

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

Council Chambers, Peoria, Illinois, July 20, 2004, a Regular Meeting of the City Council of the City of Peoria was held this date at 6:18 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 6:20 P.M.), Morris, Nichting, Sandberg (arrived at 6:33 P.M.), Spears (arrived at 6:20 P.M.), Thetford, Teplitz, 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: ENGINEER COMPANY “C” 6<sup>TH</sup> ENGINEER SUPPORT BATTALION DAY  
Honoring this unit which was leaving for a Second Tour of Duty in Iraq  
where skirmishes continue to take place in spite of the war’s end.

**MINUTES**

Council Member Nichting moved to approve the minutes of Executive Sessions held on July 13, 2004, and the Regular City Council Meeting held on July 6, 2004, as printed, with a clarification to the July 6 minutes under Item No. 04-379 on page 26612, adding “(with the proposed configuration; duplexes are a permitted use in R-7)” at the end of the first paragraph; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

Council Member Gulley and Council Member Spears arrived at 6:20 P.M.

**PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA**

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

- (04-386) NOTICE OF LAWSUIT on Behalf of SYLVERSTINE THOMAS for Incidents from December, 2000, through April, 2001, with Recommendation to Receive and File and Refer to the Legal Department.
- (04-387) TAG DAY REQUEST from the KIWANIS CLUB OF PEORIA to Hold Their Annual KIWANIS PEANUT DAY on Friday, September 24, 2004, and to Accept Donations and Raise Funds to Support Youth and Charitable Needs of Peoria. (Date is Open.)

- (04-388) Communication from the City Manager and Director of Public Works Requesting Approval of a CONTRACT with MERIT CONSTRUCTION SERVICES, in the Amount of \$222,259.94, for CONCRETE REPAIRS at the TWIN TOWERS PARKING GARAGE.
- (04-389) Communication from the City Manager and Finance Director/Comptroller Requesting Approval to Execute CONTRACTS with COPY PRODUCTS CORPORATION, NCI, and WATTS COPY SYSTEMS to PURCHASE NINE REPLACEMENT COPIERS, in the Total Amount of \$35,242.47.
- (04-390) Communication from the City Manager and Acting Director of Economic Development Recommending Approval of a LOAN, in the Amount of \$37,984.50 to eSERV L.L.C. and Authorizing the City Manager to Execute the Necessary Documents.
- (04-391)  
\* Communication from the City Manager and Corporation Counsel Requesting Authorization for a SETTLEMENT in the Amount of \$75,000 of the Case No. 99 L 218 Dawn Marliere Jones, Special Administrator of the Estate of Jamie Marliere, Deceased, Plaintiff v. Eric Jackson and the City of Peoria.
- (04-392) Communication from the City Manager and Finance Director/Comptroller Recommending Adoption of ORDINANCE NO. 15,652 Expressing OFFICIAL INTENT Regarding CERTAIN CAPITAL EXPENDITURES to be Reimbursed from PROCEEDS of an OBLIGATION.
- (04-393) Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of ORDINANCE NO. 15,653 Granting a Special Use in a Class I-2 (Railroad/Warehouse Industrial) District for an EXPANSION of a NONCONFORMING USE for a ROOM ADDITION and a DETACHED GARAGE for Property Located at 2200 N. E. PERRY AVENUE.
- (04-394) Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of ORDINANCE NO. 15,654 Amending Ordinance No. 13,073, an EXISTING SPECIAL USE in a Class R-3 (Single-Family Residential) District for ELDERLY HOUSING to Include ELDERLY HOUSING BUILDING EXPANSION for Property Located at 3507 N. MOLLECK DRIVE.
- (04-395) Communication from the City Manager and Corporation Counsel Requesting Approval for an APPLICATION for a CLASS "H" (Temporary Outdoor) LIQUOR LICENSE for the KIRK EDWARDS FOUNDATION to Hold a Benefit on Sunday, August 22, 2004.
- (04-396) SITE APPLICATION for a CLASS "A" (Tavern) with a SubClass 1A (2:00 A.M.) LIQUOR LICENSE for 5720 N. KNOXVILLE, with Recommendation from the Liquor Commission to Approve.

**(04-397) Communication from the City Manager and Director of Planning and Growth Management Requesting Approval to CANCEL the TUESDAY, AUGUST 3, 2004, REGULAR CITY COUNCIL MEETING in Honor of National Night Out to Allow Council Participation, and to RESCHEDULE the CITY COUNCIL MEETING to MONDAY, AUGUST 2, 2004.**

**(04-398) REPORTS:**

**A. Town of the City of Peoria Financial Report – Period Ending 6/30/04.**

**(04-399) ADOPTION of COMMITTEE REPORT Regarding a DISPARITY STUDY Conducted on the City of Peoria's Behalf by BRADLEY UNIVERSITY Regarding MINORITY and WOMEN BUSINESS ENTERPRISES and a Presentation by the EQUAL OPPORTUNITY OFFICE Regarding a REVIEW of the DISPARITY STUDY.**

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. 04-391 be removed from the Consent Agenda for further discussion.

Item Nos. 04-386 through 04-399 (excluding Item No. 04-391 which was 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, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 10;

Nays: None.

**(04-391) \* Communication from the City Manager and Corporation Counsel Requesting Authorization for a SETTLEMENT in the Amount of \$75,000 of the Case No. 99 L 218 Dawn Marliere Jones, Special Administrator of the Estate of Jamie Marliere, Deceased, Plaintiff v. Eric Jackson and the City of Peoria.**

Council Member Teplitz said she would be abstaining from the vote because she provided professional services on this case prior to her election to the City Council.

Council Member Nichting moved to authorize a settlement in the amount of \$75,000 on Case No. 99 L218 Dawn Marliere Jones, Special Administrator of the Estate of Jamie Marliere, Deceased, Plaintiff v. Eric Jackson and the City of Peoria; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstention: Teplitz - 1.

**(04-400) Communication from the City Manager and Director of Planning and Growth Management with Request from the Advisory Commission on Human Resources (HRC) to Approve the PROCESS, SCHEDULE, TIMELINE, PRIORITIES, APPLICATION, and CRITERIA for the 2005 PUBLIC SERVICE GRANTS as Outlined.**

Council Member Grayeb pointed out the communication explained an emphasis would be placed on youth development, shelter and transition neighborhood stability, and safety as they determined which programs would be funded.

Council Member Grayeb moved to approve the process, schedule, timeline, priorities, application, and criteria for the 2005 Public Service Grants as outlined; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

**(04-401) Communication from the City Manager and Public Information Officer with Request to Adopt and Implement the Recommendations from the Gateway Building Committee, as Outlined, Regarding the OPERATION of the GATEWAY BUILDING.**

Council Member Nichting moved to adopt and implement the recommendations from the Gateway Building Committee regarding the Operation of the Gateway Building; seconded by Council Member Spears.

In discussion with Council Member Morris, City Manager Randy Oliver explained Option #1 and Option #2. He said, regarding Option #1, the committee recommended there be a catering arrangement established so the City would benefit from those catering relationships. He said there would be three caterers that would be chosen and all three would agree to give the Gateway Building 15% of the proceeds from catered events. He said regarding Option #2, there would be an exclusive caterer that would get 22% of gross sales and, under both scenarios, the caterer would be responsible for clean-up and staffing.

Council Member Morris referred to the fees that would be charged to community groups, and he said he felt the Gateway Building was not built to be a profit center for the City. He said the building was built for the community's use. He said he still felt the building should be used as a community center. He suggested community groups should be notified that the building was available for the community to use, and he suggested there could be a set up fee. He also suggested that this issue be revisited in a year or so to determine if a change could be made.

Council Member Spears said he felt the Civic Center's situation was similar and he pointed out that it was now operating in the black. He said this operation would attempt to get the Gateway Building to come closer to breaking even. He said the Gateway Building was presently a drain on the budget, and he suggested that the situation could be reviewed, if City revenues increased and the debt was paid off. He said he felt the Gateway Building should break even financially so it was not a burden on the taxpayers.

Council Member Ardis thanked Council Member Spears for the leadership he took during the Policy Session that was held regarding this issue. He also thanked him for compiling the group of business people who served on the panel. He said he was impressed with the work conducted by the panel and the speed with which they brought forth the recommendations for the Council's consideration.

City Manager Randy Oliver agreed this committee was one of the fastest acting committees he had ever worked with and their efforts were greatly appreciated. He thanked those members in the audience: Mr. Frank Pedula of Peoria Castle Hotel, Mr. Bill Joseph of David Joseph Companies, Mr. Bill Roeder of the Peoria Park District, and General Manager Debbie Ritchell of the Civic Center.

Council Member Morris pointed out the comparison made with the Civic Center was only partially correct. He said the Civic Center operated in the black from an operational budget standpoint, but the Civic Center did not generate the revenue to pay the millions of dollars of bond debt. He said the bond debt was paid by the taxpayers through the hotel, restaurant, and amusement taxes. He said the Gateway Building was built as a public building and he did not feel it was realistic to think the City would earn revenue from a public building such as the Gateway Building.

Approved by roll call vote.

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

Nays: None.

**(04-402) Communication from the City Manager and Finance Director/Comptroller with a Request from the Finance Department, Public Works and the Fire Department to Approve and Execute a TWO-YEAR CONTRACT with USELTON OIL COMPANY to Purchase Fuel at \$.005/Gallon Over Low Rack Price from the DAILY OPIS REPORT Plus FREIGHT.**

Council Member Nichting moved to approve a two-year contract with Uselton Oil Company to purchase fuel at \$.005/gallon over low rack price from the Daily Opis Report plus freight, and authorize the City Manager to execute the contract; seconded by Council Member Turner.

City Manager Randy Oliver pointed out this was a good example of City/County cooperation. He said the City placed a bid for both the City and the County.

Motion to approve a two-year contract with Uselton Oil Company to purchase fuel at \$.005/gallon over low rack price from the Daily Opis Report plus freight, and authorize the City Manager to execute the contract was approved by roll call vote.

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

Nays: None.

Council Member Sandberg arrived at 6:33 P.M.

**(04-403) Communication from Corporation Counsel Recommending Adoption of the Following:**

**A. ORDINANCE Setting COMPENSATION for CERTAIN ELECTED CITY OFFICIALS;**

Council Member Nichting moved to adopt the Ordinance setting compensation for certain elected City Officials; seconded by Council Member Grayeb.

ORDINANCE NO. 15,655 was adopted by roll call vote.

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

Nays: None.

**B. ORDINANCE Setting the COMPENSATION for CERTAIN ELECTED TOWN OFFICERS.**

Council Member Nichting moved to adopt the Ordinance setting the compensation for certain elected Town Officers; seconded by Council Member Grayeb.

ORDINANCE NO. 15,656 was approved by roll call vote.

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

Nays: None.

**(04-404) Communication from the City Manager and Director of Public Works Requesting Adoption of an ORDINANCE Amending CHAPTER 28 of the Code of the City of Peoria Relating to RESIDENTIAL PARKING PERMIT PROGRAMS, Removing the Frontage of the Bradley Epworth Church from the Residential Parking Program.**

Council Member Teplitz moved to adopt the Ordinance amending Chapter 28 of the Code of the City of Peoria relating to Residential Parking Permit Programs removing the frontage of the Bradley Epworth Church from the residential parking program; seconded by Council Member Grayeb.

ORDINANCE NO. 15,657 was approved by roll call vote.

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

Nays: None.

**(04-405) Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Rezoning Property Located at 300 ALTORFER LANE from the Present Class R-1 (Single-Family Residential) District to a Class R-3 (Single-Family Residential) District and Granting a SPECIAL USE for a RESIDENTIAL CLUSTER DEVELOPMENT, with a REQUEST from COUNCIL MEMBER PATRICK NICHING to REMAND BACK to the ZONING COMMISSION.**

Council Member Nichting explained there was a twenty foot strip of property omitted during the Commission process and he felt it would be fitting to remand this issue back to the Zoning Commission so the twenty foot strip could be considered as part of the overall project.

Council Member Nichting moved to remand back to the Zoning Commission the Ordinance rezoning property located at 300 Altorfer Lane from the present Class R-1 (Single Family Residential) District to a Class R-3 (Single Family Residential) District and granting a Special Use for a Residential Cluster Development, so the twenty foot strip of property could be considered as part of the overall project; seconded by Council Member Thetford.

Motion to remand the Ordinance back to the Zoning Commission so the twenty foot strip of property could be considered as part of the overall project was approved by roll call vote.

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

Nays: None.

**(04-406) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and the City Staff to DENY a Request to Amend an EXISTING USE WITH APPROVAL in a Class C-2 (Large Scale Commercial) District for an EXISTING GAS STATION Through the SPECIAL USE PROCESS to Include RETAIL SALES of GASOLINE, GROCERIES, AND ALCOHOL on the Same Zoning Lot for Property Located at 211 N. WESTERN AVENUE.**

Council Member Teplitz moved to concur with the recommendation from the Zoning Commission and the City Staff to Deny a request to amend an Existing Use with Approval in a Class C-2 (Large Scale Commercial) District for an Existing Gas Station through the Special Use Process to include Retail Sales of Gasoline, Groceries, and Alcohol on the same zoning lot for property located at 211 N. Western Avenue; seconded by Council Member Thetford.

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

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

Dr. Robert M. Davison Aviles, 1401 W. Moss Avenue, President of the Moss Bradley Residential Association, spoke against voting to approve the site application for 211 N. Western. He said the decisions to allow increased alcohol outlets should be based on sound public health practice. He discussed specific alcohol-related adverse effects which impacted neighborhoods, children and families.

Mr. John Elias, Attorney representing the Petitioner, distributed a list of taverns and liquor stores within the vicinity of the proposed site on Western, and requested that they be made part of the permanent record. He said he did not understand why this particular location should be denied.

Council Member Nichting moved to enter the listing of taverns and liquor stores within the vicinity of Jumer's BP Amoco and Food Shop into the public record: Beeny's Brass Rail at 3904 W. Farmington Road; Crusens at 2117 W. Farmington Road; The Dormitory at 2016 Farmington Road; The Getaway at 321 N. Western; Jimmy's Bar at 2801 W. Farmington Road; Tartan Inn at 428 N. Waverly; West Peoria Bar & Grill at 2128 W. Callender; Super Saver Liquors at 525 N. Western; Western Avenue Liquors at 712 S. Western; Willie's Liquor at 3431 W. Farmington Road; Gorman's Campus Town at 1200 W. Main; Save-A-Lot Discount Store at 1200 W. Main; Sizzling India at 1209 W. Main; and Campus Town Liquors at 1200 W. Main; seconded by Council Member Grayeb.

Motion to enter the listing of taverns and liquor stores within the vicinity of Jumer's BP Amoco and Food Shop into the public record: Beeny's Brass Rail at 3904 W. Farmington Road; Crusens at 2117 W. Farmington Road; The Dormitory at 2016 Farmington Road; The Getaway at 321 N. Western; Jimmy's Bar at 2801 W. Farmington Road; Tartan Inn at 428 N. Waverly; West Peoria Bar & Grill at 2128 W. Callender; Super Saver Liquors at 525 N. Western; Western Avenue Liquors at 712 S. Western; Willie's Liquor at 3431 W. Farmington Road; Gorman's Campus Town at 1200 W. Main; Save-A-Lot Discount Store at 1200 W. Main; Sizzling India at 1209 W. Main; and Campus Town Liquors at 1200 W. Main was approved by roll call vote.

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

Nays: None.

Motion to concur with the recommendation from the Zoning Commission and the City Staff to DENY a request to amend an Existing Use with approval in a Class C-2 (Large Scale Commercial) District for an Existing Gas Station through the Special Use Process to include Retail Sales of Gasoline, Groceries, and Alcohol on the same zoning lot for property located at 211 N. Western Avenue was approved by roll call vote.

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

Nays: None.

**(04-407) SITE APPLICATION for a CLASS C-5 (Convenience/Gas Station) LIQUOR LICENSE at 211 N. WESTERN AVENUE with a Recommendation from the Liquor Commission to Neither Deny, nor Approve.**

Council Member Teplitz moved to deny the site application for a Class C-5 (Convenience/Gas Station) Liquor License at 211 N. Western Avenue; seconded by Council Member Thetford.

Motion to DENY the site application for 211 N. Western Avenue was approved by roll call vote.

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

Nays: None.

**(04-408) SITE APPLICATION for a CLASS C-5 (Convenience/Gas Station) LIQUOR LICENSE at 3712 N. UNIVERSITY, with Recommendation of the Liquor Commission to DENY.**

City Clerk Mary Haynes said she received a letter from the Petitioner, which was distributed to all members of the City Council, requesting that this item be removed from the Agenda with no vote taken.

Council Member Spears moved to remove this item from the City Council Agenda; seconded by Council Member Thetford.

Motion to remove this item from the Agenda was approved by roll call vote.

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

Nays: None.



**(04-409) REQUEST by Council Member Jim Ardis, Regarding the ISSUE of AFFORDABLE HOUSING and CITY SUBSIDIES, that the Council Approve a Motion to DIRECT STAFF NOT TO BRING FORWARD ANY MORE PROPOSALS for CITY-FINANCED HOUSING DEVELOPMENTS UNTIL THE COUNCIL HAD AN OPPORTUNITY TO REVIEW and DISCUSS THE CITY'S POLICIES CONCERNING THE CITY'S FINANCIAL CONTRIBUTION TO HOUSING DEVELOPMENTS.**

Council Member Ardis moved for a substitute motion to direct Staff not to bring forward any proposals, not currently under contract, for new low and moderate income housing funded with federal funds, until the City Council holds a Policy Session on September 14, 2004, to discuss the City's financial contributions; seconded by Council Member Grayeb.

Council Member Turner questioned what value the Council would add to the already existing Affordable Housing Plan which was brought to the Council in May, 2002. He discussed the lengthy process that the plan went through before being approved by Council so, he pointed out, the plan had gone through many filters prior to its adoption. He expressed concern regarding upcoming projects that would be placed in jeopardy due to the motion. He urged the Council to consider this carefully.

In discussion with Council Member Teplitz regarding information on upcoming projects between now and September 14, 2004, Director of Planning and Growth Management Pat Landes said at this point, there were no pending applications. She said there could be an application that would be submitted for Affordable HOME Funds, but by the time the application had gone before the Neighborhood Development Commission and then to the Council, it would be close to September. She said the motion would not have an impact on currently funded and contracted programs.

Council Member Thetford spoke in support of holding a Policy Session on this issue. She said she did not feel comfortable for the next two months not being able to review potential projects, regardless of the merits of a project that could come before the Council.

Council Member Morris said he agreed with the intent but, he expressed concern that it would take some time to arrive at a new policy.

Council Member Ardis said the motion did not put into place a moratorium. He said he would like to have a discussion regarding the definition of "deficiency" as it related to affordable housing stock. He added he would like the City Manager to include in the Policy Session discussions what affordable housing was, identify what other communities were doing and whether Peoria was carrying the weight of all of Central Illinois, and ways to use the existing stock of homes, rather than building new, to promote growth within the City.

Council Member Grayeb questioned to what extent the City was regionally cooperating and partnering with the governmental officials within the tri-county area to ensure there was communication regarding this issue. He said he felt it would be important to know what other communities were doing and include this information in the Policy Session on September 14. He also suggested, if there was an important issue that came before the Council prior to the September 14<sup>th</sup> Policy Session, the Council would still want to hear about it and discuss it.

Council Member Gulley said he had several projects that he had been working on and he expressed concern there would be a negative impact on the neighborhoods involved, if they were held up until October or November. He suggested the motion should only address holding a Policy Session.

Following further comments, Council Member Ardis amended his substitute motion to direct Staff to hold a Policy Session on September 14, 2004, to discuss the City's financial contributions as it related to new low and moderate income housing funded with federal funds; seconded by Council Member Grayeb.

Substitute motion, as amended, to direct Staff to hold a Policy Session on September 14, 2004, to discuss the City's financial contributions as it related to new low and moderate income housing funded with federal funds was approved by roll call vote.

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

Nays: None.

**(04-410) Communication from Council Member Clyde Gulley Recommending Approval of the GLEN/PERRY PLAN (04-379) and CONTRACT EXTENSION (04-331) with the INCLUSION of SOLUTIONS #1 through #6, as Outlined, and to Direct the City Manager to Execute the Appropriate Legal Documents to Incorporate Those Solutions.**

Following a brief explanation of the communication, Council Member Gulley moved to receive and file the communication recommending approval of the Glen/Perry Plan and Contract extension with the inclusion of Solutions #1 through #6, as outlined; seconded by Council Member Teplitz.

In discussion with Council Member Gulley regarding a clarification on whether or not the motion would be appropriate, Corporation Counsel Randy Ray said it was unknown at the time this communication was drafted that there would be documents to be voted on under the Unfinished Business items. He said he felt it was under the Council's purview to receive and file the communication. He said a motion to receive and file would not mean that the other two items would also be approved in that motion. He said he felt the motion to receive and file was appropriate.

Motion to receive and file the communication recommending approval of the Glen/Perry Plan and Contract extension with the inclusion of Solutions #1 through #6, as outlined, was approved by roll call vote.

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

Nays: None.

**UNFINISHED BUSINESS**

**(04-331) Communication from the City Manager and Director of Planning and Growth Management with Request to Authorize the City Manager to Sign an AMENDED and RESTATED AGREEMENT Extending the Deadline from August 1, 2004, to September 1, 2005, for the CONTRACT Between the City of Peoria and the YWCA OF PEORIA for the GLEN/PERRY PERMANENT SUPPORTIVE HOUSING PROJECT, PHASE 1.**

A communication from a citizen and a communication from the Director of Planning and Growth Management with a replacement contract regarding this issue were distributed to all members of the City Council.

Council Member Gulley moved to authorize the City Manager to sign the replacement amended and restated agreement extending the deadline from August 1, 2004, to September 1, 2005, for the contract between the City of Peoria and the YWCA of Peoria for the Glen/Perry Permanent Supportive Housing Project, Phase 1; seconded by Council Member Turner.

Council Member Turner said he originally was not going to support the project because he had tried to be someone who supported neighborhoods and he said he did not feel the project was commensurate with the value of the neighborhood. He said he changed his mind when several people called him to say that a member of the neighborhood stated they did not want "those people" living in their neighborhood. He indicated he was offended. He expressed concern that the statement was made at a meeting where the neighborhood and the YWCA were trying to find some common ground for a compromise on the project. He expressed further concern that this had been reduced to negative comments about individuals, their families, and their lot in life. He said the issue was not about poverty, but was about red lining and determining who was acceptable to live in their community.

Council Member Sandberg said he felt this neighborhood had been as inclusionary as any neighborhood in the City of Peoria. He said this neighborhood had borne the brunt of more social service programs, halfway houses, and helping those in need than any other neighborhood. He said the people in this neighborhood were urban pioneers who, when faced with the investment in target market subsidized housing, different than public housing, for special needs, citizens invested their own money into the neighborhood and stayed in the neighborhood. He said they did not want anything from the City, they just wanted some stability in their investment.

In discussion with Council Member Nichting regarding the definition of handicap and whether or not drug addiction was included, Director of Planning and Growth Management Pat Landes said the list of disabilities specifically excludes those who had substance abuse problems.

Discussion was held regarding further points outlined in the contract.

Ms. Pam Schubach, 920 W. Austin Drive, Executive Director of the YWCA, in answer to a question by Council Member Nichting, explained case management services and how they could be used by the families. She added they had secured funding which included private funding sources. She said they would continue to reduce the private sources with grants, and there were no tax credits in this project. She added the housing was taxed currently, any new development would be taxed, and they would be applying for tax exempt property.

Council Member Grayeb questioned the enforceability of the requirement that all children would regularly attend school.

Corporation Counsel Randy Ray said he felt it was a legitimate lease provision for the YWCA. He said if there were attendance problems, it would be the responsibility of the tenants to explain.

Council Member Grayeb said there may be some children who would be expelled and would not be eligible for an alternative placement. He said he felt that educational information would not be able to be disclosed to the YWCA due to the privacy act. He said he understood the intent was positive, but he expressed concern that this requirement would be unenforceable.

Director of Planning and Growth Management Pat Landes explained the reason the request for school attendance was included. She said, because there were concerns by the neighborhood that school children would receive an education, the language was included as a concept. She said there was a similar requirement by the PHA and the exact language was not known at this time, but the neighborhood felt this should be included in the tenants list of rules and obligations. She added they would find out legally how this could be enforced, but it was an important feature.

In discussion with Council Member Sandberg, Ms. Schubach said that two of the units would meet ADA requirements for handicapped individuals. She said there were no specific ADA requirements for other kinds of handicapped individuals who would live in the other units.

Council Member Ardis suggested another deferral so further discussion could be held with the neighborhood residents, if there was a better solution.

In discussion with Council Member Grayeb regarding drug testing for tenants, Corporation Counsel Randy Ray said there were certain social programs that could require testing. He said the legality of drug testing would be explored, if that was a stipulation.

Council Member Grayeb said in his opinion, the YWCA could not compel the drug testing of tenants. He said these were items listed in the contract and he wanted to make sure the neighborhood understood what was enforceable and what was not.

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

Ms. Robin Smith, 714 Hamilton (YWCA Shelter Program), said even though people may find themselves in a difficult living situation, they should still be treated as human beings. She said she was trying to make her life better with the help of the YWCA. She said that homelessness needed to be stopped.

Ms. Marie Diaz, 1311 N. E. Perry, said she chose to stay in the neighborhood when she moved. She commended the YWCA program and said she thought it was excellent, but she said her neighborhood was trying to encourage homeownership. She expressed concern that Council Member Turner had decided to change his vote for the reasons stated.

Mr. Andres Diaz, 1208 Madison, President of Olde Towne North Homeowners Association, spoke against the YWCA project. He expressed concern that there were so many supportive housing programs already in their neighborhood. He said their neighborhood needed new investment and owner-occupied homes. He expressed concern that a portion of this program was funded by the City. He also expressed concern that he did not feel the YWCA had spent their money wisely. He presented Petitions bearing 36 signatures in opposition to the proposed GlenPerry Housing project, and he urged the Council to vote against the project.

Mr. Frank Lewis, 712 Evans Street, spoke against the YWCA project. He said the YWCA did not include the neighborhood in their discussions and plans. He said the project would not maintain the character of their neighborhood and the plan was not acceptable. He urged the Council to vote against the project.

Ms. Sue Kingery, 6939 Hunters Trace, member of the YWCA Board, spoke in support of the YWCA program. She said the program would serve the homeless, who had no voice and had no power.

Mr. Don Rager, 7021 W. Lamoine, whose wife is a YWCA Board Member, and co-leaders of major funding raising efforts for the YWCA, discussed private investment. He said there were people who wanted to invest in the proposed program by the YWCA and there were committed funds for this purpose. He said there were private funds being invested as well as public funds.

Mr. Ben Madigan, 802 N. E. Perry, said he was an investor in the neighborhood and he felt this neighborhood was not the location for the YWCA program. He said he felt the neighborhood people were some of the most compassionate people he knew, but the program needed to be located elsewhere. He also expressed concern about Phase II of the project and that the YWCA had not worked more with the neighborhood.

Ms. Linda Elder, 918 Bridgetowne Court, member of the YWCA Board, said she had a family member who had been involved in a similar program at the YWCA and she discussed the success of the program for her relative. She spoke in support of the YWCA program and she wanted the YWCA to be more sensitive to the neighborhood. She urged the Council to support the program.

Ms. Sherry Englebrecht, 1003 N. E. Perry, said the neighborhood was trying to make their area a better place to live. She said she did not disagree with the YWCA program, but she disagreed with placing more rental properties in their neighborhood.

Ms. Pam Schubach, Executive Director of the YWCA, presented Petitions bearing 62 signatures in support of the program from the neighborhood and the Heart of Illinois Homeless continuum of Care.

Council Member Nichting moved to accept the YWCA Petitions bearing 62 signatures in support of the program and Petitions bearing 36 signatures in opposition presented by the President of Olde Towne North Homeowners Association into the permanent record; seconded by Council Member Grayeb.

Motion to accept the Petitions into the permanent record was approved by roll call vote.  
Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Thetford, Teplitz, Turner, Mayor Ransburg - 11;  
Nays: None.

Motion to authorize the City Manager to sign the replacement amended and restated agreement extending the deadline from August 1, 2004, to September 1, 2005, for the contract between the City of Peoria and the YWCA of Peoria for the Glen/Perry Permanent Supportive Housing Project, Phase 1 was approved by roll call vote.  
Yeas: Gulley, Morris, Nichting, Teplitz, Thetford, Turner, Mayor Ransburg - 7;  
Nays: Ardis, Grayeb, Sandberg, Spears - 4.

**(04-379) Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Approving the PRELIMINARY AND FINAL PLAN of GLEN/PERRY, a Single Family Attached (Duplex) Residential Development Located at 804-808 GLENDALE AVENUE and 706-716 WAYNE STREET.**

Director of Planning and Growth Management Pat Landes distributed a revised plan and Corporation Counsel Randy Ray distributed, upon request by Council Member Ardis, a communication with additional information regarding this issue to all members of the City Council.

Council Member Gulley moved to adopt an Ordinance approving the distributed revised Preliminary and Final Plan of Glen/Perry, a Single Family Attached (duplex) Residential Development located at 804-808 Glendale Avenue and 706-716 Wayne Street, and receive and file the communication with additional information requested by Council Member Ardis; seconded by Council Member Morris.

Director Landes explained the revisions to the proposed plan. She said it was clear in the meeting with the neighborhood that no one wanted an access point on the alley and the parking lot needed parking reduced. She said the revision included a 15 foot front yard setback, a redesigned parking lot with 15 parking spaces rather than 23, and buffering of landscape berms and screening. She said the property went before the Zoning Board of Appeals and received a variance. She said there was a discrepancy between the legal notice in the newspaper and the notice to the neighborhood. She said it was legally determined that the 15 foot front yard was the correct version and the plan was amended to reflect that.

Director Landes also stated there had been discussion regarding Mr. Duany's plan and his assistance with the YWCA in the project; She stated Mr. Duany based some of the parking requirements on the SmartCode. She explained that SmartCode was not in effect now but it had a 1.5 per unit parking requirement.

Council Member Sandberg discussed the revisions of the revised plan. He expressed concern that the revised plan had been distributed just prior to this meeting, and that the residents of the neighborhood had not had an opportunity to review the revised plan. The revised plan was then distributed to the neighbors.

In discussion with Council Member Gulley regarding a motion to reconsider, Corporation Counsel Randy Ray explained a motion to reconsider must take place at the same meeting or the next regular Council Meeting and the maker of the motion and the seconder must be on the prevailing side. He added a contract approval was not something that could be reconsidered unless the potential contractee had some kind of notice that the contract was not being entered into.

Council Member Gulley said he was still open to holding further discussion with the neighborhood and the YWCA regarding this issue.

Council Member Grayeb suggested that another deferral may be in order since this was the first time the neighborhood had viewed the revised plan.

Ms. Schubach stated the revision was based upon public input and this was a significant point.

Director Landes said she would prefer a deferral if further discussion was going to be held. She added her department could issue a building permit tomorrow if the Ordinance was adopted at this meeting, but they would want to be able to rely on the adopted Ordinance in order to proceed.

Council Member Grayeb moved for a substitute motion to defer this item until the August 2, 2004, Regular City Council Meeting so the revised plan could be reviewed further; seconded by Council Member Ardis.

Director Landes said her department would need more than a two week deferral, if that was the Council's desire.

Motion for a substitute motion to defer this item until the August 2, 2004, Regular City Council Meeting so the revised plan could be reviewed further was DEFEATED by roll call vote.

Yeas: Ardis, Grayeb, Nichting, Sandberg, Spears - 5;

Nays: Gulley, Morris, Thetford, Teplitz, Turner, Mayor Ransburg - 6.

Motion to adopt ORDINANCE NO. 15,658 approving the revised Preliminary and Final Plan of Glen/Perry, a Single Family Attached (duplex) Residential Development located at 804-808 Glendale Avenue and 706-716 Wayne Street, and receive and file the communication with additional information was approved by roll call vote.

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

Nays: Ardis, Grayeb, Sandberg, Spears - 4.

**(04-210) REQUEST that MEMBERS of the SELECTION COMMITTEE Convey Any PROFESSIONAL OR PERSONAL RELATIONSHIPS with MATRIX CONSULTING GROUP and the Other Group that was not Hired. (Request was Defeated.)**

Regarding concerns with impartiality when the Matrix Consulting Group was hired by for the management and operations study of the Peoria Fire Department and Emergency Medical Services, Council Member Sandberg moved that all members of the selection committee in writing reduce any involvement, any interaction, any personal or professional relationships with any consultants from both the Matrix group and the group that was not hired; seconded by Council Member Spears.

City Manager Oliver said a letter had been drafted regarding this issue to investigate any relationship that may have occurred.

Motion to approve was DEFEATED by roll call vote.

Yeas: Ardis, Grayeb, Nichting, Sandberg, Spears - 5;

Nays: Gulley, Morris, Thetford, Teplitz, Turner, Mayor Ransburg - 6.

**NEW BUSINESS**

**DISCUSSION Regarding SPECIAL CENSUS**

Council Member Spears discussed the need for a special census in the City of Peoria, which could bring as much as an additional \$1 million to the City. He urged citizens who could work the month of September for \$11.50 per hour to apply at City Hall.

**CITIZEN REQUESTS TO ADDRESS THE COUNCIL**

**(04- 411 ) 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. Levetta Ricca invited citizens and the Council to the National Night Out Against Crime to be held on August 3, 2004. She gave a virtual tour of her neighborhood and discussed improvements that had been made in her neighborhood and also improvements that still needed to be made.

Mr. Charlie Williams, 6911 Kimberly, requested that a traffic light be installed at the intersection of Teton Drive and University Street.

Mr. Julius Gianakos, P. O. Box 993, discussed the garbage fee that he had to pay every four months and the \$288.00 he paid each year for his four-unit apartment building to have garbage service. He requested that he be grandfathered in so he would only have to pay once.

Mayor Ransburg expressed concern that this situation had not been handled as previously requested.

Council Member Sandberg said if this was a five-unit building rather than a four-unit building, there would be no problem. He expressed concern that the Ordinance was not flexible and could not address concerns such as these, and he felt the Ordinance should be modified.

Council Member Teplitz said, under the contract, there was another provision for garbage service for this situation, which had been conveyed to Mr. Gianakos.

Mr. Andres Diaz, 1208 Madison, President of Olde Towne North Homeowners Association, thanked the Council for listening to the residents on the Glen/Perry project. He indicated his disappointment that the project was approved by the Council.

### **EXECUTIVE SESSION**

**(04-412) Requesting Approval of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 2(c)(6) The setting of a price for sale or lease of property owned by the public body.**

Council Member Grayeb moved for the City Council to go into Executive Session to Discuss 2(c)(6) The setting of a price for sale or lease of property owned by the public body; seconded by Council Member Morris.

Approved by roll call vote.

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

Nays: None.

### **ADJOURNMENT**

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

Approved by viva voce vote.

The Council Meeting adjourned at 10:39 P.M.