

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

Council Chambers, Peoria, Illinois, April 8, 2008, a Regular City Council Meeting was held this date at 6:15 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding.

**ROLL CALL**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Ardis requested a moment of silent prayer or silent reflection and then he led the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

**PROCLAMATION:** MONEY SMART WEEK - April 7 - 12, 2008

**PROCLAMATION:** THE GREAT AMERICAN CLEANUP DAY - April 19, 2008

**PROCLAMATION:** PEORIA ACADEMY: TURNOFF WEEK - April 21 - 27, 2008

**PROCLAMATION:** PARKINSON'S DISEASE AWARENESS MONTH - April 2008

**PROCLAMATION:** WASTE MANAGEMENT WASTE WATCH PROGRAM

**MINUTES**

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting held on March 25, 2008, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

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

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

**(08-149) TAG DAY REQUEST from PETER W. SOMMER V.F.W. POST 814 to Hold Their ANNUAL BUDDY POPPY SALE on Friday and Saturday, May 4 and 5, 2008. (Dates are open.)**

**(08-150) NOTICE of LAWSUIT filed on Behalf of LAURETTA GRANTHAM Due to an Injury on a City of Peoria Sidewalk on July 13, 2007, with Recommendation to Receive and File and Refer to the Legal Department.**

**(08-151) NOTICE of LAWSUIT filed on Behalf of DENNIS KALLVY Regarding a Denial of his Appeal for a Zoning Exception on February 14, 2008, with Recommendation to Receive and File and Refer to the Legal Department.**

- (08-152) Communication from the Interim City Manager and Police Chief Requesting Approval for the PURCHASE of EXTREME COLD WEATHER GEAR for the Peoria Police Department Special Response Team's Duty Use from US CAVALRY, in the Amount of \$14,228.42, to Expend from the Federal Asset Forfeiture Funds.
- (08-153) \* Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation to FUND HAND UP COMMUNITY HOUSING DEVELOPMENT ORGANIZATION, in the Amount of \$210,000.00 of HOME CHDO FUNDS for Construction of THREE NEW AFFORDABLE SINGLE-FAMILY OWNER-OCCUPIED HOMES Located at 621 W. HANSSLER, 2800 Block of SHERIDAN ROAD, and LOT 28 RIDGEWOOD KNOLLS.
- (08-154) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Concur with the Recommendation from the Administration to Award the 2008 ADOPT-A-RAMP CONTRACT to S.F. PAULI BUILDERS, INC., in an Amount Not to Exceed \$63,000.00 of Community Development Block Grant Funds.
- (08-155) Communication from the Interim City Manager and Director of Public Works Requesting Approval of an AGREEMENT for PRELIMINARY ENGINEERING SERVICES with STS CONSULTANTS LTD to Update the Plans for the Improvement of Water Street from Hamilton Boulevard to Eaton Street, and Eaton Street from Water Street to Washington Street, in an Amount Not to Exceed \$55,100.00.
- (08-156) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of ORDINANCE NO. 16,259 Amending Ordinance No. 16,257 Pertaining to CHAPTER 27 of the Code of the City of Peoria Regarding the HOTEL TAX, To Become Effective May 1, 2008.
- (08-157) Communication from the Interim City Manager and Director of Public Works Requesting Adoption of ORDINANCE NO. 16,260 Providing for the IMPROVEMENT of WEST TETON DRIVE (N. University to a Point 120 Feet West of the East Intersection of Tobi Lane) Roadway Improvement Project, the Net Length of 1160 Feet or 0.22 Mile.
- (08-158) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a SIDEWALK PARTICIPATION REQUEST - PEORIA PARK DISTRICT at 2218 N. PROSPECT ROAD, in the Amount of \$32,742.82.
- (08-159) Communication from the Interim City Manager and Director of Planning and Growth Management Regarding the HUD CONSOLIDATED ANNUAL PERFORMANCE and EVALUATION REPORT (CAPER.), with Request to Receive and File.
- (08-160) PEORIA PUBLIC LIBRARY FINANCIAL and STATISTICAL REPORT dated FEBRUARY 29, 2008, with 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 Van Auken requested that Item No. 08-153 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. 08-149 through 08-160 (excluding Item No. 08-153) which was removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

**(08-153) \* Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation to FUND HAND UP COMMUNITY HOUSING DEVELOPMENT ORGANIZATION, in the Amount of \$210,000.00 of HOME CHDO FUNDS for Construction of THREE NEW AFFORDABLE SINGLE-FAMILY OWNER-OCCUPIED HOMES Located at 621 W. HANSSLER, 2800 Block of SHERIDAN ROAD, and LOT 28 RIDGEWOOD KNOLLS.**

Council Member Van Auken said there was evidence to suggest that the City of Peoria had an over-abundance of affordable housing, located in various parts of the City, that could use some rehabilitation. She said additional housing was not needed. She said, in the future, she could only support organizations who committed at least a portion or one-third of the funds for rehabilitation.

Council Member Van Auken moved to approve funding for Hand Up Community Housing Development Organization, in the amount of \$210,000.00 of HOME CHDO Funds for construction of three new affordable single-family owner-occupied homes located at 621 W. Hanssler, 2800 Block of Sheridan Road, and Lot 28 Ridgewood Knolls; seconded by Council Member Gulley.

In discussion with Council Member Gulley regarding concerns with handling asbestos and lead-based paint in housing that needed rehabilitation, Director of Planning and Growth Management Pat Landes said it was not the City who chose new construction over rehabilitation. She said CHDO organizations submitted proposals to the City for projects. She said she understood the concern expressed by Council Member Van Auken and she said she would hold discussions with the CHDO groups and bring their comments back to Council in a formalized update to determine if there were any additional issues that would change the direction of this issue.

Council Member Gulley said he would like to find a way to use this funding for rehabilitation where needed.

Council Member Manning said he would support the motion, but he felt funding for rehabilitation was imperative.

Motion to approve funding for Hand Up Community Housing Development Organization, in the amount of \$210,000.00 of HOME CHDO Funds for construction of three new affordable single-family owner-occupied homes located at 621 W. Hanssler, 2800 Block of Sheridan Road, and Lot 28 Ridgewood Knolls was approved by roll call vote.

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

Nays: None.

**(08-161) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval of the SCHOOL NEIGHBORHOOD IMPACT ZONE CONCEPT.**

Director of Planning and Growth Management Pat Landes distributed a replacement Council Communication to all members of the City Council.

Council Member Jacob discussed the School Neighborhood Impact Zone and he proposed focusing on a two-block area surrounding the new school construction sites. He said the concept was to strengthen the City's relationship with the School District and neighborhoods, and leverage taxpayer dollars to be spent for new school construction to improve conditions in the surrounding neighborhood to encourage a safer environment for students. He said he felt there was an opportunity to strengthen and stabilize the neighborhoods. He commended Education Liaison Bill Collier for his efforts in facilitating the meetings and communicating with both bodies. He also thanked the Staff of Planning and Growth Management, Fire Department, Police Department, Inspections and Code Enforcement for working as a team to provide services. He said the boundaries would be Ordinance driven, which institutionalized the approach concept.

Following further explanation, Director of Planning and Growth Management Pat Landes said after Council approved the concept of the plan, her Department would come back to Council on April 22, 2008, with three alternative sites where the plan could be implemented and to request that a zone be established. She said these sites would be based on the zone and direction provided by the Council.

Council Member Jacob moved to approve the School Neighborhood Impact Zone Concept; seconded by Council Member Manning.

Council Member Manning thanked those involved for bringing the concept together. He said the three areas would include the area near Glen Oak School, Woodruff High School area, and the area near the new Harrison School site. He said the success of the concept would depend on neighborhood associations, institutional partners, churches, non-profit groups, and employers coming together. He added this would be a big investment in the older neighborhoods and he felt encouraged by these activities.

Council Member Sandberg suggested that boundaries be expanded to incorporate both sides of streets for consistency and compatibility.

Director of Planning and Growth Management Pat Landes said the boundaries would be fine-tuned and the map that was distributed at the next meeting would show the blocks involved.

Motion to approve the School Neighborhood Impact Zone Concept was approved by roll call vote.

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

Nays: None.

Council Member Gulley said he wanted to make sure that the area around Harrison Homes was included in this focus as well as the focus of the Southern Gateway project. He questioned if there needed to be a separate motion for the map.

Director of Planning and Growth Management Pat Landes said she, Council Member Jacob and Director of Economic Development Craig Hullinger fully understood Council Member Gulley's request and the maps would be included.

- (08-162) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an INTERGOVERNMENTAL AGREEMENT By and Between the BOARD OF EDUCATION, PEORIA SCHOOL DISTRICT #150, and the CITY OF PEORIA Regarding the NEW GLEN OAK SCHOOL, and Requesting Authorization for the Interim City Manager to Execute the Agreement.**

Council Member Manning moved to approve the Intergovernmental Agreement by and between the Board of Education, Peoria School District #150, and the City of Peoria regarding the new Glen Oak School, and authorize the Interim City Manager to execute the necessary documents; seconded by Council Member Jacob.

Approved by roll call vote.

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

Nays: None.

- (08-163) Communication from Interim City Manager and Corporation Counsel with a REQUEST from COUNCIL MEMBER JIM MONTELONGO to Consider Action on an ORDINANCE Amending CHAPTER 18 of the Code of the City of Peoria Pertaining to DANCE HALL LICENSING, with Staff Recommendation to Deny the Ordinance.**

Mayor Ardis explained the proposed action would be an amendment to the Ordinance pertaining to Dance Hall licensing. He said this would not be a discussion regarding how well-run a proposed establishment would be, if allowed to open.

Council Member Montelongo explained the reason for the proposed change was to set the stage so a teen dance club could open at 7620 N. University. He said the current Ordinance established that a club of this type could not be located within 500 feet of a residential area, and he proposed that the Ordinance be changed to reflect 200 feet of a residential area. He stated he learned the established 500 feet had originally pertained to a teen dance club on Willow Knolls Road and related to noise. He said the proposed change to the Ordinance would give the Council an opportunity to accept a teen dance club, if the sound was at an appropriate level at 200 feet. He added he felt this change would be an improvement to the current Ordinance and would provide more flexibility for the Council to act.

Council Member Van Auken requested information regarding why the established 500 feet requirement was chosen and why the requirement should be revised to 200 feet in general. She expressed concern that the proposed change could negatively impact residents in District #2 and other parts of the City, if a similar request was made.

Council Member Montelongo explained 7620 N. University was located in a mall or plaza-type area and the decibel level was measured. He said there was no increase in decibels at 75 feet, so it was felt 200 feet would be a safe distance from homes.

Council Member Van Auken expressed concern that the proposed Ordinance was drafted to address a specific business. She said if the proposed Ordinance was adopted, it would allow other teen dance clubs to open in other parts of the City near residential neighborhoods, which may not be appropriate for those neighborhoods.

Corporation Counsel Randy Ray explained the 500 foot requirement was arrived at to keep a safe distance between music and parking lot noise from disturbing neighbors. He said the reason the requirement was set at 500 feet and not in decibels was because there may be applications submitted prior to sound systems being purchased and installed, so the decibel level could easily change after the measurement was taken.

Council Member Nichting said the construction of each building was unique regarding sound penetrations. He discussed a previous situation with a teen dance club on Willow Knolls Road and explained many of the problems.

Council Member Sandberg expressed concern that outside noises of an establishment also caused problems.

In discussion with Council Member Sandberg, Corporation Counsel Randy Ray explained the Council would need to determine what an unreasonable level of noise would be for an establishment. He added that once an establishment was open, it would be subject to all City Ordinances, including noise Ordinances, and State laws. He said the Police would enforce the noise Ordinance in the same manner they enforced it in other parts of the City. He added a license would be subject to revocation or suspension if those laws were not followed.

In discussion regarding Council Member Turner's suggestion that teen clubs be allowed as a Special Use in the Zoning Ordinance, which would require special Council approval to be considered, Corporation Counsel Randy Ray said it was possible if there was a change made to the Zoning Code.

Council Member Nichting further discussed the former teen dance club on Willow Knolls Road and he pointed out it took four or five months of hearings to close the establishment after the problems began to occur. He agreed this was a difficult issue for the Council to address.

Council Member Manning expressed concern that the proposed change would not just affect the N. University location. He added whatever the Council approved for the N. University location would be allowed for any site in the City. He said he would like the proposed Ordinance to at least include minimum requirements or conditions for security, noise, etc. before he could support a change. He also discussed curfew concerns.

Council Member Gulley spoke in support of the proposed Ordinance. He said he felt the teen dance club proposed for the N. University Street location should be allowed to open and, if problems developed, they could be handled by the Police Department or the City could close the establishment.

Council Member Spain expressed concern that a business would be encouraged to make the investment to open an establishment with a wait-and-see attitude. He said he did not feel this was a wise practice for the City to be involved in, especially with the concerns that had been voiced by other Council Members.

In discussion with Council Member Montelongo regarding a dance hall license, Corporation Counsel Randy Ray said the license would be renewable annually.

Council Member Spears pointed out when a neighborhood had problems with an establishment, the establishment's license would not be revoked immediately, and the situation would not be resolved quickly. He suggested there may be another way this situation could be handled. He said the Council needed to look at the City as a whole and make changes that would not negatively affect some portions of the City.

Council Member Van Auken expressed concern that the proposed club would require Police presence, which would further burden the City's Police Department in addition to their other problem areas in the City.

Interim City Manager Henry Holling said the Administration's concerns pertained to life-safety and law enforcement issues. He said the City's Police Department was called upon to cover the entire City and he was concerned about over-taxing law enforcement capabilities. He said there were issues regarding assembly, noise, and the parking lot and these were the reasons for the Administration's comments.

Director of Planning and Growth Management Pat Landes discussed the parking spaces required for the establishment on N. University. She said the complex had 264 parking spaces and the capacity of the proposed teen dance club would establish the parking requirement, and the capacity was projected to be 770. She said the parking requirement for the teen dance club would be 256 spaces of the 264 available, but there were other tenants in the mall complex that used the parking lot. She said her department was currently working with the applicant to determine if the spaces could be used at another time.

Council Member Montelongo requested to grant Privilege of the Floor to the owner of Adrenaline Youth Club.

Mayor Ardis requested that discussion pertain to the proposed Ordinance.

Council Member Gulley moved to grant Privilege of the Floor to the owner of Adrenaline Youth Club; seconded by Council Member Turner.

Motion to grant Privilege of the Floor was approved by roll call vote.

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

Nays: None.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to the owner of Adrenaline Youth Club.

Mr. Tim Behm, owner of Adrenaline Youth Club, said the 200 foot distance had been studied and he agreed a strict Ordinance should be adopted. He said he would comply with the Ordinance adopted by the Council. He said he formed his business to give the Peoria teens a safe place to go for activities. He said the present Ordinance would not allow any teen club to operate in the City. He discussed security measures that had been taken to provide a safe environment. He suggested that the Council defer the Ordinance so appropriate changes could be made and to give him an opportunity to open his business in Peoria.

Council Member Montelongo moved to defer this item until the April 22, 2008, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until April 22, 2008, was approved by roll call vote.

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

Nays: None.

**UNFINISHED BUSINESS****(08-057) Communication from the Interim City Manager and Director of Public Works Requesting Adoption of an ORDINANCE to VACATE GLEN ELM DRIVE (Manor Care Health Services) Lying Adjacent to Lots 1 and 2 in MARY JO-ALYCE MANOR RESUBDIVISION.**

Council Member Manning moved to adopt an Ordinance to vacate Glen Elm Drive (Manor Care Health Services) lying adjacent to Lots 1 and 2 in Mary Jo-Alyce Manor Resubdivision; seconded by Council Member Van Auken.

ORDINANCE NO. 16,261 was approved by roll call vote.

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

Nays: None.

**(08-136) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Granting a SPECIAL USE in a Class O-1 (Arterial Office) District Subject to the SHERIDAN ROAD CONTROLLED THOROUGHFARE OVERLAY DISTRICT REQUIREMENTS to Allow a BRANCH BANK for Property Located at 4518-4526 N. SHERIDAN ROAD, with Conditions.**

Director of Planning and Growth Management Pat Landes distributed a replacement Ordinance to all members of the City Council.

Council Member Manning moved to adopt an Ordinance granting a Special Use in a Class O-1 (Arterial Office) District subject to the Sheridan Road Controlled Thoroughfare Overlay District requirements to allow a Branch Bank for property located at 4518-4526 N. Sheridan Road, with conditions; seconded by Council Member Van Auken.

Council Member Sandberg pointed out the site plan contained only one ATM machine.

ORDINANCE NO. 16,262 was approved by roll call vote.

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

Nays: None.

**NEW BUSINESS****ANNOUNCEMENT Regarding PROMOTION of SMALL and MINORITY BUSINESSES**

Council Member Gulley announced that on Monday, April 14, 2008, at the Pere Marquette Hotel, in cooperation with Bradley University, City of Peoria, and Industry Institute, the EOO Department would be sponsoring an event to promote building capacity in small and minority businesses. He invited the Council to attend and he thanked Bradley University for their assistance in pulling the community together.

**ANNOUNCEMENT Regarding CITY/COUNTY AD HOC GROUP MEETING**

Council Member Jacob said the City/County Ad Hoc group continued to meet and he said if there were any issues of interest that should be brought forward, he requested that Council Members contact him.



**CITIZEN REQUESTS TO ADDRESS THE COUNCIL****(08-164) 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 City Council.

Mr. Roger Sparks, a Peoria resident, said he was a member of the Mayor's Advisory Committee for the Disabled and on the Peoria Transit Advisory Committee. He discussed the City's affordable single-family housing program and he said that more affordable housing was needed for people who were confined to a wheelchair. He said bathrooms and kitchens needed to be fully accessible, and he stated funds needed to be allocated for this need soon.

Mr. Michael Krulac, a Peoria Resident, spoke in support of opening a teen dance club at 7620 N. University.

Mr. Joshua Howe, a Bartonville Resident, spoke in support of opening a teen dance club at 7620 N. University.

Mr. Brad Carter, President of Jackson Corners Neighborhood Association, spoke in support of the School Impact Zone. He commended the Council for their work on this project. He reminded the Council there was another school being developed in the old Social Security Building so he encouraged the Council to allocate funding for new sidewalks in the area.

Mr. Curt Dusek, a Peoria resident, spoke in support of opening a teen dance club at 7620 N. University.

Mr. Andy Sappington, a Dunlap resident, spoke in support of opening a teen dance club at 7620 N. University.

**EXECUTIVE SESSION****(08-165) REQUESTING APPROVAL of a MOTION for the CITY COUNCIL to go into EXECUTIVE SESSION to Discuss: 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent.**

Council Member Manning moved that the City Council to go into Executive Session to Discuss: 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

**ADJOURNMENT**

Council Member Manning moved to adjourn the Regular City Council Meeting; seconded by Council Member Turner.

Approved by viva voce vote.

The City Council Meeting adjourned at 8:44 P. M.

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

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