

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

Council Chambers, Peoria, Illinois, June 1, 2004, a Regular Meeting of the City Council of the City of Peoria was held this date at 6:15 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 (Arrived at 6:40 P.M.), Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg – 10; Absent: Spears – 1.

INVOCATION & PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: 20TH ANNIVERSARY of OSF ST. FRANCIS MEDICAL CENTER LIFE FLIGHT AIR TRANSPORT SERVICE

PROCLAMATION: NATIONAL FLAG DAY – FLAG PRESENTATION – June 14, 2004

PROCLAMATION: NATIONAL HUNGER AWARENESS DAY – June 3, 2004

PROCLAMATION: HISTORIC PRESERVATION AWARD: PEORIA PARK DISTRICT

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meetings held on May 18 and 25, 2004, and of the Executive Session held on May 25, 2004; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg - 9;

Nays: None.

Council Member Gulley arrived at 6:40 P.M.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

(04-251) Communication from Council Member Grayeb, Council Member Nichting, Mayor Ransburg, Council Member Turner, Council Member Ardis, Council Member Teplitz, Council Member Thetford, Council Member Morris, Council Member Gulley, and Council Member Spears Requesting Approval of the RESOLUTION NAMING the RIVERFRONT FESTIVAL PARK in Peoria, Illinois, the “JAMES W. BALDWIN RIVERFRONT FESTIVAL PARK.”

Council Member Grayeb moved to approve the Resolution naming the Riverfront Festival Park in Peoria, Illinois, the “James W. Baldwin Riverfront Festival Park”; seconded by Council Member Nichting.

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

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

Mr. Sid Banwart, representing Caterpillar's Chairman and Chief Executive Officer James W. Owens, read a letter to Mr. James W. Baldwin and requested that it be made part of the record.

"June 1, 2004

"Mr. James W. Baldwin
5740 N. University Avenue
Peoria, IL 61614

"Dear Jim:

"We were so pleased to learn of the Peoria City Council's action to rename the riverfront park the "James W. Baldwin Riverfront Festival Park." It is my privilege on behalf of the entire Caterpillar organization to offer our heartfelt appreciation for your tireless and successful work.

"Peoria's riverfront was barely a diamond in the rough when you accepted Mayor Maloof's challenge to provide leadership to this noble redevelopment task. I know at the time that too few of our fellow citizens really thought much could be done to improve Peoria's "front door." It didn't take too long for Peoria to realize what your Caterpillar colleagues have always known. And that is simply that if you want a tough job done right, give it to Jim!

"It is so deserving and appropriate that this prime part of our city's real estate be named for the man who gave so much of his time, talent and treasure to transform civic doubt into community pride. As I look out my window and see people walking along the riverfront, or congregating in the afternoon for a special event, or simply leaning on the railing and enjoying the view, I am thankful that Jim and Lou Baldwin decided to make Peoria their home.

"Jim, a community is only as great as the energy and dedication of its citizens in giving something back and creating a living legacy for generations to come. You have done that with regard to the riverfront and continue to do so in so many other worthwhile endeavors. Peoria is a better community for your commitment and selfless style of participation.

"Thank you for making all of us at Caterpillar very proud. Savor this recognition. Best personal wishes to you and Lou for continued success from all of your officer colleagues and friends at Caterpillar.

"Sincerely,

"James W. Owens"

Mr. Banwart said he wanted to add his personal congratulations to Jim Baldwin also.

Council Member Grayeb moved to enter the letter into the record; seconded by Council Member Nichting.

Council Member Thetford added her congratulations and commended Mr. Baldwin for his work on the Springdale Cemetery, which was also a difficult task.

Council Member Morris said this recognition was symbolic of Mr. Baldwin's personal contribution and his professional contribution. He said that Mr. Baldwin created a bridge between the City and volunteers, and he thanked Mr. Baldwin for that partnership which made Peoria a great City.

Council Member Sandberg explained in the recent past there was a naming controversy of a street and it had been decided at that time, before anything else was named for a person, there would be an objective criteria and review established for naming the City's assets. He said that objective criteria and review had not been developed so he said he could not support the proposed Resolution.

Council Member Teplitz said she was glad Mr. Baldwin was here to enjoy this well-deserved honor. She said she hoped Mr. Baldwin would remain in Peoria to enjoy the Park that was his namesake.

Council Member Turner said he felt privileged to have served with Mr. Baldwin on the Riverfront Commission and at Caterpillar. He said he understood the guidance and leadership that was needed to develop the riverfront to the point where it was today. He thanked and congratulated Mr. Baldwin on his accomplishments.

Council Member Grayeb said one of the most outstanding contributions made by Mr. Baldwin was from his position as Executive Director of the Heartland Water Resource Council. He commended Mr. Baldwin for his dedication to the protection of the City's greatest natural asset, which is the river. He also commended Mr. Baldwin on his efforts to rescue Springdale Cemetery, and he thanked him for his contributions to the entire Peoria community.

Council Member Ardis said he had an opportunity to serve on the Riverfront Commission for a period of time and it was clear to him that the Chairmanship of the Commission was a difficult charge. He said the issues were controversial, but Mr. Baldwin kept his focus to get many projects completed in a short amount of time. He thanked Mr. Baldwin for his dedication to the Riverfront and Springdale Cemetery.

Mayor Ransburg thanked Mr. Baldwin for his dedication to doing the right thing. He said there was never a doubt that Mr. Baldwin had leadership, influence and drive which benefited the Riverfront projects. He said he supported Mr. Baldwin's concept that the river needed to be protected and the river was a link to the past. He commended Mr. Baldwin for his outstanding efforts as a leader and volunteer.

Mr. Jim Baldwin thanked the City Council and the Caterpillar for their support. He expressed his appreciation to the City for their assistance in the Springdale Cemetery project. He said thousands of people visited the cemetery over the Memorial Day weekend and this was a significant change from where Springdale Cemetery had come just a short time ago.

Motion to approve RESOLUTION NO. 04-251 naming the Riverfront Festival Park in Peoria, Illinois, the "James W. Baldwin Riverfront Festival Park" and accept the letter from Caterpillar Chairman and Chief Executive Officer James W. Owens to Mr. Jim Baldwin into the record was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Thetford, Teplitz, Turner, Mayor Ransburg - 9;

Nays: Sandberg - 1.

CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE, for the City of Peoria, with Recommendations as Outlined:

- (04-252)** **BIDS for the NORTH HAMILTON ROAD STORM SEWER RECONSTRUCTION PROJECT, Recommending the LOW BID of P. J. HOERR, INC., in the Amount of \$526,446.75.**
*
- (04-253)** **Communication from the City Manager and Corporation Counsel Requesting that the City WAIVE its RIGHT of FIRST REFUSAL to PURCHASE the KATIE HOOPER under the RIVERBOAT LANDING AGREEMENT, and Authorize the City Manager to Execute any Documents that May be Necessary.**
**
- (04-254)** **Communication from the City Manager and Corporation Counsel Requesting Authorization for the City Manager to Execute the THIRD ADDENDUM to the AMENDED AND RESTATED RIVERFRONT VILLAGE REDEVELOPMENT AGREEMENT Extending the Phase II Expiration Date until June 30, 2008.**

- (04-255)** **Communication from the City Manager and Assistant Director of Economic Development Recommending Approval of the FIRST AMENDMENT to the SPRING GROVE DEVELOPMENT AGREEMENT Between the City of Peoria and Spring Grove Construction Limited Partnership for PHASE II of the SPRING GROVE RESIDENTIAL DEVELOPMENT.**
- (04-256)** **Communication from the City Manager and Assistant Director of Economic Development Recommending Approval of the ANNUAL RIVERFRONT VISITORS CENTER (RVC) OPERATING AGREEMENT with the PEORIA AREA CONVENTION AND VISITORS BUREAU (PACVB) and Authorize the City Manager to Execute the Agreement.**
- (04-257)** **Communication from the City Manager and Director of Planning and Growth Management with Recommendation to Approve the RESOLUTION Approving an AMENDMENT to the ALTERNATIVE SIDEWALK/WALKWAY SYSTEM PLAN for GROWTH CELL ONE and PROVIDE an ALTERNATIVE SIDEWALK/WALKWAY SYSTEM for GROWTH CELL TWO AND THREE (FARGO RUN)**

- (04-258)** **Communication from the City Manager and Director of Planning and Growth Management with Recommendation to Approve a RESOLUTION NO. 04-258 Approving, with Conditions, the PRELIMINARY PLAT of WILLOW KNOLLS BUSINESS PARK SUBDIVISION, a Commercial Development Located East of Radnor Road, West of Allen Road, Along the South Side of Willow Knolls Road.**
- (04-259)** **Communication from the City Manager and Director of Planning and Growth Management with Recommendation to Approve a RESOLUTION NO. 04-259 Approving, with Conditions, the PRELIMINARY PLAT of EVERLY PLACE SUBDIVISION, a Residential Development Located at 5519 N. UNIVERSITY STREET.**

- (04-260) Communication from the City Manager and Corporation Counsel
***** Recommending Adoption of an ORDINANCE Amending CHAPTER 28 of the Code of the City of Peoria Relating to TRAFFIC and MOTOR VEHICLES Regarding the Violation of Parking in Spaces Designated for the Disabled and Providing for Enforcement.
- (04-261) Communication from the City Manager and Corporation Counsel
Recommending Adoption of an ORDINANCE NO. 15,625 Amending CHAPTER 3 of the Code of the City of Peoria Relating to ALCOHOLIC BEVERAGES and the SUITABILITY OF SITE and that CLASS C and C-1, CLASS C-2 and C-3, CLASS C-4 and C-5, and CLASS E and E-1 Shall Each be Treated as the Same Class of License.
- (04-262) Communication from the City Manager and Finance Director/Comptroller
Recommending Adoption of an ORDINANCE NO.15,626 Amending the BUDGET for Fiscal Year 2004 of the City of Peoria Relating to POLICE TECHNOLOGY GRANT VIII.
- (04-263) Communication from the City Manager and Director of Planning and
***** Growth Management Recommending Adoption of an ORDINANCE
* Approving the FINAL PLAN of WILLIAMSBURG OAKS TOWNHOUSES, a Multi-Family Residential Development Located East of Big Hollow Road along the Southern Side of War Memorial Drive.
- (04-264) Communication from the City Manager and Director of Planning and
Growth Management Recommending Adoption of an ORDINANCE NO. 15,627 Approving the FINAL PLAN, with BUILDING ELEVATIONS, of OAKBROOK PARK VILLAS, a Multi-Family Development Located North of Deerbrook Road and South of Hickory Grove Road Along the East Side of Knoxville Avenue.
- (04-265) Communication from the City Manager and Director of Planning and
Growth Management Recommending Adoption of an ORDINANCE NO. 15,628 Granting a SPECIAL USE in a Class R-3 (Single-Family Residential) District for a RESIDENTIAL CLUSTER DEVELOPMENT (Single-Family Attached Dwelling Units) for Property Located at 8800-9100 BLOCK of the WEST SIDE of ROUTE 91.
- (04-266) SIDEWALK and CURB PARTICIPATION REQUEST – CATERPILLAR INC.,
***** 2400 S. W. WASHINGTON STREET, in the Amount of \$36,542.00.
**
- (04-267) Communication from the City Manager and Corporation Counsel
Requesting Approval for a CLASS “H” TEMPORARY OUTDOOR LIQUOR LICENSE for INDO AMERICAN SOCIETY OF PEORIA for an Event to be Held at FESTIVAL PARK, 200 WATER STREET for Saturday, July 17, 2004.
- (04-268) SITE APPLICATION for a CLASS “A” (Tavern) (Subclass 2) LIQUOR
***** LICENSE for 815 S. W. ADAMS STREET, with Recommendation from the
*** Liquor Commission to Approve.

- (04-269) APPOINTMENTS and REAPPOINTMENT by Mayor David P. Ransburg to the ADVISORY COMMISSION on HUMAN RESOURCES, with Recommendation to Concur:

APPOINTMENTS

Andrea L. Brown (Voting)
Hector M. Martinez (Voting)

Term Expires 6/30/07
Term Expires 6/30/07

REAPPOINTMENT

Dr. John McLean (Voting)

Term Expires 6/30/07

- (04-270) APPOINTMENT and REAPPOINTMENTS by Mayor David P. Ransburg to the ANIMAL REVIEW BOARD, with Recommendation to Concur:

APPOINTMENT

Roslyn Gott (voting)

Term Expires 6/30/06

REAPPOINTMENTS

Lynn Brender (Voting)
Paul Bullock (Voting)
Charles W. Kreie (Voting)
Joyce Lee (Voting)

Term Expires 6/30/06
Term Expires 6/30/06
Term Expires 6/30/06
Term Expires 6/30/06

- (04-271) APPOINTMENT and REAPPOINTMENTS by Mayor David P. Ransburg to the CONSTITUTION GARDEN ADVISORY COMMITTEE, with Recommendation to Concur:

APPOINTMENT

Carol Van Winkle (Voting)

Term Expires 6/30/05

REAPPOINTMENTS

Nancy Crawford (Voting)
Dr. Kurt W. Field (Voting)
James F. Hoerr (Voting)
Dorothy Sinclair (Voting)

Term Expires 6/30/07
Term Expires 6/30/07
Term Expires 6/30/07
Term Expires 6/30/07

- (04-272) APPOINTMENT and REAPPOINTMENTS by Mayor David P. Ransburg to the PEORIA PUBLIC LIBRARY BOARD, with Recommendation to Concur:

APPOINTMENT

Paula Bryant (Voting)

Term Expires 6/30/07

REAPPOINTMENTS

Michael J. McKenzie (Voting)
Andrea Stephens (Voting)

Term Expires 6/30/07
Term Expires 6/30/07

- (04-273) REAPPOINTMENTS by Mayor David P. Ransburg to the PLANNING COMMISSION, with Recommendation to Concur:

Scott C. Davis (Voting)
Henry D. Lawrence (Voting)
Suzi Miller (Voting)

Term Expires 6/30/07
Term Expires 6/30/07
Term Expires 6/30/07

(04-274) REAPPOINTMENTS by Mayor David P. Ransburg to the PUBLIC, EDUCATION & GOVERNMENT (P.E.G.) ACCESS FACILITY MANAGEMENT COMMISSION, with Recommendation to Concur:

H. Dan Kerns (Voting)

Term Expires 6/30/07

Sue Kingery (Voting)

Term Expires 6/30/07

Michael Meehan (Voting)

Term Expires 6/30/07

(04-275) REPORTS, with Recommendation to Receive and File:

1. PEORIA PUBLIC LIBRARY FINANCIAL REPORT – April 30, 2004.

2. PEORIA PUBLIC LIBRARY STATISTICAL REPORT – April 30, 2004.

(04-276) ADOPTION OF COMMITTEE REPORT Regarding BUDGET POLICY SESSION to REVIEW BUDGET POLICIES, the 2005-2014 CAPITAL IMPROVEMENT PROGRAM (CIP), and 2005 PRELIMINARY BUDGET CALENDAR.

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

Council Member Teplitz requested that Item No. 04-268 be removed from the Consent Agenda for further discussion.

Council Member Turner requested that Item No. 04-266 be removed from the Consent Agenda for further discussion.

Council Member Ardis requested that Item Nos. 04-252 and 04-260 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item Nos. 04-253, 04-254 and 04-263 be removed from the Consent Agenda for further discussion.

Council Member Nichting requested that Item No. 04-257 be removed from the Consent Agenda for further discussion.

Item Nos. 04-252 through 04-276 (excluding Item Nos. 04-252, 04-253, 04-254, 04-257, 04-260, 04-263, 04-266, and 04-268 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, Thetford, Teplitz, Turner, Mayor Ransburg - 10;

Nays: None.

(04-252) BIDS for the NORTH HAMILTON ROAD STORM SEWER RECONSTRUCTION PROJECT, Recommending the LOW BID of P. J. HOERR, INC., in the Amount of \$526,446.75.

*

On behalf of Council Member Spears who was absent but had spent many years working toward this project, Council Member Ardis requested that Director of Public Works Steve Van Winkle provide a history of the project.

Director of Public Works Steve Van Winkle gave a brief history of the project. He said the entire system of pipes would be replaced that had been installed in Rolling Acres in the 1950's.

Council Member Gulley left the Council Chambers at 7:00 P.M.

Council Member Sandberg moved to accept the low bid of P. J. Hoerr, Inc., in the amount of \$526,446.75, for the North Hamilton Road Storm Sewer Reconstruction Project; seconded by Council Member Grayeb.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor
Ransburg - 9;

Nays: None.

**(04-253) Communication from the City Manager and Corporation Counsel
** Requesting that the City WAIVE its RIGHT of FIRST REFUSAL to
PURCHASE the KATIE HOOPER under the RIVERBOAT LANDING
AGREEMENT, and Authorize the City Manager to Execute any Documents
that May be Necessary.**

Council Member Sandberg said as part of the landing development agreement with the current user and potential seller of the Katie Hooper, they were to provide food, beverage and entertainment on a not-to-cess basis for any 15-day period and the rent for this location was \$1.00 until \$2 million in gross revenue was reached. He said by this action, it would limit the revenue stream. He questioned how they would meet the food and beverage stipulation or should the City take this opportunity to negotiate a better redevelopment agreement. He expressed his concern and suggested that the City use this as an opportunity to renegotiate the terms of the agreement.

Corporation Counsel Randy Ray said the food and beverage provision remained and would not be changed by the proposed action.

Council Member Gulley returned to the Council Chambers at 7:05 P.M.

City Manager Oliver said the amount of food and beverage that was presently sold was modest at best. He said, if it was the wish of the Council, he would negotiate further to see if better terms could be negotiated and brought back to the Council.

Council Member Ardis discussed the agreement and he said there were very few restaurants in the City that grossed \$2 million a year. He said he felt it would be difficult to renegotiate the terms of the agreement. He said he felt there was higher value than dollars to removing the Katie Hooper from the Riverfront.

Council Member Gulley moved that the City waive its right of first refusal to purchase the Katie Hooper under the Riverboat Landing Agreement and authorize the City Manager to execute any documents that may be necessary; seconded by Council Member Thetford.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Thetford, Teplitz, Turner, Mayor
Ransburg - 9;

Nays: Sandberg - 1.

**(04-254) Communication from the City Manager and Corporation Counsel
*** Requesting Authorization for the City Manager to Execute the THIRD
 ADDENDUM to the AMENDED AND RESTATED RIVERFRONT VILLAGE
 REDEVELOPMENT AGREEMENT Extending the Phase II Expiration Date
 until June 30, 2008.**

In discussion with Council Member Sandberg, Corporation Counsel Randy Ray explained this request would extend the date from April 1, 2004, to June 30, 2008.

Council Member Sandberg expressed concern that this agreement was now in default. He added it was his understanding that the City would not be held responsible for off-street parking. He said the improvements list indicated there would be agreed-to off-site parking and a skywalk. He said he could not support approving the proposed agreement.

Council Member Gulley moved to authorize the City Manager to execute the Third Addendum to the Amended and Restated Riverfront Village Redevelopment Agreement extending the Phase II expiration date until June 30, 2008; seconded by Council Member Teplitz.

In discussion with Council Member Morris regarding the agreement, Corporation Counsel Randy Ray confirmed the Council would be free to reject any Phase II addendum that may come before the body. He said the agreement also stipulated that the City would not negotiate with any other party during this period and the redeveloper had exclusive rights to negotiate with the City regarding that particular portion of the platform. He added the agreement allowed the Council to vote on each project that came before them based on the merits of each project.

Motion to authorize the City Manager to execute the Third Addendum to the Amended and Restated Riverfront Village Redevelopment Agreement extending the Phase II expiration date until June 30, 2008 Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Thetford, Teplitz, Turner, Mayor
Ransburg - 9;

Nays: Sandberg - 1.

**(04-257) Communication from the City Manager and Director of Planning and
**** Growth Management with Recommendation to Approve the RESOLUTION
 Approving an AMENDMENT to the ALTERNATIVE SIDEWALK/WALKWAY
 SYSTEM PLAN for GROWTH CELL ONE and PROVIDE an ALTERNATIVE
 SIDEWALK/WALKWAY SYSTEM for GROWTH CELL TWO AND THREE
 (FARGO RUN)**

Council Member Nichting commended the efforts of City Staff on this quality of life issue.

Council Member Nichting moved to adopt the Resolution approving an amendment to the Alternative Sidewalk/Walkway System Plan for Growth Cell One and provide an Alternative Sidewalk/Walkway System for Growth Cell Two and Three (Fargo Run); seconded by Council Member Turner.

RESOLUTION NO. 04-257 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner,
Mayor Ransburg - 10;

Nays: None.

(04-260)

**Communication from the City Manager and Corporation Counsel
Recommending Adoption of an ORDINANCE Amending CHAPTER 28 of the
Code of the City of Peoria Relating to TRAFFIC and MOTOR VEHICLES
Regarding the Violation of Parking in Spaces Designated for the Disabled
and Providing for Enforcement.**

Council Member Ardis said the proposed Ordinance was a new thought process in the manner in which parking citations for disabled parking would be handled. He requested that EEO Director David Watkins, Staff Liaison to the Mayor's Advisory Council for the Disabled, make some comments.

EEO Director David Watkins said the proposed Ordinance was the first step in addressing illegal parking in spaces for the disabled. He said volunteers would write parking citations and the City would mail the citations to those who had violated the Ordinance. He said this would also be an opportunity to educate the business community regarding what their requirements were for disabled signage and striping.

In discussion with Council Member Ardis, City Manager Randy Oliver explained that many times people would park on the striped area of a space in addition to the main portion of the parking space. He said the situation would be reviewed by the Police Department from a photograph and they would make the judgement on whether or not the vehicle-owner would be mailed a citation.

Council Member Ardis said the volunteers would be adequately trained. He said the process that would be used would not place a lay-person in a situation that could be confrontational with someone who was parked illegally. He said the information regarding violators would be provided to the Police Department and they would mail out the citations.

Council Member Ardis moved to adopt an Ordinance amending Chapter 2 of the Code of the City of Peoria relating to Traffic and Motor Vehicles regarding the violation of parking spaces designated for the disabled and providing for enforcement; seconded by Council Member Turner.

In discussion with Council Member Sandberg regarding why certified mail was not used so there would be a tracking system to confirm that a violator had received a citation, Corporation Counsel Randy Ray said cost was a factor and much of certified mail went unclaimed at the Post Office. He said if someone did not come forward after being notified by first class mail, the burden would be on the City to serve a summons or something. He said it was unclear at this point how that situation would be handled, but he added that a person would not be arrested for not responding to a notice of citation.

In discussion with Council Member Grayeb, City Manager Oliver confirmed that this program would not diminish the activities by the Peoria Police Department regarding this issue.

Motion to adopt ORDINANCE NO.15,629 amending Chapter 2 of the Code of the City of Peoria relating to Traffic and Motor Vehicles regarding the violation of parking spaces designated for the disabled and providing for enforcement was approved by roll call vote.
Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner,
Mayor Ransburg - 10;
Nays: None.

- (04-263)** **Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE**

* **Approving the FINAL PLAN of WILLIAMSBURG OAKS TOWNHOUSES, a Multi-Family Residential Development Located East of Big Hollow Road along the Southern Side of War Memorial Drive.**

Council Member Sandberg said the communication indicated that the City Manager had agreed to allow individual toters rather than dumpsters. He said that authority came from Chapter 13-39 of the City Code, which was the litter ordinance. He commended this sort of flexibility but he said he would like this information also placed in the Planning Department's rules and regulations, or at least have a reference to the information, so it could be easily found.

Council Member Nichting moved to adopt an Ordinance approving the Final Plan of Williamsburg Oaks Townhouses, a Multi-Family Residential Development located East of Big Hollow Road along the Southern Side of War Memorial Drive; seconded by Council Member Turner.

ORDINANCE NO. 15,630 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg - 10;

Nays: None.

- (04-266)** **SIDEWALK and CURB PARTICIPATION REQUEST – CATERPILLAR INC.,**

** **2400 S. W. WASHINGTON STREET, in the Amount of \$36,542.00.**

Council Member Turner said he would be abstaining from the vote due to his employment with Caterpillar.

Council Member Nichting moved to approve the Sidewalk and Curb Participation Request from Caterpillar Inc., located at 2400 S. W. Washington Street, in the amount of \$36,542.00; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Mayor Ransburg - 9;

Nays: None;

Abstention: Turner - 1.

- (04-268)** **SITE APPLICATION for a CLASS "A" (Tavern) (Subclass 2) LIQUOR**

*** **LICENSE for 815 S. W. ADAMS STREET, with Recommendation from the Liquor Commission to Approve.**

Council Member Teplitz said she would be abstaining from the vote because her husband was an attorney and was representing the petitioner.

Council Member Nichting moved to concur with the Liquor Commission to approve the Site Application for a Class "A" (Tavern) (Subclass 2) Liquor License for 815 S. W. Adams Street; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Turner, Mayor Ransburg - 9;

Nays: None;

Abstention: Teplitz - 1.

- (04-277) Communication from the City Manager and Assistant Director of Economic Development Requesting Approval of the TRANSFER OF AUTHORITY AND RESPONSIBILITY from PEORIA NEXT to the HEARTLAND COMMERCE & ECONOMIC DEVELOPMENT FOUNDATION for the CONSTRUCTION/ OPERATIONS/MAINTENANCE of the PEORIA NEXT INNOVATION CENTER, and Authorize the City Manager to Execute the Necessary Agreements.**

Council Member Teplitz moved to approve the transfer of authority and responsibility from Peoria Next to the Heartland Commerce and Economic Development Foundation for the construction/operation/maintenance of the Peoria Next Innovation Center, and authorize the City Manager to execute the necessary agreements; seconded by Council Member Turner.

Council Member Sandberg expressed concern that he was not familiar with this group and he questioned who was on the Staff, and what projects they had built.

City Manager Randy Oliver explained the City applied for a Phase II EDA grant for \$2 million and in response to submitting that request, it was determined that Peoria Next lacked the necessary tax status to apply for the grant, and they could not hold real estate while they amended their by-laws to provide for the ability to hold real estate. He said there was a change pending before the Internal Revenue Service, but it was anticipated that it would take a year to get that change. He said, as a result of that, the decision was made to contract through the Heartland Community and Economic Development Foundation, which was the development arm and the umbrella that the Chamber operated under. He noted this would require a contract to come back before the City Council that would delineate more specifically what would be built, what the responsibilities were, and how the funds would be allocated.

Mr. Jim McConoughey, President of Heartland Partnership, said the Heartland Community and Economic Development Foundation had four employees. He listed the four employees' lists of expertise and experience.

Motion to approve the transfer of authority and responsibility from Peoria Next to the Heartland Commerce and Economic Development Foundation for the construction/operation/maintenance of the Peoria Next Innovation Center, and authorize the City Manager to execute the necessary agreements was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Thetford, Teplitz, Turner, Mayor Ransburg - 9;

Nays: Sandberg - 1.

- (04-278) Communication from the City Manager and Director of Workforce Development Requesting Approval of the INTERGOVERNMENTAL AGREEMENT Between the City of Peoria and the COUNTIES of PEORIA, MARSHALL, STARK, and WOODFORD to Allow the City of Peoria to Receive Federal, State, Local and Foundation Funds for Employment, Training, Business, and Other Services.**

Council Member Teplitz moved to approve the Intergovernmental Agreement between the City of Peoria and the Counties of Peoria, Marshall, Stark, and Woodford to allow the City of Peoria to receive Federal, State, local and foundation funds for employment, training, business, and other services; seconded by Council Member Turner.

Council Member Sandberg confirmed in discussion that the proposed agreement was the basis that made the City the head organization and that Workforce Development was subsidized by the citizens. He expressed concern that there were hundreds of thousands of dollars absorbed by different City departments and supported by City Staff that the citizens subsidized. He said other communities did not have to pay for Workforce Development's services. He said he felt this would be a good time for Workforce Development, who was also subsidized by Federal money, to pay these costs to the City of Peoria to reduce the burden on the citizens. He said he felt it would be a mistake to pass the proposed agreement as presented.

Motion to approve the Intergovernmental Agreement between the City of Peoria and the Counties of Peoria, Marshall, Stark, and Woodford to allow the City of Peoria to receive Federal, State, local and foundation funds for employment, training, business, and other services was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Thetford, Teplitz, Turner, Mayor Ransburg - 9;

Nays: Sandberg - 1.

(04-279) Communication from the City Manager and Director of Public Works Requesting Approval of the Following:

- A. AGREEMENT with ILLINOIS DEPARTMENT OF TRANSPORTATION for JURISDICTIONAL TRANSFER of Portions of FAYETTE STREET, GLENDALE AVENUE, PERRY AVENUE, SPALDING AVENUE, MADISON STREET, MONROE STREET, and ADAMS STREET from the City of Peoria to IDOT as Part of the INTERSTATE 74 RECONSTRUCTION;**

Council Member Nichting moved to approve the agreement with Illinois Department of Transportation for jurisdictional transfer of portions of Fayette Street, Glendale Avenue, Perry Avenue, Spalding Avenue, Madison Street, Monroe Street, and Adams Street from the City of Peoria to IDOT as part of the Interstate 74 Reconstruction; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg - 10;

Nays: None.

- B. ORDINANCE Providing for the TRANSFER of PORTIONS of GLENDALE AVENUE, PERRY AVENUE, FAYETTE STREET, SPALDING AVENUE, ADAMS STREET, MONROE STREET, and MADISON AVENUE from the MUNICIPAL STREET SYSTEM to the STATE HIGHWAY SYSTEM.**

Council Member Nichting moved to adopt the Ordinance providing for the transfer of portions of Glendale Avenue, Perry Avenue, Fayette Street, Spalding Avenue, Adams Street, Monroe Street, and Madison Avenue from the Municipal Street System to the State Highway System; seconded by Council Member Morris.

ORDINANCE NO. 15,631 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg - 10;

Nays: None.

**(04-280) Communication from the City Manager and Corporation Counsel
Recommending Adoption of an ORDINANCE Amending CHAPTER 2 of the
Code of the City of Peoria Relating to the BOARD of FIRE AND POLICE
COMMISSIONERS Stipulating that Party Affiliation Shall be Determined by
Affidavit.**

Council Member Teplitz moved to adopt the Ordinance amending Chapter 2 of the Code of the City of Peoria relating to the Board of Fire and Police Commissioners stipulating that party affiliation shall be determined by affidavit; seconded by Council Member Thetford.

Council Member Sandberg said that Council Member Spears brought this item forward but he was absent from the meeting. He requested that the item be deferred.

Council Member Teplitz withdrew her motion.

Council Member Sandberg moved to defer this item for two weeks until the June 15, 2004, Regular City Council Meeting; seconded by Council Member Thetford.

Motion to defer this item until June 15, 2004, was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner,
Mayor Ransburg - 10;

Nays: None.

**(04-281) Communication from the City Manager and Corporation Counsel
Requesting the Council to TAKE A SERIES OF VOTES on PROPOSED
AMENDMENTS to COUNCIL RULES, as Outlined.**

Corporation Counsel Randy Ray said motions made were for guidance purposes and the rules would be coming back to the City Council for a vote.

Council Member Thetford moved to reject Proposed Amendment No.1: To Return to a requirement that a vote of two-thirds (2/3) of the Council be required to pass a budget amendment; seconded by Council Member Teplitz.

Council Member Nichting said he would not support the motion. He said he felt a two-thirds vote on a Budget amendment provided the opportunity for the Council to stick to the blueprint of the Budget. He said this needed to be changed because there had been a lack of continuity in the Budget in the past. He stated he believed the two-thirds vote requirement would bring back some fiscal responsibility.

Council Member Sandberg said he felt not having a two-thirds vote on budget amendments undermined fiscal responsibility and budget integrity. He said the budget could be passed on a whim rather than the prioritization of programs and projects. He pointed out the State changed from a simple majority to adopt their Budget to 60% to adopt. He said when there was a six to five vote one way or the other, just one vote could change fiscal and budgetary priorities. He said in the budget amendment phase, there needed to be a higher standard.

Council Member Nichting also pointed out a vote that required more than a simple majority forced Council Members to communicate and forced all to be inclusive rather than exclusive. He said he felt it would allow the Body to be more representative of the people.

Motion to reject Proposed Amendment No.1: To Return to a requirement that a vote of two-thirds (2/3) of the Council be required to pass a budget amendment was approved by roll call vote.

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

Nays: Ardis, Nichting, Sandberg - 3.

Council Member Teplitz moved to reject Proposed Amendment No.2: To Return to the requirement that a vote of three-fourths (3/4) of the Council be required for selling City-owned real estate or renting City-owned real estate for a period of more than twenty (20) years; seconded by Council Member Turner.

Council Member Nichting said he would not support the motion because he felt having a simple majority vote on this issue opened the opportunity for mischief.

Motion to reject Proposed Amendment No.2: To Return to the requirement that a vote of three-fourths (3/4) of the Council be required for selling City-owned real estate or renting City-owned real estate for a period of more than twenty (20) years was approved by roll call vote.

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

Nays: Ardis, Nichting, Sandberg - 3.

Council Member Thetford moved to reject Proposed Amendment No. 3: With regard to "Citizens Addressing the Council," citizens speaking during this time on the Agenda should be limited to seeking City policy changes; seconded by Council Member Grayeb.

Council Member Gulley stated he felt that citizens should be able to make some of their concerns Agenda items. He said, in this way, the Council could respond immediately and act on their requests. He said there should be an opportunity for citizens to place items on the Agenda for action.

Mayor Ransburg said citizens already had the opportunity to present a letter to the City Clerk or a Member of the City Council to have an item placed on the Agenda.

In discussion with Council Member Nichting regarding the definition of citizens addressing the Council, Corporation Counsel Randy Ray said this was an opportunity giving citizens the right to speak and it created a limited public forum. But he said, once it was created, it was difficult to limit it and shut down discussion because a statement did not relate to a policy issue.

Council Member Teplitz said she did not want citizens to be limited to speak only about policy matters. She said an often occurrence was for a citizen to be at home watching the Council Meeting on television or listening on the radio, and if they had something to add to the discussion, they got in the car and drove to City Hall to join the meeting. She said she would not support anything that restricted citizens' rights in that regard to speak their minds.

In discussion with City Clerk Mary Haynes, Council Member Sandberg clarified there was a process for citizens to present a letter to her Office by 10:00 A.M. on Friday morning so the item could appear on the Council Agenda under Citizens Requests to Address the Council for the following Tuesday that a regular meeting was held.

Motion to reject Proposed Amendment No. 3: With regard to "Citizens Addressing the Council," citizens speaking during this time on the Agenda should be limited to seeking City policy changes was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg - 10;

Nays: None.

Clerk's Note: See further discussion on Page 26577.

Council Member Thetford moved to reject Proposed Amendment No. 4: Council Members are not to bring up under "New Business" or "Unfinished Business" items that may be handled administratively. Only requests for policy changes should be brought up during those Agenda items; seconded by Council Member Teplitz.

Council Member Morris said he would support the motion but he requested, as a matter of courtesy, that requests to return phone calls or those sorts of items should not be under "New Business" or "Unfinished Business," but should be handled privately.

Motion to reject Proposed Amendment No. 4: Council Members are not to bring up under "New Business" or "Unfinished Business" items that may be handled administratively. Only requests for policy changes should be brought up during those Agenda items was approved by roll call vote.

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

Nays: Nichting, Sandberg - 2.

Council Member Turner moved to accept Proposed Amendment No. 5: Reports Back – a request for information from one Council Member should not be considered a requirement for a Report Back to the entire Council unless a majority vote of Council votes for the item to be a Report Back. If the entire Council wants a formal Report Back, there should be a motion, a second and a vote requesting a Report Back on the issue; seconded by Council Member Nichting.

In discussion with Council Member Thetford, City Manager Oliver confirmed that if an individual Council Member needed some information, they would still get the information, but it would not necessarily come back as a report back item on the Agenda. He stated it would probably come back in the City Manager's Issue Update report.

City Clerk Mary Haynes said the report back that needed to appear on the Council Agenda was one that completed a missing part of a communication already on the Agenda so the information could be tied together for citizens.

Motion to accept Proposed Amendment No. 5: Reports Back – a request for information from one Council Member should not be considered a requirement for a Report Back to the entire Council unless a majority vote of Council votes for the item to be a Report Back. If the entire Council wants a formal Report Back, there should be a motion, a second and a vote requesting a Report Back on the issue was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg - 10;

Nays: None.

Council Member Teplitz moved to reject Proposed Amendment No. 6: If a Council Member is physically not able to be present in the Council Chambers, either because of illness or travel, that Council Member be allowed to vote by telephone. The Open Meeting Act would require that the absent Council Member must be audible to the public via a telephone connection. Those present would cast their ballots and the absent Council Member would orally give his/her vote fore the votes of the other Members are announced; seconded by Council Member Thetford.

Council Member Sandberg expressed concern that not all the Council was present to vote on this item. He also expressed concern that this was not voted on in a timely fashion so that everyone could have voted on this issue.

Council Member Ardis said he could understand this being used by a responsible Council Member who wanted to participate in the meeting, but had to be out-of-town for a valid reason. He stated he did not see this as something that would be used so a Council Member did not have to attending a meeting.

Council Member Thetford said she felt the opportunity for abuse could be rampant. She added there was something about the public dynamics of the Council voting together in the presence of those who would be impacted. She stated very few public bodies allowed this rule.

Council Member Gulley explained his personal work situation and said being able to vote on issues without being present could benefit his situation. He said he felt this should be reviewed.

In discussion with Council Member Grayeb regarding what impact and possible ripple effect this would have on various Commissions and Boards, Corporation Counsel Randy Ray said just adoption of the proposed amendment would have no impact. But, he said, he could see those Boards and Commissions who made their own rules being influenced by the adoption of the rule and attempting to follow the Council's example. He said it could become an issue.

Motion to reject Proposed Amendment No. 6: If a Council Member is physically not able to be present in the Council Chambers, either because of illness or travel, that Council Member be allowed to vote by telephone. The Open Meeting Act would require that the absent Council Member must be audible to the public via a telephone connection. Those present would cast their ballots and the absent Council Member would orally give his/her vote before the votes of the other Members are announced was approved by roll call vote.

Yeas: Grayeb, Morris, Nichting, Thetford, Teplitz, Turner, Mayor Ransburg - 7;

Nays: Ardis, Gulley, Sandberg - 3.

Clerk's Note: It was clarified that only Amendment No. 5 would come back to the Council. Corporation Counsel Randy Ray said No. 5 would appear on the June 15th Council Agenda.

(04-282) SITE APPROVAL for a Class C-5 (Convenience/Gas Station) for 2509 W. WAR MEMORIAL DRIVE, with Recommendation from the Liquor Commission to Approve with the Condition that it be Approved for a Special Use Zoning Certificate.

Council Member Ardis said on behalf of Council Member Spears, who was absent, he moved to defer this item for two weeks until the June 15, 2004, Regular City Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until June 15, 2004, was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg - 10;

Nays: None.

REQUEST TO MOVE AGENDA ITEM

Council Member Nichting moved to move Unfinished Business No. 04-245 forward on the Agenda to be discussed at this time; seconded by Council Member Sandberg.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg - 10;

Nays: None.

UNFINISHED BUSINESS

- (04-245) Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Granting a SPECIAL USE in a Class C-2 (Large Scale Commercial) District for RETAIL SALES of GASOLINE, GROCERIES and ALCOHOL on the Same Zoning Lot and for an EXISTING CAR WASH for Property Located at 7815 N. UNIVERSITY STREET, with Conditions.**

Council Member Nichting moved to grant Privilege of the Floor to Attorney Bob Hall; seconded by Council Member Grayeb.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Attorney Bob Hall.

Mr. Bob Hall, 1125 Commerce Bank Building, Attorney representing Mac's Convenient Food Stores, said these matters had full endorsement of the Liquor Commission and the Zoning Commission. He said no objections were registered at either meeting and he urged the Council to follow the Commissions' recommendations.

Council Member Nichting moved to adopt the Ordinance granting a Special Use in a Class C-2 (Large Scale Commercial) District for retail sales of gasoline, groceries and alcohol on the same zoning lot and for an existing car wash for property located at 7815 N. University Street, with conditions; seconded by Council Member Turner.

Council Member Thetford and Council Member Teplitz indicated they could not support the motion. Council Member Teplitz said she would normally agree with the District Council Member's motion, but could not in this situation. She said she reluctantly agreed to a process that would allow businesses an opportunity to make these applications, but neighborhoods and other businesses would have opportunities to object. She said philosophically she could not support the sale of alcohol and gasoline at the same location in the City of Peoria. She said she had lived with the negative aspects of this in her own neighborhood and she could not support the proposed site approval.

Motion to adopt ORDINANCE NO. 15,632 granting a Special Use in a Class C-2 (Large Scale Commercial) District for retail sales of gasoline, groceries and alcohol on the same zoning lot and for an existing car wash for property located at 7815 N. University Street, with conditions was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Turner, Mayor Ransburg - 8;

Nays: Thetford, Teplitz - 2.

REGULAR BUSINESS

- (04-283) SITE APPROVAL for a Class C-5 (Convenience/Gas Station) for 7815 N. UNIVERSITY, with Recommendation from the Liquor Commission to Approve with the Condition that it be Approved for a Special Use Zoning Certificate.**

Council Member Nichting moved to concur with the recommendation of the Liquor Commission to approve the site located at 7815 N. University for a Class C-5 (Convenience/Gas Station); seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Turner, Mayor Ransburg - 8;

Nays: Thetford, Teplitz - 2.

REQUEST TO MOVE AGENDA ITEM

Council Member Nichting moved to move Unfinished Business No. 04-246 forward on the Agenda to be discussed at this time; seconded by Council Member Sandberg.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg - 10;

Nays: None.

UNFINISHED BUSINESS

(04-246) Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Granting a SPECIAL USE in a Class C-1 (General Commercial) District for an EXISTING GAS STATION to Include RETAIL SALES of GASOLINE, GROCERIES and ALCOHOL on the Same Zoning Lot and for VEHICLE RENTAL for TRUCKS for Property Located at 5831 N. KNOXVILLE AVENUE, with Conditions.

A copy of a letter from North Prospect Area Neighbors Association requesting that the City deny the request for a Special Use at 5831 N. Knoxville Avenue was distributed to all members of the City Council.

Council Member Nichting moved to grant Privilege of the Floor for the Petitioner, Ms. Marty McDaniel; seconded by Council Member Grayeb.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Ms. Marty McDaniel.

Ms. Marty McDaniel, 5436 Farmington Road, said her application met all the criteria requested by the City and had received a recommendation by the Zoning Commission and Liquor Commission to be approved. She urged the Council to approve the request for a Special Use.

Following a brief comment regarding the letter from the North Prospect Area Neighbors Association and the impact the sale of alcohol would have on the surrounding area, Council Member Nichting moved to deny the Ordinance granting a Special Use in a Class C-1 (General Commercial) district for an Existing Gas Station to include retail sales of gasoline, groceries and alcohol on the same zoning lot and for vehicle rental for trucks for property located at 5831 N. Knoxville Avenue; seconded by Council Member Grayeb.

Motion to DENY the Ordinance granting a Special Use was approved by roll call vote.

Yeas: None;

Nays: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg – 10.

REGULAR BUSINESS

(04-284) SITE APPROVAL for a Class C-5 (Convenience/Gas Station) for 5831 N. KNOXVILLE, with Recommendation from the Liquor Commission to Approve with the Condition that it be Approved for a Special Use Zoning Certificate.

Council Member Nichting moved to deny site approval for a Class C-5 (Convenience/Gas Station) for 5831 N. Knoxville; seconded by Council Member Grayeb.

Motion to DENY site approval of a Class C-5 (Convenience/Gas Station) for 5831 N. Knoxville was approved by roll call vote.

Yeas: None;

Nays: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg - 10.

REQUEST TO MOVE AGENDA ITEM

Council Member Thetford moved to move Unfinished Business No. 04-247 forward on the Agenda to be discussed at this time; seconded by Council Member Teplitz.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner, Mayor Ransburg - 10;

Nays: None.

UNFINISHED BUSINESS

(04-247) Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Amending Ordinance No. 15,424, an EXISTING SPECIAL USE in a Class C-1 (General Commercial) District for an EXISTING GAS STATION to Include RETAIL SALES of GASOLINE, GROCERIES and ALCOHOL on the Same Zoning Lot for Property Located at 3124 N. PROSPECT AVENUE, with Conditions.

Council Member Thetford moved to grant Privilege of the Floor to those who wished to address the Council regarding this issue; seconded by Council Member Teplitz.

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

Mr. Brad Petri, 1284 Florence Avenue, Galesburg, District Manager for Speedway, urged the Council to approve the Special Use to sell gasoline and alcohol at the proposed location. He said there was the Short Stop Food Mart just down the street that sold liquor. He said he felt this was in direct conflict because the reasons they were given for being denied was the close proximity to children in the neighborhood, etc. He said he just wanted a competitive edge and liquor was another avenue for income. He urged the Council to approve their request.

Mr. Alex Jakonis, Coordinating Manager for the Midwest for Speedway Super America, from Dyra, Indiana, said having the ability to sell liquor at this site was a matter of survival. He explained the many controls their stores had to discourage drunk driving, under-age drinking and other safe guards. He urged the Council to consider approving the site for the sale of alcohol.

Mr. Jim Saum, 1101 N. Norwood, said he lived within a block of the proposed site, and the proposed site was not a good location in the neighborhood for the sale of alcohol. He urged the Council to vote to deny the site.

Following some brief comments regarding the negative impact on the neighborhood, Council Member Thetford moved to deny the Ordinance amending Ordinance No. 15,424, an Existing Special Use in a Class C-1 (General Commercial) District for an Existing Gas Station to include retail sales of gasoline, groceries and alcohol on the same zoning lot for property located at 3124 N. Prospect Avenue; seconded by Council Member Teplitz.

Motion to DENY the Ordinance amending Ordinance No. 15,424, an Existing Special Use in a Class C-1 (General Commercial) District for an Existing Gas Station to include retail sales of gasoline, groceries and alcohol on the same zoning lot for property located at 3124 N. Prospect Avenue was approved by roll call vote.

Yeas: Ardis, Grayeb, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner,
Mayor Ransburg - 9;

Nays: Gulley - 1.

REGULAR BUSINESS

(04-285) SITE APPROVAL for a Class C-5 (Convenience/Gas Station) for 3124 N. PROSPECT, with Recommendation from the Liquor Commission to DENY.

Council Member Thetford moved to deny the site approval for a Class C-5 (Convenience/Gas Station) for 3124 N. Prospect; seconded by Council Member Teplitz.

Motion to DENY the site was approved by roll call vote.

Yeas: Ardis, Grayeb, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner,
Mayor Ransburg - 9;

Nays: Gulley - 1.

UNFINISHED BUSINESS

(04-229) REAPPOINTMENTS by Mayor David P. Ransburg to the FIRE AND POLICE COMMISSION, with Recommendation to Concur:

Michael L. McCabe (Voting)

Term Expires 6/30/07

Dr. D. Paul Mehta (Voting)

Term Expires 6/30/07

James A. Wright (Voting)

Term Expires 6/30/07

Council Member Nichting moved to concur with the reappointments of Michael L. McCabe, Dr. D. Paul Mehta, and James A. Wright to the Fire and Police Commission; seconded by Council Member Grayeb.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner,
Mayor Ransburg - 10;

Nays: None.

(04-244) Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Granting a SPECIAL USE in a Class C-1 (General Commercial) District for a NEW GAS STATION to Include RETAIL SALES of GASOLINE, GROCERIES and ALCOHOL on the Same Zoning Lot for Property Located at 2509 W. WAR MEMORIAL DRIVE, with Conditions.

On behalf of Council Member Spears who was absent, Council Member Ardis moved to defer this item for two weeks until the June 15, 2004, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until June 15, 2004, was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner,
Mayor Ransburg - 10;

Nays: None.

UNFINISHED BUSINESS**(04-286) DISCUSSION Regarding Processes Used for APPLICATIONS for a SPECIAL USE and for SITE APPROVAL for ALCOHOL BEVERAGES to SELL ALCOHOL and GASOLINE at the Same Location.**

City Manager Randy Oliver said it was his understanding that some Council Members felt that the issue of the special use for gasoline stations to sell gasoline and alcohol at the same location and the site approval for the liquor license should be presented to the Council on the Agenda together. He said when this was presented to the neighborhoods, the process was supposed to have given the neighborhoods two chances to voice objections. He said if the Council wished these items to come together, then he said he would like some policy direction to do that.

In further discussion, Council Member Nichting said he understood this was a new process but this was a dilemma. He said there needed to be some consistency in the future that the special use and site approval needed to come before the Council together.

Council Member Sandberg voiced his disappointment with the process starting with the Administration. He said their comments at the Zoning Commission were very basic. He said when he supported the process, it was with the hopes of upgrading property.

Council Member Gulley expressed concern regarding the application process and if there was a location that would never be able to get a liquor license, then the applicant should be told so they would not pay fees that would not be returned. He said the economics should be reviewed on some of these decisions prior to a final decision being made.

Council Member Ardis suggested that those who think they would like to apply for a site to sell alcohol and gasoline at the same location should begin by contacting their District Council Member to determine if there would be any support at the Council level. He said he was sympathetic to small business owners because of their not being able to compete with the large chain stores. He said this Council was committed to neighborhoods and how these sites would impact neighborhoods.

Council Member Thetford said those who supported a dual use expected to have two separate opportunities for citizens to voice their opposition to the special use to sell gasoline and alcohol at the same location and the site approval for a liquor licenses. She said there were two separate processes and it should be kept that way. She said she was disappointed by the special use process in that in instances where concerns were expressed, those concerns were brushed aside. She said she felt that two hearings were needed but the two items could be brought to the Council Agenda at the same meeting. She said the citizens would be less inconvenienced if this was brought to Council in this manner.

Council Member Nichting suggested that a petitioner could apply for a site approval first that only cost \$150.00 and if that was approved by Council, then the petitioner could apply for the special use which cost \$500.00. He said if the site was not approved, these small businesses would only be out \$150.00. He said he felt for the petitioner to have to pay both fees and then have both applications rejected was unreasonable.

City Manager Randy Oliver said there were some conditions placed on the site approval. He said he felt the process worked but he felt it could work better. He said it was a policy decision to be made by Council regarding how many opportunities a citizen would have to voice their objections.

City Manager Randy Oliver suggested that the Administration bring back some alternatives for the Council's consideration.

Council Member Sandberg said he did not feel the petitioner could go to the Liquor Commission without solving the neighborhood issues first, which would be at the Zoning Commission. He expressed concern that after reading some of the Zoning Commission minutes that most of the neighborhood concerns were not considered. He expressed concern regarding the redundancy of using both processes. He said the processes needed to be more comprehensive.

UNFINISHED BUSINESS

(04-281) Amendment No. 3 - Discussion Regarding "Citizens to Address Council" Procedure and Suggestion that a Policy Session be Held.

Council Member Gulley expressed concern regarding how the citizens addressed Council was handled. He said he would like to enhance the process. He expressed concern that currently when a citizen came to Council and made their concerns known, there was no immediate action by the City Council. He said he would like a process for the citizens to easily access the Council Agenda and place an item of a policy nature on the Agenda. He said this would also give the Council an opportunity to respond and address these issues. He requested the City Manager's comments.

City Manager Randy Oliver said he would like to caution the Council about setting this kind of a precedent. He said he supported citizens bringing issues forward but he felt it was important that the issues be brought to the Agenda through Council Members as elected officials. He provided some examples and he said he felt that without sufficient background to determine the impact, it could create an awkward situation. He suggested that Council send these kinds of items to him and he would bring them forward after filtering requests through Council Members and the City Staff.

Council Member Grayeb said when citizens addressed the Council, hopefully citizens had already tried to contact their Council Members. He said if Council Members were aware of items of concern, then they could be prepared with answers for citizens. He said it was all a matter of good communication.

City Clerk Mary Haynes said there was an Ordinance on this subject and she suggested this was something that could be discussed at a Policy Session. She said eventually she would need direction regarding how to handle letters from citizens that came to her office for the 10:00 A.M. Friday deadline, if the Council wanted to change the procedure.

Mayor Ransburg agreed this was something that could be placed on the Policy Session Discussion list.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(04-287) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding VARIOUS ISSUES.

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

Ms. Marty McDaniel, 5436 Farmington Road, petitioner who was denied a site approval and special use to sell gasoline and alcohol at the same location at 5831 N. Knoxville Avenue, thanked the City Clerk and her Staff for their assistance. She requested that her application fees of \$650.00 be refunded since the Council planned to change the process.

Mr. Julius Gianakos, P. O. Box 993 and resident of the Second District, expressed his concern that his waste collection problem had not been solved since he addressed the City Council in March, 2004. He expressed concern that he was requested to meet with the City Manager but the City Manager referred him to the Assistant City Manager, and the Assistant City Manager referred him to a Staff person who did not provide him with an answer. He said that he owned a four-unit apartment building and there was no allowance for private third party trash collection services and no exceptions were allowed. He said he had not paid his bill because he was awaiting a solution about the fees from the City. He was advised by the City that he would not be excused from paying the collection fee but he could use third party service, but he would still be charged the fee. He said he was outraged that a mandate was in place that a trash collection fee must be paid for a service that was not compatible with rental property, and that a collection fee would not be waived. He requested that Council address this situation.

Mayor Ransburg expressed concern regarding the manner in which this situation was handled.

Council Member Teplitz said she would be glad to sit down with Mr. Gianakos and the City Manager to resolve this issue.

Ms. Levetta Ricca, 711 S. Greenlawn, Block Captain for her neighborhood, requested the City to provide money for safety issues and to improve the quality of life for the neighborhood.

EXECUTIVE SESSION

(04-288) Requesting Approval 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 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; seconded by Council Member Gulley.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Thetford, Teplitz, Turner,
Mayor Ransburg - 10;

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 10:02 P.M.