

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

Council Chambers, Peoria, Illinois, July 11, 2006, a City Council Meeting was held this date at 6:21 P.M., at City Hall, Council Chambers, 419 Fulton Street, Mayor Jim Ardis presiding.

ROLL CALL

Roll call showed the following Council Members present: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11; Absent – None.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: WHITNEY'S WALK DAY - JULY 29, 2006

PROCLAMATION: HEART OF ILLINOIS SPECIAL RECREATION ASSOCIATION: 2006 TRACK TEAM AND PARTICIPANTS IN THE STATE SPECIAL OLYMPICS GAMES

PROCLAMATION: HEART OF ILLINOIS SPECIAL RECREATION ASSOCIATION: 2006 SWIM TEAM PARTICIPANTS IN THE STATE SPECIAL OLYMPICS GAMES

COMMENDATIONS: STEVE SHAW AND SHANNON HURT
JANE SCHOENHEIDER, INSPECTIONS DEPARTMENT,
ALPHA WILCOX, AND TIFFANY BESSLER FOR THEIR VOLUNTEER
EFFORTS IN THE STATE SPECIAL OLYMPICS

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting held on June 27, 2006, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner,
Van Auken, Mayor Ardis – 11;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

(06-366) PUBLIC HEARING Regarding Proposed ANNEXATION of 5206 N. CHARTER OAK LANE (Temporary Address).

Council Member Nichting moved to open the Public Hearing regarding the annexation of 5206 N. Charter Oak Lane (Temporary Address); seconded by Council Member Jacob.

Motion to open the Public Hearing was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner,
Van Auken, Mayor Ardis – 11;

Nays: None.

Mayor Ardis opened the Public Hearing for public comment at 6:39 P.M.

Mr. Ken Davies, Attorney with Hasselburg Williams Grebe Snodgrass & Birdsall, spoke on behalf of the Petitioner. He explained the development, which was an extension to Sable Creek Subdivision along Charter Oak Road. He said sidewalks would be installed on both sides of the road, and he said a variance would be requested from the limitations of cul-de-sacs exceeding 400 feet out of necessity due to the topography of the land. He said this raised several issues with the Fire Department regarding a looped water main system in the event of a fire. He said a looped water main system would be installed for the extension as well as the original subdivision development to address the concerns of the Fire Department. He said the developer was still working on gaining emergency access, which was difficult because of the topography of the land. He said several attempts had been made to reach an agreement regarding the emergency access, but had not been resolved at this time. He said he did not feel there was a major safety concern regarding this issue.

Ms. Charlena Schisler, 5325 N. Charter Oak Lane, spoke in opposition to the Sable Creek Subdivision extension. She said when the original subdivision development was annexed in October, 2005, the neighbors voiced their concerns regarding the impact the development of this subdivision would have on their wells. She said these issues remained unresolved. She said the well located on her property was 55 feet from the construction of a house in the subdivision, which would have a big impact on the well. She said the neighbors did not feel they should have to pay for the negative impacts on their property due to this construction. She expressed concern regarding the increase in traffic in the neighborhood, and she said there were still issues remaining regarding who owned the road. She said many issues were unresolved and the neighbors had filed a lawsuit against the developer.

After Mayor Ardis determined that no one else wished to address the Council regarding this issue, Council Member Nichting moved to close the Public Hearing; seconded by Council Member Grayeb.

Motion to close the Public Hearing was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

The Public Hearing closed at 6:46 P.M.

(06-367) Communication from the City Manager and Director of Planning and Growth Management Requesting Approval of the Following:

- A. RESOLUTION Approving the ANNEXATION AGREEMENT for Property Located East of Illinois Route 6, South of Charter Oak Road, Along the East Side of CHARTER OAK LANE, Identified as Part of Parcel Identification Numbers 13-23-200-022 and 13-23-200-030, all Located Within One and One-Half Miles of the City of Peoria.**

Council Member Nichting moved to approve the Resolution approving the Annexation Agreement for property located East of Illinois Route 6, South of Charter Oak Road, along the East side of Charter Oak Lane, identified as part of Parcel Identification Numbers 13-23-200-022 and 13-23-200-030, all located within one and one-half miles of the City of Peoria; seconded by Council Member Grayeb.

RESOLUTION NO. 06-367-A was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

B. ORDINANCE Annexing Territory Contiguous to the City of Peoria - 5206 N. CHARTER OAK LANE (Temporary Address).

Council Member Nichting moved to adopt the Ordinance annexing territory contiguous to the City of Peoria located at 5206 N. Charter Oak Lane (temporary Address); seconded by Council Member Turner.

ORDINANCE NO. 15,970 was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

C. RESOLUTION Approving the PRELIMINARY PLAT of the SABLE CREEK ESTATES SUBDIVISION, a Single-Family Residential Development Located East of Illinois Route 6, South of Charter Oak Road, Along the East Side of CHARTER OAK LANE, with Conditions.

Council Member Nichting moved to approve the Resolution approving the Preliminary Plat of the Sable Creek Estates Subdivision, a Single-Family Resident Development located East of Illinois Route 6, South of Charter Oak Road, along the East side of Charter Oak Lane, with conditions, as amended, by adding a condition #4 to read “The developer shall make a best effort to provide a secondary access for emergency vehicles, due to the extended length of the cul-de-sac.”; seconded by Council Member Grayeb.

RESOLUTION NO. 06-367-C, as amended, was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

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

- (06-368) NOTICE of LAWSUIT Filed on Behalf of KENNETH SCHISLER, CHARLENA SCHISLER, JACKIE COOPER, CHARLOTTE COOPER, HAROLD ADAMS, CHERYL DAVIDSON, and SHANI MCVEY Against GK Development Services LLC and the City of Peoria Alleging they have Title to Portions of Charter Oak Lane Annexed by the City, with Recommendation to Receive and File and Refer to the Legal Department.**
- (06-369) Communication from the City Manager and Director of Public Works Requesting Approval of the LOW BID of DAVID KRUMHOLZ, d/b/a KRUMHOLZ BROTHERS LANDSCAPING and Award CONTRACT, in the Amount of \$41,087.50, for the CHESTER STREET DRAINAGE PROJECT (Between Machin Avenue and Bourland Avenue).**
- (06-370) Communication from the City Manager and Director of Public Works Requesting Approval of the LOW BID of GRAYBAR ELECTRIC COMPANY, in the Amount of \$22,588.10, for the PURCHASE of a FIBER OPTIC FUSION SPLICING SYSTEM.**
- (06-371) Communication from the City Manager and Director of Public Works Requesting Approval to PURCHASE FLEET EQUIPMENT and Accept the LOW BID of SHERWIN INDUSTRIES, in the Amount of \$14,000.00 for a 125 GALLON MELTER (CRACK FILLER).**

- (06-372) Communication from the City Manager and Director of Public Works Requesting Approval of PAYMENT ESTIMATE #1 & FINAL for PUBLIC IMPROVEMENT PROJECT: SAFER NEIGHBORHOOD SCHOOLS SIDEWALK IMPROVEMENT PROJECT (EAST FAIROAKS AVENUE from WISCONSIN to ILLINOIS) ESTIMATE: \$2,375.46 (6.75%) Over the Contract Amount of \$35,201.86, for a Total Contract Amount of \$37,576.32.
- (06-373) Communication from the City Manager and Director of Public Works Requesting Approval of PAYMENT ESTIMATE #6 & FINAL for PUBLIC IMPROVEMENT PROJECT: MANNING DRIVE ROADWAY IMPROVEMENT PROJECT (TETON DRIVE NORTH to CUL-DE-SAC) ESTIMATE: \$10,531.28 (3.76%) Over the Contract Amount of \$280,262.85, for a Total Contract Amount of \$290,794.13.
- (06-374)
* Communication from the City Manager, Director of Human Resources and Information Systems Director Requesting to Enter into a ONE YEAR CONTRACT with NEW HORIZONS, INC. to PURCHASE 150 SEATS in COMPUTER TRAINING COURSES in Groups of 25 Seats for the Employees of the City of Peoria at a Cost of \$75.00 Per Person, in an Amount Not to Exceed \$11,250.00, and Approval to use the PROFESSIONAL DEVELOPMENT INSTITUTE as an Additional Provider at the Rate of \$104.00 PER SEAT in Single Seat Purchases for Certain Participants.
- (06-375) Communication from the City Manager and Director of Human Resources Requesting Authorization for the City Manager to Execute the COLLECTIVE BARGAINING AGREEMENT Negotiated with the FIVE LABOR UNIONS: TEAMSTERS LOCAL 627, LABORERS LOCAL 165, CARPENTERS LOCAL 183, PAINTERS LOCAL 157 Covering the PERIOD from 12/01/05 Through 11/30/08, and STEAMFITTERS LOCAL 353 Covering the PERIOD from 7/1/06 Through 11/30/08.
- (06-376) Communication from the City Manager and Director of Planning and Growth Management Requesting Adoption of ORDINANCE NO. 15,971 Approving the PRIVATE STREET, PRIVATE STREET NAME, and PRIVATE STREET MAINTENANCE AGREEMENT for WINGOVER COURT of BENNETT VILLAS SUBDIVISION, a Residential Development Located East of Illinois Route 6, South of Charter Oak Road, North of Interstate 74, Along the East Side of Weaverridge Boulevard.
- (06-377)
** Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 2 of the Code of the City of Peoria Pertaining to BOARDS and COMMISSIONS Regarding Terms and Attendance at Meetings.
- (06-378)
*** Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Authorizing a STREET FESTIVAL at the PEORIA RIVERFRONT on JULY 21, 2006.
- (06-379)
**** Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Creating SECTION 3-33 of the Code of the City of Peoria Authorizing the Delivery, Dispensing and Serving of Alcoholic Beverages at CITY HALL.

- (06-380)

Communication from the City Manager and Corporation Counsel
Requesting Adoption of an ORDINANCE Amending SECTION 3-52 of the
Code of the City of Peoria Pertaining to LICENSE FEES for CLASS "F"
(Indoor Charitable Event) and CLASS "H" (Outdoor Charitable Event)
Combining the Two Classes for the Purpose of Determining the Total
License Fee.
- (06-381)

*
Communication from the City Manager and Corporation Counsel
Requesting Adoption of an ORDINANCE Amending CHAPTER 28 of the
Code of the City of Peoria Pertaining to MOTORCYCLE PARKING.
- (06-382)
Communication from the City Manager and Director of Public Works
Requesting Approval of a SIDEWALK PARTICIPATION REQUEST from
CENTRAL ILLINOIS AGENCY ON AGING Located at 700 HAMILTON
BOULEVARD, in the Amount of \$11,108.80.
- (06-383)

**
Communication from the City Manager and Corporation Counsel
Requesting Approval of an APPLICATION for a CLASS "H" (Temporary
Outdoor) LIQUOR LICENSE for the ILLINOIS BLUES COALITION to Hold the
ILLINOIS BLUES FESTIVAL on September 1 and 2, 2006, at Riverfront
Festival Park.
- (06-384)
REAPPOINTMENTS by Mayor Jim Ardis to the CONSTITUTION GARDEN
ADVISORY COMMITTEE, with Recommendation to Concur:

Donald A. Glover (Voting) - Term Expires 6/30/2009
Jeanette Kosier (Voting) - Term Expires 6/30/2009
Mary Siler (Voting) - Term Expires 6/30/2009
Julian Smith (Voting) - Term Expires 6/30/2009
- (06-385)
REAPPOINTMENTS by Mayor Jim Ardis to the HEART OF PEORIA
COMMISSION, with Recommendation to Concur:

Wilson C. Washkuhn, Chairman (Voting) - Term Expires 6/30/2009
Andrea Lister (Voting) - Term Expires - 6/30/2009
Richard A. Schwebel (Voting) - Term Expires 6/30/2009
- (06-386)
REAPPOINTMENTS by Mayor Jim Ardis to the HISTORIC PRESERVATION
COMMISSION, with Recommendation to Concur:

Franklin D. Lewis (Voting) - Term Expires 6/30/2009
James G. McDonald (Voting) - Term Expires 6/30/2009
Dan Schmidt (Voting) - Term Expires 6/30/2009
- (06-387)

REAPPOINTMENT by Mayor Jim Ardis to the LIQUOR COMMISSION, with
Recommendation to Concur:

Dan L. Irving (Voting) - Term Expires 6/30/2009
- (06-388)
REAPPOINTMENTS by Mayor Jim Ardis to the MUNICIPAL BAND
COMMISSION, with Recommendation to Concur:

Lee Wenger (Voting) - Term Expires 6/30/2009
Denise B. Cooksey (Voting) - Term Expires 6/30/2008
Carole B. Hill (Voting) - Term Expires 6/30/2009

- (06-389) **REAPPOINTMENTS by Mayor Jim Ardis to the PEORIA PUBLIC LIBRARY BOARD OF TRUSTEES, with Recommendation to Concur:**

Gregory A. Johnston (Voting) - Term Expires 6/30/2009
Edward C. Meister (Voting) - Term Expires 6/30/2009
Brian W. Ruddell (Voting) - Term Expires 6/30/2009
- (06-390) **REAPPOINTMENTS by Mayor Jim Ardis to the PLANNING COMMISSION, with Recommendation to Concur:**

Raymond W. Lees, Chairman (Voting) - Term Expires - 6/30/2009
Nancy J. Lawless (Voting) - Term Expires 6/30/2009
- (06-391) **REAPPOINTMENTS by Mayor Jim Ardis to the ZONING BOARD OF APPEALS, with Recommendation to Concur:**

Frank Ierulli (Voting) - Term Expires 6/30/2009
Ernestine Jackson (Voting) - Term Expires 6/30/2009
- (06-392) **REAPPOINTMENTS by Mayor Jim Ardis to the ZONING COMMISSION, with Recommendation to Concur:**

Marjorie Klise (Voting) Term Expires - 6/30/2009
Richard M. Unes (Voting) - Term Expires 6/30/2009
- (06-393) **Communication from the City Manager and Director of Planning and Growth Management Recommending to Concur with the Request from the Administration to CANCEL the AUGUST 1, 2006 CITY COUNCIL MEETING in Order to Allow for the Participation of Council Members in NATIONAL NIGHT OUT AGAINST CRIME.**
- (06-394) **REPORT of the CITY TREASURER REGINALD A. WILLIS for the Month of MAY, 2006, with a Request to Receive and File.**

Mayor Ardis questioned if the Council wished to have any of the Consent Agenda items removed for further discussion.

Council Member Sandberg requested that Item No. 06-381 be removed from the Consent Agenda for further discussion.

Council Member Turner requested that Item No. 06-374 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested that Item No. 06-377 be removed from the Consent Agenda for further discussion.

Council Member Manning requested that Item No. 06-378 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested that Item No. 06-378, 06-379, 06-380, 06-383, and 06-387 be removed from the Consent Agenda for further discussion.

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

Item Nos. 06-368 through 06-394 (excluding Item Nos. 06-374, 06-377, 06-378, 06-379, 06-380, 06-381, 06-383 and 06-387, which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.
Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;
Nays: None.

(06-374)
* **Communication from the City Manager, Director of Human Resources and Information Systems Director Requesting to Enter into a ONE YEAR CONTRACT with NEW HORIZONS, INC. to PURCHASE 150 SEATS in COMPUTER TRAINING COURSES in Groups of 25 Seats for the Employees of the City of Peoria at a Cost of \$75.00 Per Person, in an Amount Not to Exceed \$11,250.00, and Approval to use the PROFESSIONAL DEVELOPMENT INSTITUTE as an Additional Provider at the Rate of \$104.00 PER SEAT in Single Seat Purchases for Certain Participants.**

Council Member Turner moved to defer this item for one week until the July 18, 2006, Regular City Council Meeting to review a number of concerns and to address some coordination issues; seconded by Council Member Manning.

Council Member Gulley requested that the number of seats be reviewed also.

Motion to defer this item until the July 18, 2006, Regular City Council Meeting was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;
Nays: None.

(06-377)
** **Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 2 of the Code of the City of Peoria Pertaining to BOARDS and COMMISSIONS Regarding Terms and Attendance at Meetings.**

In discussion with Council Member Gulley regarding excused or unexcused absences, Council Member Van Auken explained the Committee considered this issue carefully and it was decided that there would be no excused or unexcused absences allowed. She said deciding on excused or unexcused absences placed the Commission members in the awkward position of making judgments as to the validity of whether a member could or could not have attended a meeting. She said the recommendation was that if a member missed one-third of the called meetings, the member would be requested to resign their position and would be excused from the Commission.

Council Member Gulley expressed concern that the proposed Ordinance deleted the sentence "The mayor may remove a member of a board or commission from office with the concurrence of two-thirds of the council members then holding office."

In discussion, Corporation Counsel Randy Ray said he would agree that it would not be necessary to strike the sentence in order to enact the proposed language to be added to the Ordinance. He suggested that the sentence in question remain in the Ordinance.

Council Member Van Auken moved to adopt the Ordinance amending Chapter 2 of the Code of the City of Peoria pertaining to Boards and Commissions regarding terms and attendance at meetings, as amended to allow the stricken sentence "The mayor may remove a member of a board or commission from office with the concurrence of two-thirds of the council members then holding office." to remain in the Ordinance; seconded by Council Member Gulley.

Council Member Jacob referred to the attendance issues, and he questioned if there would be an appeal process for anyone who left a Commission due to a health issue.

Council Member Van Auken explained a member who left a Commission due to absentee issues, for whatever reason, could request to be appointed again to the same Commission when the member's schedule or health allowed for regular attendance.

Motion to adopt ORDINANCE NO. 15,972 amending Chapter 2 of the Code of the City of Peoria pertaining to Boards and Commissions regarding terms and attendance at meetings, as amended to allow the stricken sentence "The mayor may remove a member of a board or commission from office with the concurrence of two-thirds of the council members then holding office." to remain in the Ordinance was approved by roll call vote.

Yeas: Grayeb, Gulley, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: Jacob - 1.

**(06-378) Communication from the City Manager and Corporation Counsel
*** Requesting Adoption of an ORDINANCE Authorizing a STREET FESTIVAL
 at the PEORIA RIVERFRONT on JULY 21, 2006.**

Council Member Jacob said he would be abstaining from voting on this item because he was a liquor licensee and prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

In discussion with Council Member Manning, Corporation Counsel Randy Ray explained that each liquor licensee located on the Riverfront would be able to have a small extra area for this occasion and a reasonable area, as set forth by the Peoria Park District, in which to sell alcohol during the air show on this one occasion.

Council Member Manning moved to adopt the Ordinance authorizing a Street Festival at the Peoria Riverfront on July 21, 2006; seconded by Council Member Van Auken.

In discussion with Council Member Gulley regarding the festival area, Corporation Counsel Randy Ray said the sale and possession of alcohol would be limited to the fenced in areas and would not be allowed in the entire festival area.

Mayor Ardis said there would not be one wide-open space from State Street to Hamilton Boulevard for liquor sales. He further stated there would be specific areas for alcohol that would be fenced off and alcohol would be controlled.

Council Member Nichting expressed concern that Peoria Park District would provide oversight as outlined in the proposed Ordinance, and he moved to remove the language in the Ordinance.

Corporation Counsel Randy Ray said there needed to be a public entity present that had authority to determine appropriate areas for alcohol.

No second was heard to Council Member Nichting's motion.

Motion to adopt ORDINANCE NO. 15,973 authorizing a Street Festival at the Peoria Riverfront on July 21, 2006, was approved by roll call vote.

Yeas: Grayeb, Gulley, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None;

Abstention: Jacob - 1.

**(06-379) Communication from the City Manager and Corporation Counsel
**** Requesting Adoption of an ORDINANCE Creating SECTION 3-33 of the
 Code of the City of Peoria Authorizing the Delivery, Dispensing and Serving
 of Alcoholic Beverages at CITY HALL.**

Council Member Jacob said he would be abstaining from voting on this item because he was a liquor licensee and prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

Council Member Nichting moved to adopt an Ordinance creating Section 3-33 of the Code of the City of Peoria authorizing the delivery, dispensing and serving of alcoholic beverages at City Hall; seconded by Council Member Turner.

ORDINANCE NO. 15,974 was approved by roll call vote.

Yeas: Grayeb, Gulley, Manning, Morris, Nichting, Sandberg, Spears, Turner,
 Van Auken, Mayor Ardis – 10;

Nays: None;

Abstention: Jacob - 1.

**(06-380) Communication from the City Manager and Corporation Counsel
***** Requesting Adoption of an ORDINANCE Amending SECTION 3-52 of the
 Code of the City of Peoria Pertaining to LICENSE FEES for CLASS "F"
 (Indoor Charitable Event) and CLASS "H" (Outdoor Charitable Event)
 Combining the Two Classes for the Purpose of Determining the Total
 License Fee.**

Council Member Jacob said he would be abstaining from voting on this item because he was a liquor licensee and prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

Council Member Nichting moved to adopt an Ordinance amending Section 3-52 of the Code of the City of Peoria pertaining to License Fees for Class "F" (Indoor Charitable Event) and Class "H" (Outdoor Charitable Event) combining the two classes for the purpose of determining the total license fee; seconded by Council Member Turner.

ORDINANCE NO. 15,975 was approved by roll call vote.

Yeas: Grayeb, Gulley, Manning, Morris, Nichting, Sandberg, Spears, Turner,
 Van Auken, Mayor Ardis – 10;

Nays: None;

Abstention: Jacob - 1.

**(06-381) Communication from the City Manager and Corporation Counsel
***** Requesting Adoption of an ORDINANCE Amending CHAPTER 28 of the
* Code of the City of Peoria Pertaining to MOTORCYCLE PARKING.**

Council Member Sandberg referred to the portion of the Ordinance that would allow motorcycle parking within the lines marked on the street. He pointed out that there were very few of these pavement markings in the downtown area.

City Manager Randy Oliver suggested that this item be deferred for two weeks. He said he would bring back information regarding the cost to place the lines on the pavement, and to define parking spaces.

Council Member Sandberg moved to defer this item for two weeks until the July 25, 2006, Regular City Council Meeting; seconded by Council Member Morris.

Motion to defer this item until the July 25, 2006, Regular City Council Meeting was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

- (06-383)** **Communication from the City Manager and Corporation Counsel**

** **Requesting Approval of an APPLICATION for a CLASS "H" (Temporary Outdoor) LIQUOR LICENSE for the ILLINOIS BLUES COALITION to Hold the ILLINOIS BLUES FESTIVAL on September 1 and 2, 2006, at Riverfront Festival Park.**

Council Member Jacob said he would be abstaining from voting on this item because he was a liquor licensee and prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

Council Member Nichting moved to approve the application for a Class "H" (Temporary Outdoor) Liquor License for the Illinois Blues Coalition to hold the Illinois Blues Festival on September 1 and 2, 2006, at Riverfront Festival Park; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Grayeb, Gulley, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None;

Abstention: Jacob - 1.

- (06-387)** **REAPPOINTMENT by Mayor Jim Ardis to the LIQUOR COMMISSION, with Recommendation to Concur:**

Dan L. Irving (Voting) - Term Expires 6/30/2009

Council Member Jacob said he would be abstaining from voting on this item because he was a liquor licensee and prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

Council Member Nichting moved to concur the reappointment by Mayor Jim Ardis of Dan L. Irving to the Liquor Commission as outlined; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Grayeb, Gulley, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None;

Abstention: Jacob - 1.

- (06-395)** **Communication from the City Manager and Director of Public Works**
Requesting Approval of the SEWER IMPROVEMENT AGREEMENT with the GREATER PEORIA SANITARY DISTRICT for the REPAIR of SEWERS, as Part of the City of Peoria's SEWER REHABILITATION (Design Area 1 Sewers, Cipp Manhole to Manhole, Projects 1 & 2), and Concur in the Award of the CONTRACT for the Work to VISU-SEWER CLEAN AND SEAL, INC., in the Amount of \$815,169.10.

Council Member Gulley moved to defer this item for one week until the July 18, 2006, Regular City Council Meeting; seconded by Council Member Van Auken.

Motion to defer this item until the July 18, 2006, Regular City Council Meeting was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

(06-396) Communication from the City Manager and Director of Public Works Requesting Approval of the RESOLUTION Establishing MONTHLY PARKING RATES in NEWLY CONSTRUCTED CITY PARKING LOTS, Reducing the RATE from \$47.00 to \$35.00 Per Month.

Council Member Gulley moved to approve the Resolution establishing monthly parking rates in the newly constructed City parking lots, reducing the rate from \$47.00 to \$35.00 per month; seconded by Council Member Turner.

In discussion with Council Member Morris, Council Member Gulley said he felt the reduced rate would be more attractive, would draw more traffic, and would increase overall revenues.

In further discussion, City Manager Oliver said the parking lots were under-utilized and their locations were not as convenient as others.

Council Member Gulley suggested that the proposed locations should be free parking spaces.

Council Member Sandberg expressed concern regarding the locations of these parking lots, which were substituted by IDOT for parking spaces removed by the I-74 construction. He expressed further concern that these parking lots would not be able to compete with free parking areas located two blocks away.

Council Member Grayeb suggested that citizens be allowed free parking on these parking lots for a certain period of time, that all parking meters be removed from the downtown area, and provide free parking with two-hour limits.

Council Member Gulley said he supported the suggestion, but he said he felt the financial impact would need to be studied.

Motion to approve RESOLUTION NO. 06-396 establishing monthly parking rates in the newly constructed City parking lots, reducing the rate from \$47.00 to \$35.00 per month was approved by roll call vote.

Yeas: Gulley, Manning, Morris, Nichting, Spears, Turner, Van Auken, Mayor Ardis – 8;
Nays: Grayeb, Jacob, Sandberg - 3.

Council Member Sandberg left the Council Chambers.

(06-397) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Planning Commission and Staff to DENY a PRELIMINARY PLAT for BREITBARTH SUBDIVISION, a Residential Subdivision Located Within One and One Half Miles of the City of Peoria with an Address of 1410 W. CEDAR HILLS DRIVE, DUNLAP.

Council Member Nichting moved to concur with the Staff's recommendation to deny the Preliminary Plat for Breitbarth Subdivision, a residential subdivision located within one and one-half miles of the City of Peoria with an address of 1410 W. Cedar Hills Drive, Dunlap; seconded by Council Member Turner.

Motion to DENY was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

UNFINISHED BUSINESS

(06-286) Communication from the City Manager and Director of Economic Development Regarding the PEORIA PARK DISTRICT 2006 ANNUAL WORK PROGRAM and BUDGET, and GATEWAY REVENUE and EXPENSE REPORTS, with SUPPLEMENTAL INFORMATION, and with Request to Receive and File.

Following a brief comment, Council Member Grayeb moved to receive and file the Peoria Park District 2006 Annual Work Program and Budget, and Gateway Revenue and Expense Reports, with supplemental information; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

(06-295) Communication from the City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to ZONING for Various Text Adjustments Regarding the N-1 INSTITUTIONAL ZONING DISTRICT.

Mayor Ardis distributed a copy of letters to all members of the City Council from COO Sue Wozniak of OSF St. Francis Medical Center, President and CEO W. Michael Bryant of Methodist Medical Center, and President and CEO Norman LaConte of Proctor Hospital opposing the adoption of the proposed Ordinance.

Council Member Van Auken moved to adopt the Ordinance amending Appendix B of the Code of the City of Peoria relating to Zoning for various text adjustments regarding the N-1 Institutional Zoning District; seconded by Council Member Sandberg.

Council Member Van Auken explained the proposed Ordinance was intended to provide stability to residential, business, and institutional neighborhoods. She indicated this in no way was a hostile move toward the City's institutions. She said institutions were vital to the existing neighborhoods, but vital institutions needed growth areas and created pressure on near-by property owners. She said the proposed Ordinance provided a balance between needed flexibility for the institutions and neighborhoods. She said there was excellent communication between the City Council and the present administrators of area institutions, but she expressed concern regarding the future.

Council Member Grayeb said he felt the proposed Ordinance would have ramifications beyond the Bradley University area. He said those entities where the N-1 Zoning was in place had acted responsibly, and had worked closely with the governing bodies and with their neighborhoods. He said he did not feel it was necessary to move to an eight Council vote situation for approval for that reason, and he said he felt it would obstruct the ability to rehabilitate challenged neighborhoods. He said he would not support the motion.

Motion to adopt the Ordinance amending Appendix B of the Code of the City of Peoria relating to Zoning for various text adjustments regarding the N-1 Institutional Zoning District was DEFEATED by roll call vote.

Yeas: Sandberg, Spears, Van Auken - 3

Nays: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Turner, Mayor Ardis – 8.

(06-348) REPORT From the CITY COUNCIL AD HOC COMMITTEE ON COMMISSIONS, with Possible Action Requested as Follows: V.B. to Make No Changes (Other than those General Recommendations Considered on June 27) to the Advisory Commission on Human Resources, Animal Review Board, Constitution Garden Advisory Committee, Municipal Band Commission, Peoria Urban Forestry Advisory Board, Sister City Commission, Youth Advisory Commission, Historic Preservation Commission and V.C. 1-4: 1) Consolidate the Personnel Appeals Board Functions with those of the Fair Employment & Housing; 2) Eliminate the Advisory Committee on Police Community Relations; 3) Streamline the Duties of the Fire & Police Commission; 4) Strengthen Heart of Peoria Commission to Include Dual Appointments and Increased Participation; WITH REVISED Communication Regarding the Committee's Recommendations.

Council Member Van Auken distributed a copy of a revised Schedule regarding Recommendations from the City Council Ad Hoc Committee on Commissions to all members of the City Council.

Council Member Van Auken moved to approve V. B. to make no changes, other than those general recommendations considered at the June 27, 2006, City Council Meeting, to the Advisory Commission on Human Resources, Animal Review Board, Constitution Garden Advisory Committee, Municipal Band Commission, Peoria Urban Forestry Advisory Board, Sister City Commission, Youth Advisory Commission, and Historic Preservation Commission, with a footnote that an exception would be that the Historic Preservation Commission would be allowed to have dual appointments to the Heart of Peoria Commission; seconded by Council Member Morris.

Approved, as amended, by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

Council Member Van Auken moved to approve V.C. 1) to consolidate the Personnel Appeals Board functions with those of the Fair Employment & Housing Commission; seconded by Council Member Sandberg.

Council Member Grayeb said if these two commissions were merged, he questioned which entity would be involved in reviewing complaints from minority groups or those persons in protected classes.

Council Member Van Auken explained that persons in a bargaining unit or a non-bargaining unit would have different appeal rights, but for persons in a protected class would go before the Fair Employment & Housing Commission. She said this Commission handled external complaints and could handle internal employee complaints of the same nature.

Council Member Grayeb commended the members of the Committee for their efforts on the entire Commission report, but he said he felt that there needed to be an independent Fair Employment and Housing Commission. He said he would not support this particular recommendation.

Motion to approve V.C. 1) to consolidate the Personnel Appeals Board functions with those of the Fair Employment & Housing Commission was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner,

Van Auken, Mayor Ardis – 10;

Nays: Grayeb - 1.

Council Member Van Auken moved to approve V.C. 2) to eliminate the Advisory Committee on Police Community Relations; seconded by Council Member Sandberg.

Council Member Turner said he felt the Advisory Committee on Police Community Relations provided a check and balance system for issues regarding the African-American community and the Police Department. He said this organization was used to bring trust to the community. He moved to grant Privilege of the Floor to Mr. Don Jackson; seconded by Council Member Morris.

Council Member Morris said the committee had not met in over four years and Police Chief Settingsgaard had proposed to set up an Ad Hoc Committee, if there was a need.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. Don Jackson.

Mr. Don Jackson, Attorney and City resident, said he agreed with Council Member Turner's comments. He discussed the success of the past program, and he said a proposal was made for a commission to be designated to hear complaints from time to time relating to problems in the community, especially the African-American community and the Police Department. He urged the Council to defer this item and allow members of the committee to address the Council. He said there were current issues that could be taken to the Advisory Committee on Police Community Relations. He urged the Council not to eliminate this committee.

In discussion with Council Member Morris, Police Chief Settingsgaard said he first learned of this committee when the Ad Hoc Commission on Commissions was studying all the commissions. He said he would have no objections to setting up an Ad Hoc Committee to address Police Community Relations with any group in the community. He said even though this committee had not been used in four years, he had had several meetings with different groups in the community, including Mr. Don Jackson, regarding Police community relations, diversity when hiring, as well as other topics.

Council Member Sandberg pointed out that the Police Community Relations committee had not met in four years, but communication with the citizens of Peoria had not been eliminated. He said the elimination of the Police Community Relations committee would not invalidate the roll of the City Council or the Police Chief to listen to citizens regarding their concerns.

Council Member Morris moved for a substitute motion to leave in place the Advisory Committee on Police Community Relations and request that City Staff bring back a recommendation regarding how this committee could be more effective; seconded by Council Member Turner.

Substitute motion to leave in place the Advisory Committee on Police Community Relations and request that City Staff bring back a recommendation regarding how this committee could be more effective was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Mayor Ardis – 10;

Nays: Van Auken - 1.

Council Member Van Auken moved to approve V.C. 3) to streamline the duties of the Fire & Police Commission by a) Eliminating a probationary employee's appeal rights; Eliminating the Commission's interview of applications; b) Establishing a Comprehensive Eligibility List to reduce the need for hearings; and c) Streamline the hiring process regarding polygraph and psychological testing activities; seconded by Council Member Sandberg.

Council Member Turner expressed concern that the Fire & Police Commission would be taken out of the process, other than rubber-stamping decisions that had already been made. He said he was concerned about diversity in the hiring process, and he said he felt that checks and balances were needed in this regard.

Council Member Sandberg said the intent of this recommendation was to place the responsibility for hiring qualified personnel on the Police Chief and the Fire Chief. He said the Police & Fire Commission would still have oversight, if the motion was approved.

Council Member Grayeb said he felt the Fire & Police Commission should remain in their present capacity. He also expressed concern that the motion would eliminate some needed checks and balances that should remain in place. He said he would not support the motion.

Council Member Morris said he felt the Fire & Police Commission should be left in place.

Director of Human Relations Pat Parson pointed out that the Fire & Police Commission had already voted to make changes regarding streamlining the hiring process and those changes were already in place. He said the Commission felt that too many meetings were being held in order to hire new personnel, which delayed the hiring process. He said Commission, along with members of Human Resources, Police, and Fire Staff worked together to determine how the hiring process could be changed to be more effective. He said streamlining the hiring process had proved to be an improvement.

Council Member Van Auken added that the Fire & Police Commission had already established a Comprehensive Eligibility List to reduce the need for hearings.

Council Member Spears moved for a substitute motion to approve V.C. 3) to streamline the duties of the Fire & Police Commission by a) Eliminating a probationary employee's appeal rights; b) Establishing a Comprehensive Eligibility List to reduce the need for hearings; and c) Streamline the hiring process regarding polygraph and psychological testing activities; seconded by Council Member Grayeb.

Council Member Spears explained that he did not want to eliminate the Commission's interview of applicants.

In discussion with Council Member Grayeb, Director Parsons said he felt the polygraph test was an integral part of the process, and he recommended that this test remain as part of the process.

Council Member Grayeb said he would withdraw his second of the motion. Council Member Morris seconded the motion.

Substitute motion to approve V.C. 3) to streamline the duties of the Fire & Police Commission by a) Eliminating a probationary employee's appeal rights; b) Establishing a Comprehensive Eligibility List to reduce the need for hearings; and c) Streamline the hiring process regarding polygraph and psychological testing activities was DEFEATED by roll call vote.

Yeas: Gulley, Manning, Morris, Spears, Mayor Ardis – 5;

Nays: Grayeb, Jacob, Nichting, Sandberg, Turner, Van Auken - 6.

Motion to approve V.C. 3) to streamline the duties of the Fire & Police Commission by a) Eliminating a probationary employee's appeal rights; Eliminating the Commission's interview of applications; b) Establishing a Comprehensive Eligibility List to reduce the need for hearings; and c) Streamline the hiring process regarding polygraph and psychological testing activities was DEFEATED by roll call vote.

Yeas: Manning, Nichting, Sandberg, Spears, Van Auken, – 5;

Nays: Grayeb, Gulley, Jacob, Morris, Turner, Mayor Ardis - 6.

Following a brief discussion regarding how to proceed, Council Member Van Auken moved to defer V.C. 4) to strengthen Heart of Peoria Commission to include dual appointments and increased participation to the July 18, 2006, Regular City Council Meeting; seconded by Council Member Manning.

Motion to defer the item regarding V.C. 4) to the July 18, 2006, Regular City Council Meeting was approved by roll call vote.

Yeas: Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 9;

Nays: Grayeb, Gulley -2.

NEW BUSINESS

ANNOUNCEMENT Regarding NEIGHBORHOOD OPEN HOUSES in RENAISSANCE PARK

Council Member Van Auken invited the public to attend the Neighborhood Open Houses in Renaissance Park, which would be held on Sunday, July 16, 2006, from 2:00 P.M. until 4:00 P.M. She said there would be approximately 15 houses open for people to walk through.

ANNOUNCEMENT Regarding a SEMINAR Regarding ATTRACTING RETAIL TO URBAN PEORIA

Council Member Gulley announced that a Seminar regarding Attracting Retail to Urban Peoria would be held on Wednesday, July 12, 2006, from 3:00 P.M. until 5:00 P.M. at the Gateway Building. He said the public was invited and the event was sponsored by the City of Peoria's Economic Development Department, Peoria Area Chamber of Commerce, Economic Development Council of Central Illinois, and the Peoria Riverfront Association.

(06-398) REQUEST for a JOINT PRESENTATION by the CITY/COUNTY HEALTH DEPARTMENT and the AMERICAN RED CROSS Regarding the RISKS of the BIRD FLU PANDEMIC to be Placed on a Future City Council Agenda.

Council Member Grayeb referred to a recent presentation by the City/County Health Department regarding the proposed risks of avian flu and it was indicated there was no type of urgency regarding the matter. He said in Sunday's newspaper there was an article regarding the American Red Cross and the article discussed the need for everyone in this community to

prepare for the bird flu. He said it was predicted that the bird flu would be affecting Central Illinois by September. He said the article provided a list of emergency supplies that each family would need to have on hand.

Council Member Grayeb recommended that the City Manager arrange for the City/County Health Department and the American Red Cross to make a joint presentation to the City Council regarding the threat of the bird flu pandemic. He said he would welcome a realistic risk assessment regarding this issue. He requested that the presentation be placed on a Council Agenda in the near future.

Council Member Grayeb said Council Member Jacob had obtained a copy of an article from the internet and he requested that a copy of the article be provided to each Council Member.

City Manager Randy Oliver said he would also invite representatives from the area hospitals to participate in the presentation also.

No objections were heard.

(06-399) REQUEST for a REVIEW of the EFFECTIVENESS of P.O.P. TEAMS in Specific Hot Spot Areas of the City to Determine if Additional Strategies or Methods Should be Used to Deter Crime.

Council Member Gulley said there had been a number of shootings in certain areas of the City. He said he had received a letter from a citizen regarding these incidents and this citizen lived in an area where one of the P.O.P. Teams was assigned. He suggested that other strategies should be used in conjunction with the efforts of the P.O.P. team to deal with crime in the area. He requested a review of the results of the effectiveness of the P.O.P. teams for a determination of whether or not additional strategies or methods should be used to deter crime, specifically in the hot spot areas.

Council Member Grayeb said he felt there would be no way for anyone to quantify all the potential crime that had been deterred by the Police Department. He said there continued to be problems with crime, but it needed to be understood that many problems had also been prevented.

ANNOUNCEMENT Regarding 50TH ANNIVERSARY of HOLY FAMILY PARRISH

Council Member Spears announced that the Holy Family Parrish, which was a pillar of the Fourth District, would be celebrating their 50th Anniversary on July 15, 2006. He congratulated the Parrish and he invited the public to join in the celebration.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(06-400) Request for CITIZENS to ADDRESS the CITY COUNCIL Regarding VARIOUS ISSUES.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those citizens wishing to Address the Council.

Mr. Steve Katlack, a City resident, said he was a homeowner in the East Bluff and he discussed the past deterioration of the neighborhoods, and he said he appreciated that public officials were becoming more aware of these issues in the East Bluff area. He expressed concern that School District #150 had proposed to build a school near Glen Oak Park. He said a better location for the school would be the present site of the Glen Oak School. He urged the Council

to request that the School Board reconsider their previous proposal and build the school at the present site of Glen Oak School. He said a school building location was important and vital to a neighborhood. He suggested building a new school and enhancing the neighborhood using the same money.

EXECUTIVE SESSION

(06-401) 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; 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; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

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; 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; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; seconded by Council Member Jacob.

Approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

ADJOURNMENT

Council Member Nichting moved to adjourn the Regular City Council Meeting; seconded by Council Member Grayeb.

Approved by viva voce vote.

The Council Meeting adjourned at 9:32 P.M.

bb

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