

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

Council Chambers, Peoria, Illinois, December 12, 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: Ardis, Duncan (arrived at 6:25 P.M.), 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 “JOYFUL”****PROCLAMATIONS, COMMENDATIONS, ETC.**

PRESENTATION: PEORIA AREA CIVIC CHORALE: A CHRISTMAS CARD TO PEORIA

PROCLAMATION: SISTER NORMA REIPLINGER of the SOUTH SIDE OFFICE OF CONCERN

Council Member Thetford left the Council Chambers.

**MINUTES**

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

Approved by roll call vote.

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

Nays: None.

Council Member Thetford returned to the Council Chambers.

**PETITIONS, REMONSTRANCES & COMMUNICATIONS****CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE:**

(00-907) **BIDS for ASBESTOS ABATEMENT, Recommending the LOW BID of M&O**  
\* **ENVIRONMENTAL COMPANY, in the Amount of \$6,880.00, for 511, 513 and 519**  
**S. W. ADAMS STREET.**

(00-908) **BIDS for FIRE FIGHTING EQUIPMENT, Recommending the BIDS as Outlined,**  
**for a Total Amount of \$61,887.26.**

(00-909) **Communication from Corporation Counsel Requesting Authorization to HIRE the**  
**Firm of HINSHAW & CULBERTSON to Represent the City with In-House Legal**  
**Staff in the Case of ADAMS, et al. v. CITY OF PEORIA.**

- (00-910) **Communication from Corporation Counsel Requesting Authorization to HIRE the Firm of HOWARD & HOWARD to Support In-House Legal Staff in the Defense of HUFFHINES v. CITY OF PEORIA.**
- (00-911) **\*\* Communication from Director of Economic Development Requesting Approval of the ACQUISITION OF REAL ESTATE SETTLEMENT OFFER for 705 S. W. ADAMS STREET for the General Store Antiques, in the Amount of \$115,000, for the DOWNTOWN STADIUM PROJECT, and Authorize the City Manager to Execute the Necessary Documents.**
- (00-912) **Communication from Director of Public Works Requesting Concurrence in the GREATER PEORIA SANITARY DISTRICT'S Award of the MISCELLANEOUS EMERGENCY SEWER REPAIRS 2001 CONTRACT to WIEGAND AND STORRER, INC.**
- (00-913) **Communication from Mayor Lowell G. Grieves with RESOLUTION NO. 00-913 to SUPPORT the EFFORTS of the GALENA TRAIL and COACH ROAD COMMITTEE to Mark OLD GALENA TRAIL.**
- (00-914) **Communication from Corporation Counsel with ORDINANCE NO. 15,052 in Connection with RIGHTS and RESPONSIBILITIES Related to LOCALLY IMPOSED and ADMINISTERED TAXES of the City of Peoria.**

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

Council Member Nichting requested that Item Nos. 00-907 and 00-911 be removed from the Consent Agenda for further discussion.

Item Nos. 00-907 through 00-914, excluding Item Nos. 00-907 and 00-911 (which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

- (00-907) **\* BIDS for ASBESTOS ABATEMENT, Recommending the LOW BID of M&O ENVIRONMENTAL COMPANY, in the Amount of \$6,880.00, for 511, 513 and 519 S. W. ADAMS STREET.**

Council Member Nichting stated he would be abstaining from the vote due to his ownership of property in the vicinity of the Downtown Stadium and this item pertained to the area of the Downtown Stadium.

Council Member Turner moved to accept the low bid of M&O Environmental Company, for asbestos abatement, in the amount of \$6,880.00, for 511, 513 and 519 S. W. Adams Street; seconded by Council Member Morris.

Approved by roll call vote.

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

Nays: None;

Abstention: Nichting - 1.

- (00-911)      Communication from Director of Economic Development Requesting Approval of  
\*\*      the ACQUISITION OF REAL ESTATE SETTLEMENT OFFER for 705 S. W.  
         ADAMS STREET for the General Store Antiques, in the Amount of \$115,000, for  
         the DOWNTOWN STADIUM PROJECT, and Authorize the City Manager to  
         Execute the Necessary Documents.**

Council Member Nichting stated he would be abstaining from the vote due to his ownership of property in the vicinity of the Downtown Stadium and this item pertained to the area of the Downtown Stadium.

Council Member Turner moved to approve the acquisition of a real estate settlement offer for 705 S. W. Adams Street for the General Store Antiques, in the amount of \$115,000, for the Downtown Stadium Project, and authorize the City Manager to execute the necessary documents; seconded by Council Member Morris.

Approved by roll call vote.

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

Nays: None;

Abstention: Nichting - 1.

- (00-915)      Communication from Director of Public Works Requesting Approval of the  
         AGREEMENT OF UNDERSTANDING for MAINTENANCE AND  
         CONSTRUCTION with the ILLINOIS DEPARTMENT OF TRANSPORTATION,  
         and Authorize the City Manager to Sign the Agreement.**

Council Member Nichting moved to approve the Agreement of Understanding for maintenance and construction with Illinois Department of Transportation and authorize the City Manager to sign the agreement; 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.

- (00-916)      Communication from Director of Public Works Requesting Approval of the  
         PUBLIC HIGHWAY BRIDGE OR UNDERPASS CROSSING AGREEMENT with  
         the UNION PACIFIC RAILROAD COMPANY for the CHARTER OAK ROAD  
         EXTENSION PROJECT and a NEW RAILROAD BRIDGE, and Authorize the  
         City Manager to Sign the Agreement, Including Proceeding with the Filing of the  
         Necessary Petition with the Illinois Commerce Commission.**

Council Member Nichting moved to approve the Public Highway Bridge or Underpass Crossing Agreement with the Union Pacific Railroad Company for the Charter Oak Road Extension Project and a new railroad bridge, and authorize the City Manager to sign the Agreement, including proceeding with the filing of the necessary Petition with the Illinois Commerce Commission; seconded by Council Member Turner.

In discussion with Council Member Nichting, Director of Public Works Steve Van Winkle and City Engineer Gene Hewitt explained the filing date and that an order would be obtained by about April, 2001. He said the project would be bid by June, 2001, with a 12 to 15-month construction period for the first section, and the balance of the project would go under contract about a year from June. He estimated 18 to 24-months to complete the last phase of the construction of the roadway, so the project should be finished in 2004. He added 2004 was about a year ahead of the date the bridge would have to be removed, and the road would be closed completely at that time.

Motion to approve the Public Highway Bridge or Underpass Crossing Agreement with the Union Pacific Railroad Company for the Charter Oak Road Extension Project and a new railroad bridge, and authorize the City Manager to sign the Agreement, including proceeding with the filing of the necessary Petition with the Illinois Commerce Commission was approved by roll call vote.

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

Nays: None.

**(00-917) Communication from Corporation Counsel with ORDINANCE Approving the TRANSFER of a CABLE TELEVISION FRANCHISE from AT&T CONSUMER SERVICES to INSIGHT INDIANA.**

Council Member Nichting moved to adopt the Ordinance approving the transfer of a Cable Television Franchise from AT&T Consumer Services to Insight Indiana; seconded by Council Member Turner.

In discussion with Council Member Nichting regarding service concerns, Corporation Counsel Randy Ray said discussions had been held with Insight Indiana and it was their intent to upgrade service and provide high speed internet access. He added the franchise agreement was limited in having authority regarding the channels that the community would have access to, but he said Insight Indiana was a smaller company and could be more responsive to the needs of their customers. He referred to the franchise fees that would be owed to the City, and he said charges had been discussed. He said he felt those issues had been adequately addressed.

In discussion with Council Member Thetford about unresolved issues with AT&T, Mr. Ray said he felt there had been sufficient dialogue regarding the issues and he felt these issues could be negotiated fairly without conditioning the approval on the resolution of these issues.

Council Member Gibson requested a letter of intent from Insight Indiana regarding programming.

Mr. Ray said the request could certainly be made, but there was a limited basis on which to approve the transfers. He said the current cable franchise expired in 2006, so hopefully there would be a better agreement at that time, but it was difficult to utilize the process to renegotiate aspects of the franchise agreement or extract changes in services.

Motion to adopt ORDINANCE NO. 15,053 approving the transfer of a Cable Television Franchise from AT&T Consumer Services to Insight Indiana was approved by roll call vote.

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

Nays: None.

**(00-918) SITE APPROVAL for a CLASS "A" (TAVERN) LIQUOR LICENSE, with a SUBCLASS 1 (4:00 A.M.), SUBCLASS #2 (LIVE ENTERTAINMENT), for 112 S. W. JEFFERSON, with Recommendation from the Liquor Commission to Approve and the Peoria Police Department to DENY.**

Council Member Sandberg said he would be abstaining from the vote due to his business relationship with the petitioner.

Council Member Duncan moved to concur with the recommendation of the Liquor Commission to approve the Site Approval for a Class "A" (Tavern) Liquor License, with a Subclass 1 (4:00 A.M.), Subclass #2 (Live Entertainment), for 112 S. W. Jefferson; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstention: Sandberg - 1.

### UNFINISHED BUSINESS

**(00-863) Communication from Director of Planning and Growth Management with ORDINANCE Rezoning Property Located at 7323 N. KNOXVILLE AVENUE from the Present Class R-2 District (Single Family Residential) to a Class O-1 District (Arterial Office).**

Council Member Nichting moved to grant Privilege of the Floor to those who wished to address this issue.

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

Ms. Joan O'Neil, 7400 N. Patton Lane, spoke against the proposed rezoning. She said she spoke on behalf of her neighbors, Mr. And Mrs. Joe Sprenger at 7402 N. Patton Lane. She explained that the trees planted by the petitioner were inadequate for buffering and she urged the Council to vote no.

Mr. Tom McMorrow, Architect for the project, discussed the extensive trees and landscaping that would buffer neighboring properties. He urged the Council to vote in favor of the proposed rezoning.

Council Member Nichting moved to adopt the Ordinance rezoning property located at 7323 N. Knoxville Avenue from the present Class R-2 District (Single Family Residential) to a Class O-1 District (Arterial Office); seconded by Council Member Ardis.

ORDINANCE NO. 15,054 was adopted by roll call vote.

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

Nays: None.

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

Council Member Thetford indicated there were a number of issues to be worked out on this request, and she moved to table this item; seconded by Council Member Gibson.

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

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

Nays: None.

- (00-882) ORDINANCE Rezoning Property Located at 1205 W. FLORENCE from the Present Class R-3 District (Single Family Residential) to a Class C-1 District (General Commercial) and Granting a SPECIAL USE for AUTO SALES, with Conditions.**

Council Member Gibson said this item had been deferred with the anticipation of holding neighborhood discussion on December 11<sup>th</sup> but the snow storm made it impossible to hold the meeting. She added the meeting would be rescheduled for a later date, but the date was unknown at this time. She said she wanted to alert those interested in this issue so they would not attend the Council Meeting on December 19, 2000, expecting Council discussion. She said, at the December 19, 2000, Council Meeting, she intended to request a deferral for this item until after a neighborhood meeting could be held.

- (98-837) Request for REPORT BACK Regarding Compliance with Conditions for a Special Use in a Class C-1 District (General Commercial) for a CAR WASH/AUTO SERVICE/CONVENIENCE STORE for 1213 E. McCLURE AVENUE.**

Council Member Thetford requested a report back regarding required conditions for the Special Use, and to what extent the petitioner had adhered to those conditions. She said she would like the report back sometime in the middle of January, 2001.

- (98-1030) Request for REPORT BACK Regarding Compliance with Conditions for a Special Use in a Class I-2 District (Railroad/Warehouse Industrial) for MEAT PROCESSING AND PACKAGING for 2210 N. E. PERRY AVENUE.**

Council Member Thetford requested a report back regarding required conditions for the Special Use, and to what extent the petitioner had adhered to those conditions. She said she would like the report back sometime in the middle of January, 2001.

**COMMENTS Regarding the PUBLIC WORKS DEPARTMENT'S Handling of the DECEMBER 11, 2000, SNOW EVENT**

Mayor Grieves commended the Public Works Department Staff for the excellent manner in which the December 11<sup>th</sup> Snow Event was handled.

Director of Public Works Steve Van Winkle commended his staff for giving 100% during this early snow storm. He indicated the 2000 Budget would definitely be impacted by this storm, but he felt they did everything possible to provide a reasonable level of service for the community during this time. In discussion, he explained the Snow Plan and the priorities set by the Snow Plan. He explained the goal of the Snow Plan was to provide early plowed streets within two to three blocks of every home.

Further discussion was also held regarding the removal of parked vehicles from streets and the ticketing process.

- (00-743) DISCUSSION Regarding the 2001 CITY OF PEORIA BUDGET and a Possible Raise in Amusement Tax.**

Council Member Nichting distributed copies of letters from George Kerasotes Theater Corporation, Goodrich Quality Theaters, Inc., the Clubs at River City, Wee Tee Driving Range and Miniature Golf, Bowl Mor Lanes, Mt. Hawley Bowl, Town and Country Bowl and Landmark Lanes expressing concern about an amusement tax increase.

Council Member Nichting said he had received information indicating that the theater industry was in a state of decline, with many companies filing bankruptcy. He spoke against an increase in the Amusement

Tax, and he said before this potential revenue stream was seriously considered, the Council should consider the possible impact.

Council Member Grayeb spoke in support of the City finding a new revenue stream, and he urged other Council Members to come forward with constructive ways to fund the needs of the City.

Mayor Grieves agreed a new revenue stream would be needed, but he did not feel that fully funding the needs of the Retirees should come before doing away with the Riverfront Development Department. He added that he felt any new revenue should be held in reserve for the development of the Sears Block.

Council Member Grayeb suggested that parking on the Riverfront and Downtown should have one standard charge for parking. He added there should not be a divided policy. He added a decision needed to be made prior to January 1, 2001, and would not have to be part of the Budget process.

Council Member Gibson spoke in support of the proposed Budget as it stood. She indicated that if a tax increase was going to be considered, the Council should consider it carefully and move slowly.

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

#### **(00-919) Request by CITIZENS to ADDRESS the CITY COUNCIL.**

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

Mr. Doug Holmes, owner of Landmark Lanes, expressed concern that if the City passed an increase in the Amusement Tax, the City would be taking money from established local businesses and giving it to new competition in the downtown area.

The Manager of Willow Knolls Theaters spoke against an increase in the Amusement Tax.

### **EXECUTIVE SESSION**

#### **(00-920) Consideration of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 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 Turner moved that the City Council go into Executive Session to discuss 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 Duncan.

Approved by roll call vote.

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

Nays: None.

### **ADJOURNMENT**

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

Approved by viva voce vote.

The Council Meeting adjourned at 8:05 P.M.

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