

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

Council Chambers, Peoria, Illinois, April 27, 2004, a Regular Meeting of the City Council was held this date at 6:17 P.M., at City Hall, Council Chambers, 419 Fulton Street, Mayor David P. Ransburg presiding.

ROLL CALL

Roll call showed the following Council Members present: Ardis, Grayeb, Gulley, Morris (arrived at 6:20 P.M.), Nichting, Sandberg (arrived at 6:20 P.M.), Spears (arrived at 6:25 P.M.), Teplitz, Thetford (arrived at 6:19 P.M.), Turner, Mayor Ransburg – 11; Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ransburg requested a moment of silent prayer and then he led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: POLICE SUPERINTENDENT JOHN W. STENSON

PROCLAMATION: PEOPLE WHO PLANT TREES LEADERSHIP AWARD –
COUNCIL MEMBER CLYDE GULLEY

PROCLAMATION: ARBOR DAY – APRIL 30, 2004

PROCLAMATION: BUCKLE UP AMERICA MONTH – MAY 2004

MINUTES

Council Member Nichting moved to approve the minutes of the Executive Sessions held on April 3 and April 20, 2004, and the minutes of the Annual Town Meeting, the Annual Meeting of the Town Board of Trustees, and the Regular City Council Meeting held on April 20, 2004, as printed, with a clarification to Page 26509, Item No. 04-157, that only the Ordinance was reconsidered and not the Council communication; 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, for the City of Peoria, with Recommendations as Outlined:

(04-177) Communication from the City Manager and Superintendent of Police Requesting Authorization to PURCHASE PERIPHERAL MOBILE DATA COMPUTER EQUIPMENT for Police Vehicles through the Local Law Enforcement Block Grant (LLEBG), in the Amount of \$22,767.00.

- (04-178) Communication from the City Manager and Director of Public Works Requesting Approval of the PROFESSIONAL SERVICES AGREEMENT with CLARK DIETZ, INC. for STORMWATER ENGINEERING SERVICES-2004, in an Amount Not to Exceed \$360,000.00.
- (04-179) Communication from the City Manager and Director of Public Works Requesting Approval to PURCHASE REAL ESTATE Located at 2010 W. FORREST HILL AVENUE for Right-of-Way for the WEST FORREST HILL AVENUE IMPROVEMENT PROJECT, from OSB, LLC, in the Amount of \$65,200.00.
- (04-180) Communication from the City Manager and Director of Public Works Requesting Approval of SIDEWALK PARTICIPATION REQUEST at the EASLEY PROPERTY Located at 1029 W. HOWETT STREET, in the Amount of \$13,838.12.
- (04-181) Communication from the City Manager and Director of Public Works Requesting Approval of SIDEWALK PARTICIPATION REQUEST at CRAIG UPHOLSTERY, Located at 2616 N. SHERIDAN ROAD, in the Amount of \$12,817.64.
- (04-182)
* Communication from the City Manager and Corporation Counsel Requesting SITE APPROVAL for a Class E-1 (Private Club) LIQUOR LICENSE at 456 FULTON, SUITE 186, with Recommendation from the Liquor Commission to Approve.
- (04-183)
** Communication from the City Manager and Corporation Counsel Requesting EXPANSION of the SITE for the Class A (Tavern), Subclass 1A (2:00 a.m.), Subclass 2 (Live Entertainment), with the Additional Subclass 3 (Beer Garden) LIQUOR LICENSE at 807 S. W. ADAMS, with Recommendation from the Liquor Commission to DENY.
- (04-184) APPOINTMENTS by Mayor David P. Ransburg to the ADVISORY COMMITTEE FOR THE DISABLED:
- | | |
|--------------------------|----------------------|
| Melody Reynolds (Voting) | Term Expires 6/30/06 |
| James L. Runyon (Voting) | Term Expires 6/30/05 |
- (04-185) APPOINTMENTS by Mayor David P. Ransburg to the PEORIA MEDICAL AND TECHNOLOGY ADVISORY COMMISSION:
- | | |
|-------------------------------|----------------------|
| V.R. (Mike) Mitchell (Voting) | Term Expires 6/30/04 |
|-------------------------------|----------------------|
- (04-186) REPORTS, with Recommendation to Receive and File:
- A. REPORT OF CITY TREASURER REGINALD A. WILLIS – March, 2004.
 - B. PEORIA PUBLIC LIBRARY FINANCIAL REPORT – March 31, 2004.
 - C. PEORIA PUBLIC LIBRARY STATISTICAL REPORT – March 31, 2004.
 - D. TOWN OF THE CITY OF PEORIA FINANCIAL REPORT – Period Ending March 31, 2004.

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

Council Member Nichting requested that Item No. 04-182 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested that Item No. 04-183 be removed from the Consent Agenda for further discussion.

Item Nos. 04-177 through 04-186 (excluding Item Nos. 04-182 and 04-183 which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

**(04-182)
* Communication from the City Manager and Corporation Counsel
Requesting SITE APPROVAL for a Class E-1 (Private Club) LIQUOR
LICENSE at 456 FULTON, SUITE 186, with Recommendation from the
Liquor Commission to Approve.**

Corporation Counsel Randy Ray distributed a replacement communication to all members of the City Council.

Council Member Nichting moved to approve the site for a Class E-1 (Private Club) Liquor License at 456 Fulton, Suite 186; 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.

**(04-183)
** Communication from the City Manager and Corporation Counsel
Requesting EXPANSION of the SITE for the Class A (Tavern), Subclass 1A
(2:00 a.m.), Subclass 2 (Live Entertainment), with the Additional Subclass 3
(Beer Garden) LIQUOR LICENSE at 807 S. W. ADAMS, with
Recommendation from the Liquor Commission to DENY.**

Council Member Sandberg said he would be abstaining from the vote due to his professional relationship to the project.

Council Member Gulley moved to defer this item for one week until the May 4, 2004, Regular City Council Meeting; seconded by Council Member Morris.

Motion to defer this item until May 4, 2004, was approved by roll call vote.

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

Nays: None;

Abstention: Sandberg - 1.

UNFINISHED BUSINESS

- (04-157) Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to Zoning for Various Text Adjustments that all New Buildings and Additions, plus any Façade Improvements in Excess of \$10,000.00, in the WEST MAIN STREET CORRIDOR (As Identified within the Medical and Technology District Boundaries) Shall Require a SPECIAL USE. (A Motion to Adopt the Ordinance is Before the Council.)**

The motion on the Floor was to adopt an Ordinance amending Appendix B of the Code of the City of Peoria relating to Zoning for various Text Adjustments that all new buildings and additions, plus any façade improvements in excess of \$10,000.00, in the West Main Street Corridor (as identified within the Medical and Technology District boundaries) shall require a Special Use; and was seconded by Council Member Turner.

ORDINANCE NO. 15,614 was approved by roll call vote.

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

Nays: Nichting, Sandberg, Spears - 3.

- (04-166) Reconsideration of ORDINANCE NO. 15,610 Granting a SPECIAL USE in a Class R-3 (Single Family Residential) District for CHURCH FACILITIES to Include a TWENTY-SQUARE FOOT, FIVE-FOOT HIGH SIGN for Property Located at 3331 N. FINNELL, and Place this Item on the May 4, 2004, City Council Agenda.**

Council Member Spears moved to reconsider Ordinance No. 15,610 granting a Special Use in a Class R-3 (Single Family Residential) District for Church Facilities to include a twenty-square foot, five-foot high sign for property located at 3331 N. Finnell, and place this item on the May 4, 2004, City Council Agenda; seconded by Council Member Ardis.

Motion to reconsider and place on the May 4, 2004, was approved by roll call vote.

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

Nays: None.

- (04-175) Discussion Regarding Costs and Procedures Regarding Returning the 140 Foot Section of Street on HIGH STREET from a Two-Way Street to a One-Way Street.**

Council Member Grayeb referred to the amount of money expended to convert High Street to a two-way street which was reported in the recent City Manager Issues Update, and he questioned the sentence stating that the policy on streets could be changed by Ordinance. He questioned if the change to a two-way street on High Street was an act that was not authorized.

Corporation Counsel Randy Ray said he felt changing High Street to a two-way street should have been done by Ordinance rather than administratively. He said he would be clarifying this area of traffic schedules and who had the authority to make changes in the near future.

City Manager Randy Oliver said they needed to make sure the policy was clear and everyone had the same understanding of the policy.

Council Member Grayeb questioned which portion of the Budget was used for the \$1,086.66 expended for the street change. He also questioned if this included the amount expended for returning the street to a one-way street.

Director of Public Works Steve Van Winkle said the funding came from various line items within the Public Work's budget. He said the labor was paid by the people hired and the money expended for materials was in the report. He said the signs were reused, labor to remove the signs was \$275.60, and \$35.85 was spent on equipment for a total of \$311.45. He said the total cost for installing the two-way street and returning it to a one-way street was \$1,398.11.

Council Member Grayeb questioned if directional changes to streets should first be routed through the Traffic Commission.

City Manager Randy Oliver agreed that was his understanding of the procedure.

Council Member Sandberg thanked the City Manager for the information that was provided regarding this issue, but he said he was still confused as to how this situation changing the 140 foot portion of High Street from a one-way street to a two-way street occurred. He said he was concerned that this situation occurred so quickly. He also pointed out he had requested to know what the procedure was, not what the policy was, for changing the street.

NEW BUSINESS

(04-187) Request for a REPORT BACK Regarding the CITY'S POLICY of WAI VING the Need for INSURANCE for PARADES.

Council Member Turner requested a report back regarding the City's policy of waiving the need for insurance for parades. He said there was a parade permit issued for a parade and event on April 23, 2004, that started in the Civic Center parking lot and led to a downtown business. He said the event caused overtime for Police Officers, Public Works employees, and every parking meter was bagged all day on Friday. He said there was some tension because of the people participating in the event. He questioned why insurance was waived on this event. He said he would like the report back to come back to members of this Council.

Corporation Counsel Randy Ray said he would respond to the Council in the City Manager Issues Update, but he said the First Amendment rights of those wishing to protest were implicated and to turn them down for a parade permit on the basis of their inability to obtain insurance would probably have violated their First Amendment rights. He said he was aware they had made a good faith effort to obtain insurance but were unable to do so.

Council Member Turner said this was an event that could have caused problems. He expressed concern that the City ended up bearing the costs for this event.

Council Member Nichting requested that the report back include information that when the issue was a First Amendment issue, could the City recover their costs related to the event.

Corporation Counsel Randy Ray said he would respond in the City Manager Issues Update.

Council Member Gulley expressed concern that other groups had tried to follow the City's procedure but were denied permits because of lack of insurance.

COMMENTS Regarding New Business ELM Locating on the Riverfront

Council Member Morris commended the new business ELM that would be located on the Riverfront. He welcomed them to the downtown area. He suggested initiating a program that would embrace businesses who do business in our community.

COMMENTS Regarding CHANGES to the FRONT of the CITY COUNCIL AGENDA

Council Member Nichting mentioned the City's web site and some additional items that had been added to the front of the City Council Agenda that citizens may want to note.

INVITATION to PLANT A TREE on the CORNER of GARRETT and MacARTHUR STREETS

Council Member Gulley invited citizens and City Council Members to join him in planting an oak tree on the corner of Garrett and MacArthur Streets on Friday, April 30, 2004, at 11:00 A.M.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(04-188) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding the HAZARD of the PDC HAZARDOUS WASTE LANDFILL.

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

Mr. Tom Edwards, 2702 N. Peoria Avenue, distributed information regarding the hazards of the PDC Hazardous Waste Landfill to all members of the Council. He expressed concern that toxic chemicals were being placed on the PDC Hazardous Waste Landfill located on the City's west edge. He urged that the expansion of the landfill be rejected, that the permanent closure of the landfill should begin now, detoxify hazardous waste and recycle the waste for beneficial uses.

(04-189) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding PETITIONS Concerning Residential, Commercialization and Zoning on the Corners of Main, University and Elmwood Streets.

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

Ms. Camille Gibson, 1627 W. Columbia Terrace, distributed a communication and sample petition that was circulated in support of properties presently zoned residential along University Street, Main Street and Elmwood Avenue in the Uplands remaining zoned residential to all members of the City Council.

Ms. Gibson said residents had become increasingly concerned about rumors regarding a large-scale commercial development on Main Street from University towards Western Avenue. She said the residents were disturbed because this kind of development would impact their quality of life, potential investments and initiatives of returning rental property to homeownership, and it was unsettling to those living in the immediate proximity to the proposed development. She said petitions were circulated, which were being filed with the City Clerk. She said one of the dangers feared by the neighborhood was unpredictable commercial development on the arteries bordering the neighborhood. She said this would bring increased traffic, litter, noise and other issues that impacted quality of life issues.

Ms. Gibson said a copy of the petitions would be forwarded to Walgreen Company's regional office and their real estate manager in Deerfield, Illinois. She said the residents wanted it to be quite clear that large-scale development was unacceptable to the neighborhood. She said those who had spent so much time and effort, and had invested heavily in their homes, should direct the changes to that area of the neighborhood. She presented the Petitions bearing 330 signatures to the City Clerk. She said the neighborhood felt it was imperative to take a proactive stance and make their feelings known that the neighborhood intended to direct their own future.

Council Member Nichting moved to make the communication and Petitions bearing 330 signatures opposing commercial expansion along University, Main and Elmwood in The Uplands a part of the permanent record; 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.

EXECUTIVE SESSION

(04-190) Requesting Approval of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)(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 for the City Council to go into Executive Session to Discuss 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)(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: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 7:05 P.M.