACE
SECTION ONE, an Office Subdivision Located North of Victoria Villas and West of
Knoxville Avenue, with Condition.**

(00-703) Communication from Director of Public Works and Executive Director of
* Riverfront Development with **ORDINANCE to VACATE the ALLEY from State
Street to Walnut Street Between Water Street and the River, in BLOCK 48 of
BIGELOW AND UNDERHILL’S ADDITION to the City of Peoria.**

(00-704) Communication from Superintendent of Police, Director of Planning and Growth
Management, Acting Director of Inspections, Assistant Corporation Counsel and
Animal Shelter Director Regarding the **PROBLEM PROPERTY LIST.**

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

Council Member Sandberg requested that Item No. 00-703 be removed from the Consent Agenda for further discussion.

Item Nos. 00-702 and 00-704 (excluding Item No. 00-703 which was removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

**(00-703) Communication from Director of Public Works and Executive Director of
* Riverfront Development with ORDINANCE to VACATE the ALLEY from State
Street to Walnut Street Between Water Street and the River, in BLOCK 48 of
BIGELOW AND UNDERHILL'S ADDITION to the City of Peoria.**

Council Member Sandberg stated he would be abstaining from the discussion and vote due to a business relationship with the Petitioner.

Council Member Nichting moved to adopt the Ordinance to vacate the Alley from State Street to Walnut Street between Water Street and the River, in Block 48 of Bigelow and Underhill's Addition to the City of Peoria; seconded by Council Member Grayeb.

ORDINANCE NO. 14,998 was adopted by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Spears, Thetford, Turner,
Mayor Grieves – 8;

Nays: None;

Abstention: Sandberg - 1.

(00-705) PRESENTATION Regarding UTILITY TAX and FRANCHISE FEE AUDIT.

Finance Director/Comptroller Ellie Hogan discussed a joint effort with the cities of Bloomington and Normal to review the utility tax. She said the audits were now complete and she introduced Mr. Louis Karrison, CPA from the firm of Crowe, Chizek and Company LLP and Mr. Bert Nuehring, CPA from the firm of Pandolfi, Topolski, Weiss & Company, Ltd. who would outline the audit.

Mr. Karrison discussed AT&T Cable Services and CILCO audits. He said the AT&T Cable Services audit resulted in two issues which he pointed out to the Council. He said the franchise agreement allowed the cable operator to deduct costs of premium programming from the gross revenues and the tests discovered AT&T was using an average of 50% of the sales price when their own records only supported approximately 39% or 40%. He said this resulted in a shortfall for just the one month tested of \$1,245.00, which would have been due the City. He said the other issue was the advertising of agency commissions. He explained it was his belief the 15% commission kept by the advertising agency was part of the gross revenue base, and franchise fees should be paid on that amount even though the money never passed through the cable operator.

Mr. Karrison said the findings of the gas and electric audit were minor and there was really nothing to report.

In discussion with Council Member Nichting regarding a possible increase in revenue for the City, Ms. Hogan explained discussions regarding audit results were still being held with AT&T and she hoped for some resolution soon. She said she felt the City would generate some additional cable TV fees, but she added the CILCO revenue would probably not change.

Mr. Nuehring discussed the telephone providers and he said of the seven telephone companies selected for review, procedures were completed satisfactorily for only one of the providers. He said four of the seven providers provided access to the records, but the records were not detailed enough for them to determine that the tax was properly assessed. He said two providers did not allow them to access records at all. He also pointed out that none of the providers, except one, were able to provide them with a listing of customers within the City. He said with access being denied, one recommendation was to work for legislation to promote the issue of allowing access to the records. He added without access to the records, it was impossible to make a determination whether or not the tax was properly assessed. He said there were also some interpretation problems among the companies regarding which bases should be taxed and the amount of tax that should be applied to each of the bases. He said interstate charges was one of these areas and he recommended that legal counsel become involved to determine if the interpretation was correct. He said this could be lost revenue to the City. He further recommended more extensive procedures be performed, but due to the situation of not being allowed access to the records, this type of approach may not bring any results.

Discussion was held regarding how this situation could be corrected. It was suggested that the information be provided to the Illinois Municipal League and request this be an item of discussion at one of their next meetings, so cities could determine the amounts owed them for budgeting purposes. It was also pointed out that this was the first audit to be conducted and there was much room for improvement.

Council Member Thetford moved to receive and file the Utility Tax and Franchise Fee Audit, and accept the recommendations as outlined in the Council communication; seconded by Council Member Turner.

Following further discussion, Council Member Nichting requested a friendly amendment that the Council Liaison to the Illinois Municipal League Legislative Committee submit this information for their legislative agenda.

Council Member Thetford, the maker of the motion, agreed, and the seconder agreed.

Motion to receive and file the Utility Tax and Franchise Fee Audit, accept and act on the recommendations as outlined in the Council communication, and as amended, that the Council Liaison to the Illinois Municipal League Legislative Committee submit this information for their legislative agenda was approved by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

(00-706) Communication from Director of Planning and Growth Management Requesting Approval of the Following Regarding 2300 W. HICKORY GROVE ROAD:

A. RESOLUTION Approving the ANNEXATION AGREEMENT for Certain Property Located to the East of Allen Road and to the South of Hickory Grove Road, with an Approximate Address of 2300 W. HICKORY GROVE ROAD, all Located within One and One-Half Miles of the City of Peoria;

Council Member Nichting moved to approve the Resolution approving the Annexation Agreement for certain property located to the East of Allen Road and to the South of Hickory Grove Road, with an approximate address of 2300 W. Hickory Grove Road, all located within one and one-half miles of the City of Peoria; seconded by Council Member Grayeb.

RESOLUTION NO. 00-706-A was approved by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

B. ORDINANCE Annexing Territory contiguous to the City of Peoria (2300 W. HICKORY GROVE ROAD);

Council Member Nichting moved to adopt the Ordinance annexing territory contiguous to the City of Peoria (2300 W. Hickory Grove Road); seconded by Council Member Turner.

ORDINANCE NO. 14,999 was adopted by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

C. ORDINANCE Rezoning Property Located at 2300 W. HICKORY GROVE ROAD from the Present Class A-2 District (County Agriculture) to a Class R-3 District (Single Family Residential), and Granting a SPECIAL USE for a RESIDENTIAL CLUSTER DEVELOPMENT for a SEVEN-ACRE PORTION;

Council Member Nichting moved to adopt the Ordinance rezoning property located at 2300 W. Hickory Grove Road from the present Class A-2 District (County Agriculture) to a Class R-3 District (Single Family Residential), and Granting a Special Use in a Residential Cluster Development for a seven-acre portion; seconded by Council Member Grayeb.

ORDINANCE NO. 15,000 was adopted by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

D. RESOLUTION Approving, with Conditions, the PRELIMINARY PLAT of HICKORY GROVE SUBDIVISION, a Single-Family and Residential Cluster Development Located at the SOUTHEAST CORNER of ALLEN ROAD and HICKORY GROVE ROAD.

Council Member Nichting moved to approve the Resolution approving, with conditions, the Preliminary Plat of Hickory Grove Subdivision, a Single-Family and Residential Cluster Development located at the Southeast Corner of Allen Road and Hickory Grove Road, as amended so that 2) would read “The developer must provide a sidewalk connecting the proposed subdivision with Dover Pointe to allow for pedestrian access via Allen Road.” and add an 8) to read “No access to North Ridge Meadows via Rhonda Way”; seconded by Council Member Turner.

RESOLUTION NO. 00-706-B, as amended as approved by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

(00-707) Communication from Director of Planning and Growth Management Requesting Approval of the REZONING of VARIOUS PROPERTIES:

A. ORDINANCE Rezoning Property Located at 209, 211 SPALDING AVENUE from the Present Class R-8 District (Multi-Family Residential) to a Class C-1 District (General Commercial);

Council Member Duncan moved to adopt the Ordinance rezoning property located at 209, 211 Spalding Avenue from the present Class R-8 District (Multi-Family Residential) to a Class C-1 District (General Commercial); seconded by Council Member Thetford.

Motion to adopt ORDINANCE NO. 15,001 rezoning property located at 209, 211 Spalding Avenue from the present Class R-8 District (Multi-Family Residential) to a Class C-1 District (General Commercial) was adopted by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 9;

Nays: None.

B. ORDINANCE Rezoning Property Located at the Southernmost 200.75 feet OF 2232 W. GLEN AVENUE from the Present Class R-3 District (Single Family Residential) to a Class C-1 (General Commercial);

Council Member Spears moved to adopt the Ordinance rezoning property located at the Southernmost 200.75 feet of 2232 W. Glen Avenue from the present Class R-3 District (Single Family Residential) to a Class C-1 District (General Commercial); seconded by Council Member Nichting.

ORDINANCE NO. 15,002 was adopted by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 9;

Nays: None.

C. ORDINANCE Rezoning Property Located at 5116, 5120 N. BIG HOLLOW ROAD from the Present Class R-2 District (Single Family Residential) for a Class C-1 District (General Commercial);

Council Member Spears moved to table this item; seconded by Council Member Sandberg.

Council Member Spears requested that the property owners be notified if this item was removed from the table.

Motion to table this item was approved by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 9;

Nays: None.

**** D. ORDINANCE Rezoning Property Located at 2207, 2317 W. WILLOW KNOLLS DRIVE from the Present Class R-1 District (Single Family Residential) to a Class R-7 District (Multi-Family Residential);**

Council Member Nichting requested that this item be deferred until later in the meeting.

The Council concurred.

Clerk's Note: See letter D. on Page 24888 for further action on this item.

E. ORDINANCE Rezoning Property Located at 6813 W. SANKOTY LANE from the Present Class R-2 District (Single Family Residential) to a Class I-2 District (Railroad/Warehouse Industrial);

Council Member Nichting moved to adopt the Ordinance rezoning property located at 6813 W. Sankoty Lane from the present Class R-2 District (Single Family Residential) to a Class I-2 District (Railroad/Warehouse Industrial); seconded by Council Member Thetford.

Motion to adopt ORDINANCE NO. 15,003 rezoning property located at 6813 W. Sankoty Lane from the present Class R-2 District (Single Family residential) to a Class I-2 District (Railroad/Warehouse Industrial) was adopted by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

F. ORDINANCE Rezoning Property Located at the SECOND LOT SOUTH of 6813 W. SANKOTY LANE from the Present Class R-3 District (Single Family Residential) to a Class I-2 District (Railroad/Warehouse Industrial);

Council Member Nichting moved to adopt the Ordinance rezoning property located at the Second Lot South of 6813 W. Sankoty Lane from the present Class R-3 District (Single Family Residential) to a Class I-2 district (Railroad/Warehouse Industrial); seconded by Council Member Thetford.

ORDINANCE NO. 15,004 was adopted by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

G. ORDINANCE Rezoning Property Located at the SOUTHERN MOST 740 FEET OF PARCEL 10-A OF MT. HAWLEY AIRPORT ADDRESSED as 1320 W. BIRD AVENUE from the Present Class R-1 District (Single Family Residential) to a Class I-2 District (Railroad/Warehouse Industrial).

Council Member Nichting moved to adopt the Ordinance rezoning property located at the Southern most 740 feet of Parcel 10-A of Mt. Hawley Airport addressed 1320 W. Bird Avenue from the present Class R-1 District (Single Family Residential) to a Class I-2 District (Railroad/Warehouse Industrial); seconded by Council Member Thetford.

ORDINANCE NO. 15,005 was adopted by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

**** D. ORDINANCE Rezoning Property Located at 2207, 2317 W. WILLOW KNOLLS DRIVE from the Present Class R-1 District (Single Family Residential) to a Class R-7 District (Multi-Family Residential);**

Council Member Nichting moved to adopt the Ordinance rezoning property located at 2207, 2317 W. Willow Knolls Drive from the present Class R-1 District (Single Family Residential) to a Class R-7 District (Multi-Family Residential); seconded by Council Member Turner.

ORDINANCE NO. 15,006 was adopted by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

(00-708) CITY MANAGER REPORT to CITY COUNCIL.

Council Member Duncan commended Labor Relations Manager Alan Pennington for his published article regarding interest based bargaining.

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

Approved by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 9;

Nays: None.

UNFINISHED BUSINESS**REQUEST TO MOVE AGENDA ITEM**

Council member Nichting requested that Unfinished Business Item No. 00-686 be moved forward on the Agenda to be discussed at this time.

The Council concurred.

(00-686) Communication from Director of Planning and Growth Management with ORDINANCE Amending Ordinance No. 14,140, an EXISTING SPECIAL USE in a Class R-1 District (Single Family Residential) and Class R-2 District (Single Family Residential) for a SKILLED NURSING FACILITY to Include a BUILDING ADDITION and PARKING LOT ADDITION for Property Located at 5600 GLEN ELM DRIVE, with Conditions.

Council Member Nichting said several concerns had been addressed by the Petitioners and they had agreed to install a retention basin that would exceed the 1996 City Ordinance by about three times to be able to capture all the water from the property. He said there were some other internal issues regarding garbage collection, and they had provided \$10,000 to the City for private property drainage on existing properties adjacent to the development.

Council Member Turner indicated he felt there was a lack of Administrative policies and he questioned if the Petitioner would be a good neighbor. He said he could not support the proposed Ordinance.

Council Member Nichting moved to adopt the Ordinance amending Ordinance No. 14,140, an Existing Special Use in a Class R-1 District (Single Family Residential) and Class R-2 District (Single Family Residential) for a Skilled Nursing Facility to include a building addition and parking lot addition for property located at 5600 Glen Elm Drive, with conditions; seconded by Council Member Thetford.

ORDINANCE NO. 15,007 was adopted by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford,
Mayor Grieves – 8;

Nays: Turner - 1.

- (00-075) A. **Communication from Director of Public Works, Finance
(00-140) Director/Comptroller, Director of Economic Development and Director of
Riverfront Development Regarding TWO HOUR FREE PARKING
DOWNTOWN – REPORT BACK.**
- B. **Communication from Riverfront Development Executive Director and
Finance Director/Comptroller Regarding RIVERFRONT VILLAGE
PROJECT REVENUES VS. DEBT SERVICE REQUIREMENTS –
REPORT BACK.**

Council Member Grayeb commended the City Staff for their reporting efforts on this matter. He requested an overview of the highlights of the two Council communications.

Director of Public Works Steve Van Winkle said there was a high occupancy rate for metered parking in the downtown area in general, not just the Riverfront. He said one of the recommendations was that the City not impose two-hour free parking on the metered spaces Monday through Friday, 8:00 A.M. to 5:00 P.M. He said, even though the parking lots along the Riverfront during that same time period did not have the same occupancy rate today, he felt in a short period of time the occupancy rate in those parking lots would also begin to approach higher numbers. He said, for this reason, he recommended that the City not inject any type of free parking on the Riverfront Village and Liberty/Harrison parking lots, which were the two that were presently most active.

Mr. Van Winkle said the Council would have to find replacement funds to offset the funds that would be lost by not charging for parking during evenings, weekends, and holidays. He said there would be about \$165,000 shortfall based on present usage, but would increase if more parking demand occurred during these time periods. He said a two-hour free parking plan had some management problems, especially during special events. He said he proposed totally free parking, with some conditions, after 5:00 P.M. during weekdays until 8:00 A.M. the next morning, on weekends and holidays. He added the holidays would have to be explicit.

Mr. Van Winkle explained the logic behind the plan, which would be understandable for the public, and he said the plan would be easy to administer and operate, would reduce the amount of time parking lots on the Riverfront would have to be manned, and would encourage the public to visit the Riverfront during the evenings, weekends and holidays.

Finance Director/Comptroller Ellie Hogan discussed revenue options and Executive Director of Riverfront Development discussed projected revenue flow as outlined in the communication.

Mr. Van Winkle referred to the recommendation on the issue of parking, and he pointed out that during the time period of evenings, weekends and holidays when there were special events, there would be a \$4.00 flat parking rate charge for Civic Center events and future ball stadium events.

Discussion was held regarding shift, pledged revenues, and 2001 projected debt service.

Council Member Grayeb presented Petitions, bearing 3,680 signatures, supporting free parking on the Riverfront and downtown, and he requested that they be made part of the permanent record.

Following further discussion regarding the current parking plan, Council Member Grayeb moved to implement a parking plan which would allow free parking downtown after 5:00 P.M. on weekdays, all day weekends, and holidays, with the understanding special events would not be included; that the City would implement this plan for an experimental period of one year; the Council would receive quarterly reports assessing the revenue situation as it related to the implementation of this parking plan, and if necessary, review a funding mechanism if the shortfall appeared to be large; and to accept the Petitions bearing 3,680 signatures supporting free parking; seconded by Council Member Turner.

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

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

Mr. Dan Phillips, co-owner of the Illinois Antique Center, stated he felt the proposed plan was a good first step and he appreciated the consideration. He said he felt this would be an indication to citizens that they were wanted and welcomed to the downtown and Riverfront areas. He said he understood this would be a learning process and they were willing to work with the plan. He said the Sears Block was a parking resource before the City took it over which was valuable to the businesses in that area. He said this parking was needed for their current and future uses.

Mr. Rich Benson, co-owner of Crooked Waters, said he was encouraged by the proposed parking plan. He said he wanted to continue doing business on the Riverfront and he felt people would be drawn to the area.

Corporation Counsel Randy Ray stated early in 1999, pursuant to the TIF Act, Mayor Grieves' divestiture in G & G Packet Company was noted for the record. He said since then questions had risen and he felt it was appropriate under the TIF Act to enter into the record that the divestiture had taken place, and the States Attorney had advised he felt the divestiture had taken place and saw no reason why the Mayor could not vote on matters such as this that touched on the Downtown TIF.

In discussion with Council Member Spears about the motion and the definition of "special event," Mr. Ray stated he felt it would be appropriate for the Administration to draft an Ordinance about the proposed parking plan and bring it back before the Council the following week.

Traffic Engineer Jim Baumann stated the basis of determining a "special event" was from information in the Park District's monthly report regarding events that were held on the Riverfront. He said if attendance was 500 people or more, it would be designated as a "special event". He said signs would be posted at parking facilities. He explained that 500 was a number chosen of attendees, believing two persons per vehicle, would be approximately 250 vehicles arriving on the Riverfront. He said there was parking from Washington Street to Water Street for about 200 on-street spaces which were free and would be filled first, and then about 50 vehicles would have to park in decks.

In discussion with Council Member Spears regarding how people would be charged who were not attending a Riverfront special event, but just eating at a Riverfront restaurant, Mr. Van Winkle explained there was a method that was presently used at Twin Towers Parking Deck that would be employed on the Riverfront which would allow people to only pay for the time they were there, and not be charged the standard charge of \$4.00.

Several Council Members indicated they would like the plan to come back to Council in some kind of written form so the details could be easily understood.

In discussion with Council Member Nichting about a possible budget amendment, Finance Director/Comptroller Ellie Hogan stated the budget was not balanced at this point and it was possible a budget amendment would be needed.

Council Member Nichting suggested that a funding source should be identified to replace the loss of funds from parking revenue, since this related to a G. O. Bond.

Council Member Sandberg said he could support the motion only if a Special Service District was established now and, he added, if the projections of \$8.250 million came in, the Special Service District would be abated. He said the City would limit their exposure.

Council Member Sandberg suggested totally free parking to eliminate the costs associated with collecting parking fees. He said to date \$24,000 had been generated by the Liberty and Edgewater parking lots since the City had started charging, and \$15,400 had been paid out in expenses. He said the citizens of Peoria were already subsidizing parking decks and he indicated he did not feel they should have to pay more.

In discussion with Council Member Thetford regarding possible funding to cover the \$41,250.00, Ms. Hogan indicated that approximately \$83,000, which was pledged and was reserved to debt service, was over and above what was needed to pay the debt service payment for 2001.

Council Member Thetford stated she did not feel a Special Service District should be established to cover \$41,250.00.

In discussion with Council Member Grayeb regarding whether or not passage of his proposed motion would require eight votes, Mr. Ray said a budget amendment would definitely require eight votes. He said an Ordinance setting parking rates could be adopted by a simple majority. He said it was his opinion that an income source could be reduced without a budget amendment, but there would be a shortfall in the Budget. He said if the motion passed, an Ordinance would be brought back to the Council for their consideration and he would advise the Council in the memo regarding the number of votes needed for passage.

In discussion with Council Member Morris regarding how the proposed plan would affect parking decks, Mr. Van Winkle stated that in trying to be consistent, the City would try to do everything possible to cause the patrons of special events to pay the same fee if they would be at a public facility. He said other than this, the proposal would not affect parking decks. He confirmed that the \$165,000 loss in parking fees did not include free parking in downtown decks after 5:00 P.M. on non-event nights.

Council Member Morris stated he did not feel property owners would accept the establishment of a Special Service District after they had experienced free parking.

Mayor Grieves stated the Council would have the option to reverse free parking.

In discussion with Council Member Thetford, Mr. Ray confirmed that the thing that would trigger an eight vote requirement would be if a Budget amendment was needed for 2000.

Council Member Thetford moved for a substitute motion to implement a parking plan which would allow free parking downtown after 5:00 P.M. on weekdays, all day weekends, and holidays, with the understanding that special events would not be included; the City would implement this plan for an experimental period of one year; the Council would receive quarterly reports assessing the revenue situation as it related to the implementation of this parking plan, and if necessary, review a funding mechanism if the shortfall appeared to be large; to accept the Petitions bearing 3,680 signatures supporting free parking; and as amended, to make this plan effective January 1, 2001; seconded by Council Member Turner.

Council Member Thetford pointed out the proposed motion would not impact the 2000 Budget, so only a simple majority would be needed for passage, and this funding could be addressed in the 2001 Budget which was yet to be adopted.

Mr. Dan Phillips, co-owner of the Illinois Antique Center, said he suggested the establishment of a Special Service District several months ago, but he did not suggest free parking. He said if there was another means to pay for the parking, it should be reviewed. He requested an opportunity for Riverfront business owners to discuss this with someone from the City.

Mr. Steve Rollin, Riverfront property owner, expressed concern that the Council could not seem to make a decision regarding parking. He expressed concern how the Council's handling of Riverfront issues had negatively affected business on the Riverfront. He said he felt the Riverfront was an exciting place to be and he urged the Council to come together and give positive direction that would enhance development in the area. He indicated he was disappointed that the proposed motion moved free parking to January 1 and he felt something needed to be done before then.

Council Member Duncan moved to call the question; seconded by Council Member Grayeb.

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

Yeas: Duncan, Grayeb, Nichting, Turner – 4;

Nays: Morris, Sandberg, Spears, Thetford, Mayor Grieves – 5.

Council Member Sandberg moved to amend the motion to include the incorporation of a Special Service District concurrently; seconded by Council Member Spears.

Council Member Morris suggested a friendly amendment to the amendment to the motion that the Special Service District would be established at the earliest possible date.

Council Member Sandberg, the maker of the motion, and the seconder agreed.

Corporation Counsel Randy Ray explained how a Special Service District could be designated.

Council Member Morris stated he felt the establishment of a Special Service District should be explored to determine the best possible option for the taxpayers. He clarified he would like to see it explored first.

Council Member Sandberg clarified the intent of his motion was to give some direction for Staff to explore a Special Service District, or another funding mechanism. He said this motion would not obligate the City to a Special Service District.

Motion to amend the motion to direct Staff to explore the establishment of a Special Service District at the earliest possible date was approved by roll call vote.

Yeas: Grayeb, Morris, Nichting, Sandberg, Spears, Turner, Mayor Grieves – 7;

Nays: Duncan, Thetford - 2.

In discussion with Council Member Thetford, Mr. Ray stated the establishment of a Special Service District would take 90 days after its boundary was determined, which was a challenge in calculations. He said it was a time consuming process. He said it was his opinion that an Ordinance regarding parking rates would be coming back to the City Council for their consideration without establishing a Special Service District. He said the Staff would be concurrently exploring the establishment of Special Service District.

Motion for a substitute motion to implement a parking plan which would allow free parking downtown after 5:00 P.M. on weekdays, all day weekends, and holidays, with the understanding special events would not be included; the City would implement this plan for an experimental period of one year; the Council would receive quarterly reports assessing the revenue situation as it related to the implementation of this parking plan, and if necessary, review a funding mechanism if the shortfall appeared to be large; to accept the Petitions bearing 3,680 signatures supporting free parking; to make this plan effective January 1, 2001; and as amended, to direct Staff to explore the establishment of a Special Service District at the earliest possible date, was approved by roll call vote.

Yeas: Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 8;

Nays: Duncan - 1.

Council Member Grayeb moved to establish free parking downtown after 5:00 P.M. on weekdays, all day weekends, and holidays, to commence as soon as possible, and the City would monitor the revenues coming in for the balance of the year 2000, but not allow this when special events, with a 500 person threshold, were taking place; seconded by Council Member Turner.

In discussion with Council Member Nichting, Mr. Ray said if this motion passed, Staff would bring back an Ordinance next week.

Council Member Grayeb questioned why this would have to be in an Ordinance. He indicated he would like for the Council to vote on the motion now so it would be effective.

Mr. Ray said he had some concern about setting the appropriate rates for the special event charges. He added that it would take a simple majority vote to overturn the previous parking plan, which was established May 23, 2000.

It was determined that lost revenue for the balance of 2000 would be \$42,250.00. Council Member Nichting questioned if a Budget amendment would be needed.

Council Member Sandberg said at this point, there would be a shortfall in the year 2000 Budget of \$20,652.00 to pay debt service. He said now there would be an additional \$42,250.00 shortfall and he felt this would require a Budget amendment.

Mr. Ray agreed the proposed motion would require a Budget amendment for the year 2000. He said to eliminate this source of income would inevitably require some sort of approval to invade another source to make payments that were anticipated to be made out of these funds. He said six votes would be needed to direct Staff to bring the Ordinance to the Council next week. He added six votes would be needed to enact the free parking plan tonight, but it may require bringing a Budget amendment back to the Council and that would take a super-majority vote.

Mr. Van Winkle urged the Council not to switch back and forth between parking rate systems during the remainder of 2000. He said he was concerned that the public would be totally confused.

Council Member Grayeb clarified his motion to establish free parking after 5:00 P.M. on weekdays, all day weekends and holidays, with the understanding this would happen with the passing of a Budget amendment, if the Corporation Counsel determined one would be required, and to direct Staff to set a level for special events at a 500-person threshold, and bring this back; the seconder agreed.

Mr. Ray confirmed in discussion it would go into effect only when it was determined whether a Budget amendment was needed, so this motion would only need six votes to successfully pass.

In discussion with Council Member Sandberg, Mr. Van Winkle stated he and the Corporation Counsel wanted to research further whether or not a Budget amendment would be required. He said, after this vote passed tonight, if it was found that a Budget amendment was not required, this vote would stand. He said if it was found that a Budget amendment was required, then it would take eight votes to pass, and free parking would not take effect until such time as that occurred.

Motion to establish free parking after 5:00 P.M. on weekdays, all day weekends and holidays, with the understanding this would happen with the passing of a Budget amendment, if the Corporation Counsel determined one would be required; to direct Staff to set a level for special events at a 500-person threshold and to bring this back, with the understanding if it was found that a Budget amendment was not required, this vote would stand, but if it was found that a Budget amendment was required, then it would take eight votes to pass; and free parking would not take effect until such time as that occurred was DEFEATED by roll call vote.

Yeas: Grayeb, Nichting, Thetford, Turner, Mayor Grieves – 5;

Nays: Duncan, Morris, Sandberg, Spears - 4.

Mr. Ray determined that the motion did not pass because six votes were needed for successful passage.

Council Member Grayeb moved to direct Staff to bring back an Ordinance at the September 26, 2000, Regular City Council Meeting to establish free parking after 5:00 P.M. on weekdays, all day weekends and holidays, with the understanding this would happen with the passing of a Budget amendment, if the Corporation Counsel determined one would be required, and to direct Staff to set a level for special events at a 500-person threshold; seconded by Council Member Sandberg,

Approved by roll call vote.

Yeas: Grayeb, Nichting, Spears, Thetford, Turner, Mayor Grieves – 6;

Nays: Duncan, Morris, Sandberg - 3.

(00-653) Communication from Director of Public Works Regarding SEARS BLOCK DEMOLITION – REPORT BACK.

Council Member Sandberg moved to defer this item for one week until the September 26, 2000, Regular City Council Meeting; seconded by Council Member Grayeb.

Motion to defer this item until September 26, 2000, was approved by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 9;

Nays: None.

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

B. Communication from Director of Public Works Regarding the DRAINAGE PROGRAM – REPORT BACK.

Mr. Van Winkle stated that a report, during the Budget Session, would be submitted to the Council regarding an update on alternatives. He said the Council could weigh their Budget decisions on that information.

Following a brief discussion with City Engineer Gene Hewitt, Council Member Thetford moved to receive and file the report backs regarding G.I.S./Community Mapping Project and the Drainage Program; seconded by Council Member Grayeb.

Approved by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 9;

Nays: None.

(00-668) Communication from Director of Public Works Regarding the Request for WORKSHOP with ILLINOIS DEPARTMENT OF TRANSPORTATION Regarding IMPROVEMENTS to I-74.

Director of Public Works Steve Van Winkle explained that representatives from I.D.O.T. indicated they would be interested in holding a workshop to inform the public of the status of improvements to I-74, but they felt it was premature at this time, and requested that it be postponed for about six or seven months.

Council Member Grayeb moved to receive and file the communication regarding the request for a workshop with Illinois Department of Transportation regarding improvements to I-74; seconded by Council Member Sandberg.

Motion to receive and file the communication regarding the request for a workshop with Illinois Department of Transportation regarding improvements to I-74 was approved by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,

Mayor Grieves – 9;

Nays: None.

NEW BUSINESS

(00-709) RESOLUTION Regarding the RELEASE OF EXECUTIVE SESSION MINUTES and REPEALING RESOLUTION NO. 00-697.

Corporation Counsel Randy Ray distributed a copy of this Resolution to all members of the City Council, and he explained there was a change to Schedule B.

Council Member Grayeb moved to approve the Resolution regarding the release of Executive Session Minutes, as amended to repeal Resolution No. 00-697 and add Section 4; seconded by Council Member Turner.

RESOLUTION NO. 00-709 repealing Resolution No. 00-697 was approved by roll call vote.

Yeas: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,

Mayor Grieves – 9;

Nays: None.

(00-710) DISCUSSION Regarding NEIGHBORHOOD CONCERNS About TRUCKS BACKING INTO KROGER'S LOADING DOCKS on WISCONSIN.

Council Member Thetford stated the Glen Oak Park Neighborhood Association had concerns regarding trucks going down Wisconsin Avenue and backing their trucks into the loading docks at Kroger. She stated she had requested that the Director of Planning and Growth Management review the situation, and she said he reported he had contacted Kroger and learned this was just a temporary measure and the activity would be ceased immediately.

(00-711) REQUEST for the INSTALLATION of SAFETY FEATURES Around the School in the Area of WISCONSIN AND ARCADIA STREETS.

Council Member Thetford referred to the recent death of a young boy at the intersection of Wisconsin and Arcadia Streets, and on behalf of the school and the neighborhood, she requested the Public Works Staff to bring back in two weeks a report regarding safety and traffic issues around the school, in particular along Wisconsin, from McClure to Frye Streets. She said petitions were being circulated for a crossing guard to be added at Wisconsin and Republic Streets, which would be a school district budget item, but would be manned by a Peoria Police Officer; one-way traffic on Frye for one hour in the morning and one hour in the afternoon; and a four-way stop at Wisconsin and Arcadia. She also requested the installation of additional 20 mph signs around the school, four-way stops at all the corners of the school, and the assistance of the Police Department to discuss street crossing safety in all the classes at the school.

COMMENTS by MR. TERRY KOHLBUSS Regarding the CONFERENCE to be Held on September 25, 2000.

Mr. Terry Kohlbuss, Executive Director of the Tri-County Regional Planning Commission, reminded the Council about a Conference, which would include speaker David Rusk, to be held on Monday, September 25, 2000, at the Wildlife Prairie Park Conference Center beginning at 9:00 A.M.

REMINDER Regarding the COUNCIL BUDGET RETREAT to be held on September 23, 2000

Acting City Manager Steve Van Winkle reminded the Council a Council Budget Retreat would be held on Saturday, September 23, 2000, at the Fire Academy on Galena Road beginning at 8:30 A.M. until 12:00 noon.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL**(00-712) REQUEST by CITIZENS to Address the City Council Regarding the Possibility of Placing a Hooters Restaurant on the Riverfront.**

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

Ms. Edith Stubbs spoke in opposition of using public money to finance a Hooters Restaurant on the Riverfront.

Mr. Steve Lu, 7234 N. Crabapple court, spoke in opposition to a Hooters Restaurant being built on the Riverfront. He said he felt the City opened themselves to additional litigation and he urged to Council to vote no.

Rev. Tony Pierce, 2107 N. Maryland, urged the City to continue the support of minority owned businesses on the Riverfront and especially the business planned for the Edgewater Building. He expressed concern about the lack of minority participation in past projects, and disparity in employment opportunity, wealth and incarceration. He urged the Council to assist more minority owned businesses to thrive in the City of Peoria.

Mr. Ron Skinner, 7514 N. Galena Road and 120 S. W. Water Street, stated he owned a retail business in Riverfront Village and he expressed concern about the development of the Riverfront. He said, in order to survive, his business needed other businesses to locate there and draw people to the Riverfront. He discussed the potential of the Riverfront and urged the City to do something to get business moving. He said he felt the parking plan discussed at this meeting would work and would benefit the community.

Council Member Duncan left the Council Chambers.

EXECUTIVE SESSION**(00-713) Consideration of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 2(c)(6) The setting of a price for sale or lease of property owned by 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 Grayeb moved that the Council go into an Executive Session to discuss 2(c)(6) The setting of a price for sale or lease of property owned by 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: Grayeb, Morris, Thetford, Turner, Mayor Grieves – 5;

Nays: Nichting, Sandberg, Spears - 3.

The Council moved to Room 404 in City Hall to hold an Executive Session at 10:20 P.M .

RECONVENING OF THE CITY COUNCIL

City Clerk Mary Haynes noted the following members present: Duncan, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 9; Absent: Ardis, Gibson – 2.

Council Member Grayeb moved that the Council reconvene the Council Meeting; seconded by Council Member Turner.

The Council concurred. The City Council reconvened at 10:21 P.M.

NEW BUSINESS

(00-714) CONSIDERATION of a MOTION to Direct the Corporation Counsel to SETTLE the CITY'S DISPUTE WITH THE RIVERFRONT VILLAGE DEVELOPERS Pursuant to the Terms Addressed in the Draft Terms Sheet which Included the PLACEMENT OF A HOOTERS RESTAURANT ADJACENT TO THE EDGEWATER BUILDING, PHASE II DEADLINE EXTENDED, and POSSIBLE PLACEMENT OF A RESTAURANT IN THE N-3 BUILDING with the Final Agreement to be brought forth to the City Council in two weeks at the October 3, 2000, Regular City Council Meeting.

Council Member Turner moved to direct Corporation Counsel to settle the City's dispute with the Riverfront Village Developers pursuant to the terms addressed in the draft terms sheet which included the placement of a Hooters Restaurant adjacent to the Edgewater Building, Phase II deadline extended, and possible placement of a restaurant in the N-3 building with the final agreement to be brought forth to the City Council in two weeks at the October 3, 2000, Regular City Council Meeting; seconded by Council Member Grayeb.

Hearing no objections, Mayor Grieves granted Privilege of the Floor to those who wished to address the issue. No one came forward.

Motion to direct Corporation Counsel to settle the City's dispute with the Riverfront Village Developers pursuant to the terms addressed in the draft terms sheet which included the placement of a Hooters Restaurant adjacent to the Edgewater Building, Phase II deadline extended, and possible placement of a restaurant in the N-3 building with the final agreement to be brought forth to the City Council in two weeks at the October 3, 2000, Regular City Council Meeting was approved by roll call vote.

Yeas: Duncan, Grayeb, Morris, Thetford, Turner, Mayor Grieves – 6;

Nays: Nichting, Sandberg, Spears - 3.

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 11:45 P.M.