

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

Council Chambers, Peoria, Illinois, December 7, 2004, a Joint Meeting of the City Council and Town Board of the City of Peoria was held this date at 6:15 P.M., at City Hall, Council Chambers, 419 Fulton Street, Mayor David P. Ransburg presiding.

ROLL CALL

Roll call showed the following Council Members present: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears (Arrived at 6:20 P.M.), Teplitz, Thetford, 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: CITY OF PEORIA POLICE DEPARTMENT: NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH – December 2004

MINUTES

Council Member Nichting moved to approve the minutes of a Majority of the Quorum Meeting of the City Council attending the Special Meeting of the Peoria Civic Center Authority held on November 15, 2004; the Joint Meeting of the City Council and Town Board held on November 16, 2004; Special City Council Meetings to hold Budget Hearings held on November 23 and 30, 2004; and the Executive Sessions held on November 9, 23, and 30, 2004, as printed, with a clarification to the November 23 minutes on Page 26800, Item No. 04-587, the end of the second paragraph under Letter “F” should read, “Did Council wish to contribute \$112,000, or \$28,000 per year for four years, toward the World War II Monument” and “ Did Council wish to fully fund the replacement of Rebecca Street arches on Main Street”; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

(04-615) PUBLIC HEARING for the Purpose of Obtaining Public Comment on the Use of Quick-Take Proceedings to Acquire Property, Generally Bounded by Washington Street, Main Street, Water Street, and Liberty Street, by EMINENT DOMAIN for the MUSEUM PROJECT SITE.

Council Member Nichting moved to open the Public Hearing for the purpose of obtaining public comment on the use of Quick-Take Proceedings to acquire property, generally bounded by Washington Street, Main Street, Water Street, and Liberty Street, by Eminent Domain for the Museum Project Site; seconded by Council Member Morris.

Motion to open the Public Hearing for the purpose of obtaining public comment on the use of Quick-Take Proceedings to acquire property, generally bounded by Washington Street, Main Street, Water Street, and Liberty Street, by Eminent Domain for the Museum Project Site was approved by roll call vote.

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

Nays: None.

The Public Hearing opened at 6:21 P.M.

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

Mr. Eitan Weltman, 802 N. Clinton Street, Suite A, Bloomington, Attorney representing Elizabeth Ehrlich and the Ehrlich Family, said their parcel of land had been held by the family for over 40 years. He read a statement on behalf of the family. The statement discussed the mysterious fire which occurred on the property in 1960 and destroyed Reliable Tire Company, owned by Bernie Ehrlich. Mr. Weltman explained that Mr. Ehrlich did not want to relinquish the property and he was denied the ability to rebuild. He said the family had been denied access to the land by a fence that had been installed and currently blocked access to the property. He added this was done without permission from the family. He said the property continued to bring profit to those who were allowed to use it, but the family was paid nothing during those years. He said it had been reported that the family refused to sell the property, but no contact had ever been made until summer of 2004. He said Mrs. Ehrlich desired to sell the property and had a for sale sign posted on the property for over a year. He questioned, if the City was interested in purchasing the property, why an offer was not made at that time. He said the for sale sign disappeared and Mrs. Ehrlich received a letter informing her of the City's intention to use eminent domain to take her property. He said he felt that an equitable settlement should be achieved that would provide a fair and just compensation to Mrs. Ehrlich.

Mrs. Pat Goitein, 1625 W. Columbia Terrace, pointed out the historical significance of the property under consideration. She said it was the one segment of the Sears Block which was the Museum's best link to Peoria's national and international historical significance. She said the property would probably have an archaeological survey done during redevelopment and the Illinois Historic Preservation Agency may order an excavation of the property. She said it was possible that significant items of the past would be found to enhance the museum's exhibits. She distributed an informational binder to all members of the City Council.

Following the third call and after Mayor Ransburg determined that no one else wished to address this issue, Council Member Nichting moved to close the Public Hearing; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

The Public Hearing closed at 6:29 P.M.

(04-616) Communication from the City Manager and Interim Director of Economic Development Recommending Adoption of an ORDINANCE Authorizing the COMMENCEMENT of CONDEMNATION PROCEEDINGS and Approval of the Use of QUICK-TAKE within the Proposed MUSEUM SITE, Generally Bounded by Washington Street, Main Street, Water Street, and Liberty Street.

Council Member Gulley moved to adopt an Ordinance authorizing the commencement of condemnation proceedings and approve the use of Quick-Take within the proposed Museum Site, generally bounded by Washington Street, Main Street, Water Street, and Liberty Street; seconded by Council Member Turner.

City Manager Randy Oliver said the adoption of the Ordinance would not preclude that a settlement could be reached with any of the property-owners before it went to court. He noted appraisers had been contacted for three of the four parcels. He said one property-owner had not elected to retain the services of an appraiser at this time.

In discussion with Council Member Sandberg, Interim Director of Economic Development Karie Friling explained the process of contacting the property owners about the City's interest in acquiring the properties. She said no offer was made at that time. She said her intention was to try to reach an agreement with each of the property-owners prior to court action. She indicated she tried to obtain a phone number from the for sale sign to contact Mrs. Ehrlich, but the sign had been removed. She added that the Attorney for Mrs. Ehrlich and Mrs. Ehrlich had both declined to hold any meetings with City representatives recently.

City Manager Oliver suggested that an Executive Session should be called if Council Member Sandberg would like to discuss further details of the offers and appraisal amounts.

Council Member Sandberg expressed concern that confidential appraisal amounts were part of a Caterpillar presentation several months ago.

Council Member Sandberg expressed concern that good faith bargaining had not been conducted by the City with the Ehrlich Family. He said he felt the City had dictated what the process would be and how it would be conducted. He said the Ehrlich Family had been tied to this property since the 1960's and they were offered \$50,000 at that time. He explained the Family felt it was worth more to them and they would not sell, so Sears built around their property. He said another offer was made to the Family in 1979, when a mall was going to build there. He said the City was presently not offering as much as was offered in 1960 to the Ehrlich Family. He spoke against the use of Quick-Take and he urged the Council to vote against the motion. He said the Ehrlich Family had been contributing citizens in the community, and he said he did not feel that good faith bargaining included the City putting up a security fence to block access to the Ehrlich property. He expressed concern that the City did not communicate with the property owner. He said this was December 7th and he referred to the anniversary of the bombing of Pearl Harbor. He said the family came to America after World War II and they were of a religious faith that was persecuted during World War II, so they do not trust government. He indicated that the City had done nothing to change that feeling.

In discussion with Council Member Ardis regarding the procedure, Corporation Counsel Randy Ray said the City of Peoria had never been found to not have been involved in good faith negotiations in any prior situations. He added the results may not have been desirable in prior situations, but it was not because the City did not negotiate in good faith. He said the Quick-

Take process was set up so a large project, such as the proposed Museum, could move forward and the Court could determine what just compensation would be within a reasonable period of time and not be rushed by the project. He said there would be a full hearing and a full opportunity to develop what was good compensation for the parcels.

Council Member Ardis said the adoption of the proposed Ordinance would not deny the property-owners their rights and a judge would decide if the City negotiated in good faith. He said this procedure would move discussions and negotiations forward.

In discussion with Council Member Gulley, Corporation Counsel Randy Ray said the process would commence so the City would be at a point to obtain titles to the properties by the end of February, 2005.

City Manager Oliver said negotiations could continue from now until the end of February, 2005.

Motion to adopt ORDINANCE NO. 15,706 authorizing the commencement of condemnation proceedings and approve the use of Quick-Take within the proposed Museum Site, generally bounded by Washington Street, Main Street, Water Street, and Liberty Street was approved by roll call vote.

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

Nays: Sandberg - 1.

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

- (04-617) BIDS for ANNUAL OFFICE SUPPLIES, in Conjunction with Peoria County, Peoria Housing Authority, Peoria Sanitary District, and Illinois Valley Council of Government, Recommending the VENDORS as Outlined.**
- (04-618) Communication from the City Manager and Director of Information Systems Requesting Approval of the PURCHASE of XIOTECH STORAGE AREA NETWORK 2.4 TB HARD DRIVE for DATA STORAGE from S.E.A GROUP, INC., in the Amount of \$15,916.76.**
- (04-619) * Communication from the City Manager and Director of Inspections Requesting Authorization to PURCHASE SEVEN Additional LAPTOP COMPUTERS for Code Enforcement from DELL CORPORATION, in the Total Amount of \$20,668.18, of which \$11,129.02 is to be Currently Expended.**
- (04-620) Communication from the City Manager and Interim Police Chief Requesting Approval of the SOLE SOURCE PURCHASE of FORTY (40) TASER UNITS and ASSOCIATED EQUIPMENT, from RAY O'HERRON, in the Amount of \$34,679.00.**
- (04-621) Communication from the City Manager and Human Resources Director Requesting Authorization to Pay the Cost of the MEDICARE PART B PREMIUM at the Rate of \$78.20 per Month for RETIRED CITY EMPLOYEES and their SPOUSES (and Widows or Widowers) on the Health Care Plan who are Age 65 and over and Eligible for Medicare, for the Budget Year 2005, at an Approximate Cost of \$315,302.00.**

- (04-622) Communication from the City Manager and Human Resources Director Requesting Approval of the STOP LOSS CONTRACT for the City's Health Care Plan with AIG LIFE INSURANCE COMPANY for the Year 2005 at an Annual Cost of \$437,399.00.
- (04-623) Communication from the City Manager and Director of Planning and Growth Management Recommending Approval of an AMENDMENT to the 2004 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CATHOLIC CHARITIES-CARING COMPANIONS AGREEMENT to Reduce the Transportation Line Item by \$1,200.00 to \$720.00, and to Increase the Volunteer Coordinator Personnel Line Item by \$1,200.00 to \$5,877.00.
- (04-624) Communication from the City Manager and Director of Planning and Growth Management Requesting Approval for the City of Peoria to Enter into a CONTRACT with BRADLEY UNIVERSITY to Perform an EVALUATION of the WEED AND SEED PROGRAM, in the Amount of \$10,000.00.
- (04-625)
** Communication from the City Manager and Corporation Counsel Requesting Authorization for the City Manager to Execute the ASSIGNMENT OF TENANT'S (G&G Packet) RIGHTS TO THE "LANDING" under the RIVERBOAT LANDING LEASE AGREEMENT.
- (04-626) Communication from the City Manager and Director of Planning and Growth Management Requesting Approval of a RESOLUTION NO. 04-626 Approving the PRELIMINARY PLAN of WILLIAMSBURG OAKS TOWNHOUSES PHASE 1-B, a Multi-Family Residential Development Located East of Big Hollow Road along the Southern Side of War Memorial Drive, with Conditions.
- (04-627) Communication from the City Manager and Interim Director of Economic Development Requesting Approval of a RESOLUTION NO. 04-627 Certifying that the CITY OF PEORIA TITLE IX ECONOMIC ADJUSTMENT PROGRAM REVOLVING LOAN FUND GRANT Meets the Requirements of the Economic Development Administration.
- (04-628) Communication from the City Manager and Interim Director of Economic Development Recommending Adoption of ORDINANCE NO. 15,707 Designating the PEORIA NEXT LIFE SCIENCE AND GENERAL TECHNOLOGY INCUBATOR as a Designated Zone Organization Project within the City of Peoria Enterprise Zone and Requesting Authorization to Submit the Project Application to the State of Illinois Department of Commerce and Economic Opportunity.
- (04-629) Communication from the City Manager and Finance Director/Comptroller Recommending Adoption of an ORDINANCE NO. 15,708 Amending the BUDGET for Fiscal Year 2004 Relating to the IDOT RAIL GRANT for KELLER BRANCH CONNECTION, DHS JUVENILE DELINQUENCY GRANT, HAVA (Helping America Voting Act) GRANT, and VARIOUS LIBRARY GRANTS, GIFTS and MEMORIALS.

(04-630) Communication from the City Manager and Interim Director of Economic Development Recommending Adoption of the ORDINANCE NO. 15,709 Approving the TRANSFER of VOLUME CAP in Connection with PRIVATE ACTIVITY BOND ISSUES, and Related Matters, for the Assist First-Time Homebuyer Down Payment Program.

(04-631) Communication from the City Manager and Director of Public Works Requesting Adoption of an ORDINANCE NO. 15,710 VACATING the LAST 25 FEET of CATALINA DRIVE, Approximately 313 Feet South of Scenic Drive.

(04-632) Appointments by Mayor David P. Ransburg to the YOUTH ADVISORY
*** COMMISSION, with Recommendation to Concur:

Ben Anderson (Voting)
Kate Clark (Voting)
Caleb Conner (Voting)
Samantha Deemie (Voting)
Spanky Edwards (Voting)
Evan Fairbanks (Voting)
Patricia Foster (Voting)
Megan Frye (Voting)
Kelsey Hilst (Voting)
Sidney Jackson (Voting)
Vance Jordan, III (Voting)
April L. Kingcade (Voting)
Anna Pille (Voting)
Shane Sharp (Voting)
Tekoa Shaw (Voting)
Tasha Triphan (Voting)
Anne E. Warner (Voting)
Brishawn Watson (Voting)
Tashara Wells (Voting)

(04-633) Communication from the City Manager Recommending the CANCELLATION of the CITY COUNCIL POLICY SESSION Scheduled for DECEMBER 28, 2004.

(04-634) REPORTS, with Recommendation to Receive and File:

1. PEORIA PUBLIC LIBRARY FINANCIAL REPORT – June 30, 2004.
2. PEORIA PUBLIC LIBRARY STATISTICAL REPORT – June 30, 2004.
3. PEORIA PUBLIC LIBRARY FINANCIAL REPORT – July 31, 2004.
4. PEORIA PUBLIC LIBRARY STATISTICAL REPORT – July 31, 2004.
5. PEORIA PUBLIC LIBRARY FINANCIAL REPORT – August 31, 2004.
6. PEORIA PUBLIC LIBRARY STATISTICAL REPORT – August 31, 2004.
7. PEORIA PUBLIC LIBRARY FINANCIAL REPORT – September 30, 2004.
8. PEORIA PUBLIC LIBRARY STATISTICAL REPORT–September 30, 2004.

9. **PEORIA PUBLIC LIBRARY FINANCIAL REPORT – October 31, 2004.**
10. **PEORIA PUBLIC LIBRARY STATISTICAL REPORT – October 31, 2004.**

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

Council Member Thetford requested that Item No. 04-632 be removed from the Consent Agenda for further discussion.

Council Member Turner requested that Item No. 04-625 be removed from the Consent Agenda for further discussion.

Council Member Nichting requested that Item No. 04-619 be removed from the Consent Agenda for further discussion.

Item Nos. 04-617 through 04-634 (excluding Item Nos. 04-619, 04-625, and 04-632 which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

- (04-619)**
* **Communication from the City Manager and Director of Inspections Requesting Authorization to PURCHASE SEVEN Additional LAPTOP COMPUTERS for Code Enforcement from DELL CORPORATION, in the Total Amount of \$20,668.18, of which \$11,129.02 is to be Currently Expended.**

Council Member Nichting requested that laptops be issued to Hazard Materials personnel so their reports could be completed in the field and any adjustments needed could be handled immediately.

City Manager Randy Oliver said he would work with the Fire Chief and the Information Systems Director. He suggested they could probably identify software which would be available.

Council Member Nichting moved to authorize the purchase of seven additional laptop computers for Code Enforcement from Dell Corporation, in the total amount of \$20,668.18, of which \$11,129.02 was to be currently expended; seconded by Council Member Grayeb.

Approved by roll call vote.

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

Nays: None.

- (04-625)**
** **Communication from the City Manager and Corporation Counsel Requesting Authorization for the City Manager to Execute the ASSIGNMENT OF TENANT'S (G&G Packet) RIGHTS TO THE "LANDING" under the RIVERBOAT LANDING LEASE AGREEMENT.**

Following a brief comment, Council Member Turner moved to authorize the City Manager to execute the Assignment of Tenant's (G&G Packet) rights to the "Landing" under the Riverboat Landing Lease Agreement; seconded by Council Member Gulley.

Council Member Sandberg said he would not support the motion because he did not feel this arrangement had provided any return on the City's investment.

In discussion with Council Member Nichting regarding whether or not when the agreement was written for the transfer, if there was an opportunity to renegotiate the agreement with G&G Packet for the obligation or opportunity to transfer rights, Corporation Counsel Randy Ray said it could have been renegotiated and, if the Council wanted the Administration to take that direction, they could do so. He said it was his understanding that the Park District had been in charge and this arrangement seemed satisfactory.

Council Member Nichting expressed concern that G&G Packet paid the City \$1.00 and now G&G Packet would receive \$340,000 in return. He said, given that the property was City-owned, he felt the Council should have been briefed on the issue that had such significant public investment.

Motion to authorize the City Manager to execute the Assignment of Tenant's (G&G Packet) rights to the "Landing" under the Riverboat Landing Lease Agreement was approved by roll call vote.

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

Nays: Sandberg - 1.

**(04-632) Appointments by Mayor David P. Ransburg to the YOUTH ADVISORY
*** COMMISSION, with Recommendation to Concur:**

**Ben Anderson (Voting)
Kate Clark (Voting)
Caleb Conner (Voting)
Samantha Deemie (Voting)
Spanky Edwards (Voting)
Evan Fairbanks (Voting)
Patricia Foster (Voting)
Megan Frye (Voting)
Kelsey Hilst (Voting)
Sidney Jackson (Voting)
Vance Jordan, III (Voting)
April L. Kingcade (Voting)
Anna Pille (Voting)
Shane Sharp (Voting)
Tekoa Shaw (Voting)
Tasha Triphan (Voting)
Anne E. Warner (Voting)
Brishawn Watson (Voting)
Tashara Wells (Voting)**

Mr. Steve Fairbanks, Youth Advisory Commission Coordinator, distributed a copy of the commission's missions and goals to all members of the City Council.

Following some brief comments that related to the future addition of members from other schools, Council Member Thetford moved to concur with the appointments to the Youth Advisory Commission; seconded by Council Member Teplitz.

Approved by roll call vote.

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

Nays: None.

(04-635) Communication from the City Manager and Finance Director/Comptroller Requesting Approval of the RESOLUTION INCREASING PARKING RATES at CITY-OWNED PARKING FACILITIES.

Council Member Morris moved to approve the Resolution increasing parking rates at City-owned parking facilities; seconded by Council Member Turner.

In discussion with Council Member Nichting, City Manager Randy Oliver said the Ordinance for extraction fees would also be coming before the Council in the near future. He added that fees to respond to car fires could also come back, if that was the desire of the Council.

Motion to approve RESOLUTION NO. 04-635 increasing parking rates at City-owned parking facilities was approved by roll call vote.

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

Nays: None.

(04-636) Communication from the City Manager and Finance Director/Comptroller Recommending Adoption of an ORDINANCE Amending CHAPTER 21 of the Code of the City of Peoria Relating to PUBLIC EVENTS and INCREASING APPLICATION FEES.

Council Member Turner moved to adopt an Ordinance amending Chapter 21 of the Code of the City of Peoria relating to Public Events and increasing application fees; seconded by Council Member Morris.

Council Member Gulley expressed concern regarding any increase in fees. He said fees were sometimes barriers for the smaller organizations. He suggested that fees be increased in the second tier and third tier. He said, if the application was received 60 days before the event, then the fee should be \$10.00.

Motion to adopt ORDINANCE NO. 15,711 amending Chapter 21 of the Code of the City of Peoria relating to Public Events and increasing application fees was approved by roll call vote.

Yeas: Ardis, Grayeb, Morris, Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 9;

Nays: Gulley, Sandberg - 2.

(04-637) Communication from the City Manager and Finance Director/Comptroller Recommending Approval of the RESOLUTION Adopting the 2005 BUDGET for the CITY OF PEORIA, ILLINOIS.

Council Member Turner moved to approve the Resolution adopting the 2005 Budget for the City of Peoria, Illinois; seconded by Council Member Gulley.

Motion approve the RESOLUTION NO. 04-637 adopting the 2005 Budget for the City of Peoria, Illinois, was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 9;

Nays: Nichting, Sandberg - 2.

(04-638) Communication from the City Manager and Finance Director/Comptroller Recommending Adoption of an ORDINANCE LEVYING the TAXES for FISCAL YEAR 2005 for MUNICIPAL PURPOSES for the City of Peoria, Illinois, in the Amount of \$19,547,048.

Council Member Turner moved to adopt an Ordinance levying the taxes for fiscal year 2005 for Municipal Purposes for the City of Peoria, in the amount of \$19,547,048; seconded by Council Member Gulley.

ORDINANCE NO. 15,712 was approved by roll call vote.

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

Nays: Nichting - 1.

(04-639) Communication from the City Manager and Finance Director/Comptroller Recommending Adoption of the Following:

A. ORDINANCE LEVYING a TAX for FISCAL YEAR 2005 for the WEAVERRIDGE SPECIAL SERVICE AREA PARCEL A – GOLF COURSE;

Council Member Morris moved to adopt an Ordinance levying a tax for fiscal year 2005 for the WeaverRidge Special Service Area Parcel A – Golf Course; seconded by Council Member Turner.

ORDINANCE NO. 15,713 was approved by roll call vote.

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

Nays: None.

B. ORDINANCE LEVYING a TAX for FISCAL YEAR 2005 for the WEAVERRIDGE SPECIAL SERVICE AREA – PARCEL D;

Council Member Turner moved to adopt an Ordinance levying a tax for fiscal year 2005 for the WeaverRidge Special Service Area - Parcel D; seconded by Council Member Morris.

ORDINANCE NO. 15,714 was approved by roll call vote.

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

Nays: None.

C. ORDINANCE LEVYING a TAX for FISCAL YEAR 2005 for the WEAVERRIDGE SPECIAL SERVICE AREA – PARCEL E;

Council Member Turner moved to adopt an Ordinance levying a tax for fiscal year 2005 for the WeaverRidge Special Service Area - Parcel E; seconded by Council Member Morris.

Motion moved to adopt ORDINANCE NO. 15,715 levying a tax for fiscal year 2005 for the WeaverRidge Special Service Area - Parcel E was approved by roll call vote.

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

Nays: None.

D. ORDINANCE LEVYING a TAX for FISCAL YEAR 2005 for the WEAVERRIDGE SPECIAL SERVICE AREA LOW DENSITY, MEDIUM DENSITY, HIGH DENSITY and SUBDIVIDED PARCEL F.

Council Member Turner moved to adopt an Ordinance levying a tax for fiscal year 2005 for the WeaverRidge Special Service Area low density, medium density, high density, and subdivided Parcel F; seconded by Council Member Morris.

ORDINANCE NO. 15,716 was approved by roll call vote.

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

Nays: None.

(04-640) Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE LEVYING A TAX for the FISCAL YEAR 2005 for the EAST BLUFF NEIGHBORHOOD HOUSING SERVICES SPECIAL SERVICE AREA, and to Receive and File the 2004 ANNUAL REPORT.

Council Member Thetford moved to adopt an Ordinance levying a tax for the fiscal year 2005 for the East Bluff Neighborhood Housing Services Special Service Area, and receive and file the 2004 Annual Report; seconded by Council Member Morris.

ORDINANCE NO. 15,717, and motion to receive and file the 2004 Annual Report, was approved by roll call vote.

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

Nays: None.

(04-641) Communication from the City Manager and Director of Inspections Requesting Adoption of the ORDINANCE Amending CHAPTER 5 of the Code of the City of Peoria Relating to BUILDINGS AND BUILDING REGULATIONS Regarding Regulating Time for BOARDING UP of BUILDINGS.

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

Council Member Teplitz moved to adopt the replacement Ordinance amending Chapter 5 of the Code of the City of Peoria relating to Buildings and Building Regulations regarding regulating time for boarding up of buildings; seconded by Council Member Thetford.

Council Member Teplitz said this was a result of the efforts of the Housing Commission after many months of work. She said the Ordinance established a base time line for the amount of time a building could be boarded up in the City. She said there was currently no time line, and boarded up houses could remain in that condition for years with no remedy. She said the proposed Ordinance was not perfect, but it was a good beginning.

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

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

Mr. Paul Wilkinson, 2220 N. Sheridan, President of Altamont Park Neighborhood Association, spoke in favor of the proposed Ordinance. He said he felt that six months was too generous, but it was a start for his neighborhood. He said there were quite a few boarded up houses in his neighborhood and he felt they were fire and rat hazards, and the houses attracted gang members. He displayed some pictures of some houses in his neighborhood to the Council. He encouraged the Council to adopt the proposed Ordinance.

Council Member Teplitz stated that the Neighborhood Alliance also endorsed the proposed Ordinance.

Ms. Levetta Ricca, President of Olde Towne South Neighborhood Association, said there were many boarded up buildings in her neighborhood, which affected property values, and the neighborhood had been fighting the situation for years. She displayed some pictures for the Council to view.

Mr. Martin Palmer, 1706 N. California Avenue, President of the East Bluff United Neighborhood Association, said there were many boarded up buildings in his neighborhood. He said he understood the reasons behind boarding up the buildings, which made the area more secure to discourage someone going into the house and preventing windows from being broken, etc. He said the boards remained on the houses too long, which impacted the neighborhood.

Council Member Teplitz moved to adopt the replacement Ordinance amending Chapter 5 of the Code of the City of Peoria relating to Buildings and Building Regulations regarding regulating time for boarding up of buildings, and amend Section 3 of the Ordinance, line 3, by striking the words "this Ordinance" and inserting the words "Section 5-409." The seconder agreed.

Corporation Counsel Randy Ray explained it was intended that the first date someone could be in violation of the board-up portion, of being boarded up more than six months, would be six months from the effective date of the Ordinance. He said it was not the intention that a parcel, which had been boarded up for more than six months, could not be demolished in that interim period.

Council Member Nichting suggested, if the board-up situation was to be addressed in some comprehensive fashion, an inventory should be made of boarded-up homes in neighborhoods. He said it should be determined why each was boarded-up, and it could be determined if the property needed to proceed to demolition court. He said often times government properties were vacant and boarded-up for some time.

Corporation Counsel Randy Ray said the intent of the proposed Ordinance was to be utilized to the full extent of the law, and it probably could be applied to government properties. He said each case would have to be reviewed individually and possibly litigated.

Director of Inspections John Kunki explained, if the proposed Ordinance was adopted, his strategy was to have each inspector compile a listing of boarded-up properties. He said a notice would be sent to the property owner that, if the property was boarded-up past a certain date, the property owner would be in violation.

Council Member Sandberg displayed a picture of a house which had been boarded up for over five years. He pointed out there was an existing Ordinance that required a boarded-up house over 30 days to be designated a nuisance. He said he did not feel there was anything wrong with the City's laws, but there was a problem with the application. He said he would not support the proposed Ordinance. He said a better solution was "mothballing" which required the boarded-up sections to be painted and boarded-up aesthetically.

Council Member Sandberg said boarding up a house for 30 days or more was too long. He also expressed concern regarding the requirements for boarded-up housing in Federal Government housing projects. He said he would not support the proposed Ordinance.

Director of Inspections John Kunski discussed the court process and how difficult it was to obtain a demolition order on structures that were structurally sound. He said the only other recourse was for a property to go before a hearing officer and he pointed out, it was a very lengthy process. He said the average cost of demolition was approximately \$10,000 to \$15,000. He said he would have to increase the Inspections Department budget substantially, if they were to be as aggressive as they had in the past. He said he hoped the proposed Ordinance would encourage the rehab of the property, because most neighborhoods did not want vacant lots there either.

Council Member Grayeb said something should be crafted into the legislation that would prevent property owners from being penalized for circumstances beyond their control.

In discussion with Council Member Grayeb, Director Kunski said the only other suggestion he had would be for the Council to give Staff direction to meet with the Circuit Court and compel them to give the City the court-ordered demolitions. He said it was his understanding that the neighborhoods did not want the structures to be demolished, but to be rehabbed and brought back into homeownership.

In further discussion with Council Member Grayeb, Corporation Counsel Randy Ray said the hearing officer had relieved the Circuit Court of many cases. He said the City was collecting fines on these properties, and the endless continuances were no longer a problem. He said if the fines were paid, and the problem had not been corrected, then the process repeated with another fine being issued.

Following a brief discussion, Corporation Counsel Randy Ray said he felt Staff needed to concentrate on enforcing the six month time limit and continuing to work on the Ordinance. He said the City was open to performing greater enforcement, and he felt the proposed Ordinance would assist with that.

Council Member Grayeb said he felt the Ordinance needed more discussion and research.

Council Member Sandberg moved for a substitute motion to change all reference of 180 to 30 days and to allow for the boarding of up to 180 days, if it was done with a mothballing Ordinance, that would be coming forward in the next 60 days; seconded by Council Member Grayeb.

City Manager Randy Oliver said the administrative process needed to be in place to monitor the properties and to make sure the system worked. He said the properties could not be inventoried within 30 days. He suggested that this Ordinance be reviewed again in six months.

Following further discussion, Council Member Nighting moved to call the question; seconded by Council Member Teplitz.

Motion to Call the Question was DEFEATED by roll call vote.

Yeas: Nichting, Spears, Teplitz, Thetford, Mayor Ransburg – 5;

Nays: Ardis, Grayeb, Gulley, Morris, Sandberg, Turner- 6.

Motion for a substitute motion to change all reference of 180 to 30 days and to allow for the boarding of up to 180 days, if it was done with a mothballing Ordinance, that would be coming forward in the next 60 days was DEFEATED by roll call vote.

Yeas: Grayeb, Sandberg, Spears - 3

Nays: Ardis, Gulley, Morris, Nichting, Teplitz, Thetford, Turner, Mayor Ransburg – 8.

Council Member Grayeb said he would support the motion, but he requested a report back following a six month period regarding the feasibility of tightening this Ordinance even further. He said deplorable conditions should be corrected as soon as possible.

Motion to adopt ORDINANCE NO. 15,718 amending Chapter 5 of the Code of the City of Peoria relating to Buildings and Building Regulations regarding regulating time for boarding up of buildings, and amend Section 3 of the Ordinance, line 3, and the words “this Ordinance” should be stricken, and the words “Section 5-409,” as amended, was approved by roll call vote.

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

Nays: Sandberg - 1.

(04-642) Communication from the City Manager and Director of Inspections Requesting Adoption of an ORDINANCE Amending CHAPTER 13 of the Code of the City of Peoria Relating to GARBAGE, LITTER, VEGETATION and INOPERABLE MOTOR VEHICLES Regarding Regulating the Time Period for Subsequent Violations.

Council Member Teplitz moved to adopt the Ordinance amending Chapter 13 of the Code of the City of Peoria relating to Garbage, Litter, Vegetation and Inoperable Motor Vehicles regarding regulating the time period for subsequent violations; seconded by Council Member Thetford.

Council Member Teplitz said this had been a topic of discussion before the Housing Commission for some time, and there had been input from the Neighborhood Alliance and subcommittees of the Neighborhood Development Commission.

In discussion regarding enforcement, Council Member Ardis suggested that discussions begin regarding the use of community service as an option for a penalty. He said he felt this was a better option rather than giving the offender a fine that would never be paid.

City Manager Randy Oliver said that option could be reviewed.

Council Member Teplitz agreed with Council Member Ardis' suggestion, and she said the Housing Commission had been working on giving community service hours to people who had minor transgressions. She said this was being done through the Circuit Court and neighborhoods had been the beneficiaries of that service.

Following a brief explanation by Director of Inspections John Kunski, Council Member Teplitz suggested that the use of community service be placed on the next Agenda for the Housing Property Maintenance Commission monthly meeting to begin those discussions.

Motion to adopt ORDINANCE NO. 15,719 amending Chapter 13 of the Code of the City of Peoria relating to Garbage, Litter, Vegetation and Inoperable Motor Vehicles regarding regulating the time period for subsequent violations was approved by roll call vote.

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

Nays: None.

- (04-643) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Human Resources Commission (HRC) to Approve PUBLIC SERVICE FUNDING at the Level Indicated as Outlined Utilizing 2005 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS from the U.S. Department of Housing and Urban Development.**

Following a brief comment, Council Member Grayeb moved to concur with the recommendation from the Human Resources Commission (HRC) to approve public service funding at the level indicated as outlined utilizing 2005 Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

- (04-597) Communication from the City Manager and Director of Inspections with Recommendation to adopt the following:**

- A. ORDINANCE Amending CHAPTER 5 of the Code of the City of Peoria Relating to the ADOPTION of the 2003 INTERNATIONAL BUILDING CODES with Specified Amendments;**

Council Member Turner moved to adopt the Ordinance amending Chapter 5 of the Code of the City of Peoria relating to the adoption of the 2003 International Building Codes with specified amendments; seconded by Council Member Morris.

In discussion with Council Member Sandberg, Director of Inspections John Kunki provided clarifications regarding exits and corridors shared by more than one tenant.

Council Member Sandberg expressed concern this was a combination of the BOCA Codes and the Uniform Codes, and this was an international trend that one size fits all. He said he felt that was a dangerous decision for building regulations, and placed the City of Peoria at a disadvantage. He said he felt the proposed Ordinance created an unlevel playing field.

Motion to adopt ORDINANCE NO. 15,720 amending Chapter 5 of the Code of the City of Peoria relating to the adoption of the 2003 International Building Codes with specified amendments Approved by roll call vote.

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

Nays: Sandberg, Spears – 2.

B. ORDINANCE Amending CHAPTER 11 of the Code of the City of Peoria Relating to the ADOPTION of the 2003 INTERNATIONAL FIRE CODE.

Council Member Turner moved to adopt the Ordinance amending Chapter 11 of the Code of the City of Peoria relating to the adoption of the 2003 International Fire Code; seconded by Council Member Morris.

Motion to adopt ORDINANCE NO. 15,721 amending Chapter 11 of the Code of the City of Peoria relating to the adoption of the 2003 International Fire Code was approved by roll call vote.

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

Nays: Spears - 1.

NEW BUSINESS

(04-644) REQUEST for INFORMATION to be Brought Back to the JANUARY 4, 2005, REGULAR CITY COUNCIL MEETING Regarding SOUTHERN ILLINOIS MUNICIPALITIES ORDINANCES Regulating MEDICAL MALPRACTICE LAWSUITS Brought Against PHYSICIANS.

Council Member Ardis said he saw a billboard suggesting there was a medical liability crisis, and he said he read an article that discussed some Southern Illinois municipalities which enacted Ordinances, under their Home Rule authority, that regulated medical malpractice lawsuits brought against the physicians in their communities. He requested that Staff research these Ordinances and bring something back to the Council for discussion. He said with the development of the Med-Tech District and bringing jobs into the community, he felt it was important to assist in overcoming that huge liability.

Council Member Ardis moved to direct Staff to bring back information regarding other municipalities' Ordinances regulating medical malpractice lawsuits brought against physicians for Council discussion at the January 4, 2005, Regular City Council Meeting; seconded by Council Member Teplitz.

Approved by roll call vote.

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

Nays: None.

CITIZEN REQUEST TO ADDRESS THE COUNCIL

(04-645) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding Various Items.

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

Ms. Levetta Ricca, 711 W. Greenlawn, expressed concern regarding boarded-up houses in her neighborhood and the impact it had on the residents. She described a property that was in particularly bad condition and she requested that something be done.

Council Member Nichting requested that Inspections Director John Kunski look into this situation.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – TOWN OF THE CITY OF PEORIA

- (04-646) **Communication from the Town Officials Budget Committee Recommending Adoption of an ORDINANCE LEVYING AND ASSESSING TAXES for the FISCAL YEAR Beginning APRIL 1, 2004, and Ending March 31, 2005, of the Town of the City of Peoria, Peoria County and State of Illinois for the TOWN GENERAL FUND and I.M.R.F. FUND, in the Amount of \$776,713.00.**

Trustee Nichting moved to adopt the Ordinance levying and assessing taxes for the fiscal year beginning April 1, 2004, and ending March 31, 2005, of the Town of the City of Peoria, Peoria County and State of Illinois for the Town General Fund and I.M.R.F. Fund, in the amount of \$776,713.00; seconded by Trustee Morris.

ORDINANCE NO. TO-04-02 was approved by roll call vote.

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

Nays: None.

- (04-647) **Communication from the Town Officials Budget Committee Recommending Adoption of an ORDINANCE LEVYING AND ASSESSING TAXES for the FISCAL YEAR Beginning APRIL 1, 2004, and Ending March 31, 2005, for the GENERAL ASSISTANCE FUND of the Town of the City of Peoria, Peoria County and State of Illinois, in the Amount of \$1,072,602.00.**

Trustee Nichting moved to adopt an Ordinance levying and assessing taxes for the fiscal year beginning April 1, 2004, and ending March 31, 2005, for the General Assistance Fund of the Town of the City of Peoria, Peoria County and State of Illinois, in the amount of \$1,072,602.00; seconded by Trustee Grayeb.

ORDINANCE NO. TO-04-03 was approved by roll call vote.

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

Nays: None.

EXECUTIVE SESSION

It was determined that no Executive Session was needed.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 8:55 P.M.

bb

Mary L. Haynes, MMC
City Clerk, Peoria, IL