: OFFICIAL PROCEEDINGS :

: OF THE CITY OF PEORIA, ILLINOIS :

Council Chambers, Peoria, Illinois, August 26, 2008, a Regular City Council Meeting was held this date at 6:19 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding, and with proper notice having been posted.

ROLL CALL

Roll call showed the following Council Members were physically present: Gulley (arrived 6:40 P.M.), Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 10; Absent: Turner - 1.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection, and he requested that the family of Police Sgt. Phil Fisher be remembered due to his sudden passing on August 15, 2008. Mayor Ardis then led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PRESENTATION: PRESENTATION BY PEORIA CITY BEAUTIFUL OF THE IRIS AWARD

PROCLAMATION: WOMEN'S EQUALITY DAY - AUGUST 26, 2008

PROCLAMATION: LITURGICAL DANCE DAY - SEPTEMBER 7, 2008

PROCLAMATION: JUVENILE DIABETES RESEARCH FOUNDATION: WALK TO CURE DIABETES - SEPTEMBER 7, 2008

PROCLAMATION: CITYLINK FREE RIDE PROGRAM

PROCLAMATION: CAPTAIN JINKS & SALTY SAM TRIBUTE & FUNDRAISER – AUGUST 28, 2008

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting and Executive Session held on August 12, 2008, as printed; seconded by Council Member Manning.

Approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 10;
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:

(08-421) **NOTICE OF LAWSUIT Filed on Behalf of KATHY HENDERSON Alleging Injuries Sustained from a Fall on a Sidewalk at 1601 N.E. Madison, with Recommendation to Receive and File and Refer to the Legal Department.**

(08-422) **Communication from the Interim City Manager and Director of Inspections Requesting Approval to Declare the Animal Control Vehicle 195 Excess Property, and Approval for the SALE of the VEHICLE to the PEORIA HUMANE SOCIETY for ONE DOLLAR.**

(08-423) **Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,315 Amending the City of Peoria Budget for Fiscal Year 2008 Relating to the DONATIONS for the MAYOR'S SUMMER EMPLOYMENT PROGRAM, SCHOOL BACK PACK PROGRAM, FIRE PREVENTION TRAINING MATERIALS DONATION, FIRE EQUIPMENT GRANT and POLICE SLATE GRANT.**

(08-424) **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of ORDINANCE NO. 16,316 Rezoning Property Located at 1620 W. WAR MEMORIAL DRIVE from the Present Class C-1 (General Commercial) District to a Class C-2 (Large Scale Commercial) District.**

(08-425) **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of ORDINANCE NO. 16,317 Rezoning Property Located at the 3000 BLOCK of GRAND PARKWAY, MEDINA PLAINS CORPORATE PARK, SECTION 1 - LOTS 11, 12 & 13 from the Present Class I-1 (Industrial Business Park) District to a Class C-2 (Large Scale Commercial) District.**

(08-426) **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of ORDINANCE NO. 16,318 Granting a SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER for Property Located at the 8215 & 8305 N. ALLEN ROAD, with Condition.**

(08-427) ***** **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE for LIVE MUSIC PEORIA, NFP for an Event to be Held at GLEN OAK PARK AMPHITHEATRE on Saturday, September 13, 2008.**

(08-428) **APPOINTMENT by Mayor Jim Ardis to the ADVISORY COMMISSION ON HUMAN RESOURCES, with Recommendation to Concur:**

Chester Tomczyk (Voting) - Term Expires 6/30/2009

(08-429) **APPOINTMENTS by Mayor Jim Ardis to the ADVISORY COMMITTEE FOR THE DISABLED, with Recommendation to Concur:**

Michael Van Cleve (Voting) - Term Expires 6/30/2009
Mabel VanDusen (Voting) - Term Expires 6/30/2009

(08-430) **REAPPOINTMENTS by Mayor Jim Ardis to the FAIR EMPLOYMENT AND HOUSING COMMISSION, with Recommendation to Concur:**

Lucy Gulley (Voting) - Term Expires 6/30/2011
Edward Jackson (Voting) - Term Expires 6/30/2011

(08-431) **REAPPOINTMENTS by Mayor Jim Ardis to the MUNICIPAL BAND COMMISSION, with Recommendation to Concur:**

Denise B. Cooksey (Voting) - Term Expires 6/30/2011
James Hopkins (Voting) - Term Expires 6/30/2011

(08-432) **REAPPOINTMENTS by Mayor Jim Ardis to the RIVERFRONT PROGRAM AND POLICY ADVISORY COMMITTEE, with Recommendation to Concur:**

Bobby Gray (Voting) - Term Expires 6/30/2010
Patrick T. Sullivan (Voting) - Term Expires 6/30/2010

(08-433) **REAPPOINTMENTS by Mayor Jim Ardis to the TRAFFIC COMMISSION, with Recommendation to Concur:**

Brandon Lott (Voting) - Term Expires 6/30/2011
Annette Mills (Voting) - Term Expires 6/30/2011
Curphy Smith (Voting) - Term Expires 6/30/2011

(08-434) **PEORIA CIVIC CENTER THIRD QUARTER 2008 REPORT for the Period Ended May 31, 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 Jacob requested that Item No. 08-427 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 Van Auken.

Item Nos. 08-421 through 08-434 (excluding Item No. 08-427, 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, Van Auken, Mayor Ardis – 10;
Nays: None.

(08-427) * **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE for LIVE MUSIC PEORIA, NFP for an Event to be Held at GLEN OAK PARK AMPHITHEATRE on Saturday, September 13, 2008.**

Council Member Jacob said he would be abstaining from discussing and voting on this item because he was a liquor licensee and was 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 Live Music Peoria, NFP for an event to be held at Glen Oak Park Amphitheatre on Saturday, September 13, 2008; seconded by Council Member Van Auken.

Approved by roll call vote.
Yeas: Gulley, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 9;
Nays: None;
Abstentions: Jacob - 1.

(08-435) Communication from the Interim City Manager and Director of Economic Development Requesting Approval of a RESOLUTION Calling for a PUBLIC HEARING to be Held on OCTOBER 14, 2008, at 6:15 P.M. at City Hall Council Chambers, Room 400, and Convening a JOINT REVIEW BOARD MEETING on SEPTEMBER 11, 2008, at 3:00 P.M. at City Hall, Room 112, in Connection with the Proposed HOSPITALITY IMPROVEMENT ZONE (HIZ) TIF.

Council Member Manning moved to approve the Resolution calling for a Public Hearing to be held on October 14, 2008, at 6:15 P.M. at City Hall Council Chambers, Room 400, and convening a Joint Review Board Meeting on September 11, 2008, at 3:00 P.M. at City Hall, Room 112, in connection with the proposed Hospitality Improvement Zone (HIZ) TIF; seconded by Council Member Van Auken.

Council Member Sandberg moved to separate the two issues; seconded by Council Member Gulley.

Motion to separate the issues was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 10;
Nays: None.

Council Member Sandberg moved to approve a Resolution calling for a Public Hearing to be held on October 14, 2008, at 6:15 P.M. at City Hall Council Chambers, Room 400, in connection with the proposed Hospitality Improvement Zone (HIZ) TIF; seconded by Council Member Van Auken.

RESOLUTION NO. 08-435-A was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 10;
Nays: None.

Council Member Nichting moved to approve a Resolution convening a Joint Review Board Meeting on September 11, 2008, at 3:00 P.M. at City Hall, Room 112, in connection with the proposed Hospitality Improvement Zone (HIZ) TIF; seconded by Council Member Montelongo.

RESOLUTION NO. 08-435-B was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Spain, Spears, Van Auken, Mayor Ardis – 9;
Nays: Sandberg - 1.

(08-436) Communication from the Interim City Manager and Corporation Counsel Requesting Action on a RESOLUTION PLACING a PUBLIC QUESTION on the NOVEMBER BALLOT Regarding NONPARTISAN PRIMARY ELECTIONS.

An e-mail from Mr. Paul Wilkinson, President of Altamont Park Neighborhood Association, urging the Council to support the proposed Resolution, was distributed to all members of the Council.

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

Council Member Van Auken moved to approve the replacement Resolution placing a Public Question on the November Ballot regarding Nonpartisan Primary Elections showing the question: Shall the City of Peoria hold nonpartisan primary elections, to reduce the field of candidates to 2, when more than 2 persons have filed valid nominating papers and/or notice of intent to become a write-in candidate for the office of Mayor, Clerk, Treasurer or District Councilman; and, in the case of At-Large Councilmen, to 10, when more than 10 persons have filed valid nominating papers and/or notice of intent to become a write-in candidate?; seconded by Council Member Manning.

Council Member Sandberg expressed concern that there would only be 70 days in which to educate the public regarding this issue, if the proposed Resolution was approved. He said he would not support the proposed Resolution.

Council Member Van Auken said she felt it was critical to give voters more opportunities to review candidates for Mayor, District Council Member, and At-Large Council Member positions. She said she felt those citizens who voted in primaries were better informed and more involved in local government.

Council Member Spain said approving the Resolution would maintain the status quo and maintain the opportunity for citizens to have their voices heard and would also provide a choice for citizens to decide how representatives were elected.

Motion to approve RESOLUTION NO. 08-436 placing a Public Question on the November Ballot regarding Nonpartisan Primary Elections was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Spain, Spears, Van Auken, Mayor Ardis – 9;
Nays: Sandberg - 1.

(08-437) 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 I-1 (Industrial/Business Park) District for an EXPANSION of a NONCONFORMING USE for a DRY BATCH CEMENT MIXING PLANT to Include an Additional SILO and DUST COLLECTOR for the Property Located at 9016 N. UNIVERSITY STREET, with Condition.

Council Member Nichting moved to adopt an Ordinance granting a Special Use in a Class I-1 (Industrial/Business Park) District for an expansion of a Nonconforming Use for a Dry Batch Cement Mixing Plant to include an additional silo and dust collector for property located at 9016 N. University Street, with condition as amended to reflect that the drive for the property must be paved within two years, rather than one year, from the date of approval by the City Council; seconded by Council Member Spain.

Council Member Sandberg expressed concern that the extra time allowed would go against the City's standard for these matters.

Council Member Gulley expressed concern regarding the amendment to the condition and possible costs involved. He suggested that the requirements in the Ordinance be reviewed. He moved to grant Privilege of the Floor to the Petitioner, Mr. Denny Oedewaldt; seconded by Council Member Sandberg.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. Denny Oedewaldt.

Mr. Denny Oedewaldt, the Petitioner, explained the project and he said it would cost $116,000 for the paving and he urged the Council to support the extra time to complete the paving project.

Council Member Gulley said he felt paving the surface was not the best solution for this project.

Motion to adopt ORDINANCE NO. 16,319 granting a Special Use in a Class I-1 (Industrial/Business Park) District for an expansion of a Nonconforming Use for a Dry Batch Cement Mixing Plant to include an additional silo and dust collector for property located at 9016 N. University Street, with condition as amended to reflect that the drive for the property must be paved within two years, rather than one year, from the date of approval by the City Council, was approved by roll call vote.
Yeas: Jacob, Manning, Montelongo, Nichting, Spain, Spears, Van Auken, Mayor Ardis – 8;
Nays: Gulley, Sandberg - 2.

(08-438) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending Ordinance No. 15,948, as Amended, an OFFICIAL DEVELOPMENT PLAN for OSF FRANCISCAN PRAIRIE POINT in a Class N-1 (Institutional) District for the UPDATE of the CAMPUS PLAN Including the ADDITION of the OSF DATA CENTER and an OSF MEDICAL FACILITY for the Property Located at Route 91, Parcel No's 13-02-200-005, 006, 007, and 08-35-400-004, with Conditions.

Council Member Gulley said he would be abstaining from discussion and voting due to a professional relationship with OSF St. Francis.

Council Member Nichting moved to adopt an Ordinance amending Ordinance No. 15,948, as amended, an Official Development Plan for OSF Franciscan Prairie Point in a Class N-1 (Institutional) District for the update of the Campus Plan including the addition of the OSF Data Center and an OSF Medical Facility for the property located at Route 91, Parcel No's 13-02-200-005, 006, 007, and 08-35-400-004, with conditions; seconded by Council Member Manning.

ORDINANCE NO. 16,320, amending Ordinance No. 15,948, was approved by roll call vote.
Yeas: Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 9;
Nays: None;
Abstentions: Gulley - 1.

(08-439) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission to ADOPT or Staff Recommendation to DENY an ORDINANCE Rezoning Property Located at GRAND PARK, MEDINA PLAINS CORPORATE PARK, SECTION 1-LOTS 9, 10, 14, 15 & 16 from the Present Class I-1 (Industrial Business Park) District to a Class O-2 (Exclusive Office Park) District.

Council Member Nichting moved to concur with the Zoning Commission's recommendation to adopt the Ordinance rezoning property located at Grand Park, Medina Plains Corporate Park, Section 1 – Lots 9, 10, 14, 15, and 16 from the present Class I-1 (Industrial Business Park) District to a Class O-2 (Exclusive Office Park) District; seconded by Council Member Spain.

ORDINANCE NO. 16,321 was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 9;
Nays: Montelongo - 1.

(08-440) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to DENY an ORDINANCE Rezoning Property Located at 1717 W. GLEN AVENUE from the Present Class R-3 (Single-Family Residential) District to a Class O-1 (Arterial Office) District.

Council Member Spears moved to Table this item; seconded by Council Member Manning.

Motion to Table was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 10;
Nays: None.

(08-441) Communication from the Interim City Manager and Director of Public Works Requesting to Receive and File the SUMMARY REPORT for the 2008 MAYOR'S YOUTH CORP SUMMER EMPLOYMENT PROGRAM.

Council Member Jacob moved to receive and file the summary Report for the 2008 Mayor's Youth Corp Summer Employment Program; seconded by Council Member Van Auken.

Approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 10;
Nays: None.

UNFINISHED BUSINESS

(08-197) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Concur with the Unanimous Recommendation from the Planning Commission and Staff to DENY a RESOLUTION Approving the FIRST AMENDMENT to the ANNEXATION AGREEMENT for the SMART PROPERTY, a Residential Development Located West of Koerner Road, North of Illinois Route 8 (Southport Road) and South of Interstate 74 with a Previous Address of 6627 SOUTHPORT ROAD, Identified as Parcel Numbers 13-22-300-006, 13-22-300-007, and 13-22-300-008, all Located Within One and One-Half Miles of the City of Peoria.

Council Member Manning moved to defer this item for two weeks until the September 9, 2008, Regular City Council Meeting; seconded by Council Member Van Auken.

Motion to defer this item until September 9, 2008, was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 10;
Nays: None.

(08-384) Communication from the Interim City Manager and Director of Public Works Requesting Approval of AMENDMENTS to the SNOW RESPONSE PROGRAM, which Includes ADJUSTING THE NUMBER OF SNOW ROUTES and MODIFYING DESIGNATED STREETS AS SNOW ROUTES, with Current and Proposed Route maps.

Director of Public Works Dave Barber provided an overview of the proposed amendments to the Council. He said the plan was designed to get citizens from their homes to a main street as soon as possible when a snow event occurred. He said the plan was based on safety and to reduce risk on streets where accidents usually occurred, and the next priority was to clear secondary streets.

In discussion with Mayor Ardis, Director Barber confirmed that adding vehicles to the existing fleet and adjusting manpower would come before the Council during the Budget sessions.

Following a brief discussion regarding clarification of some the of routes, Council Member Van Auken moved to approve the amendments to the Snow Response Program, which included adjusting the number of snow routes and modifying designated streets as snow routes; seconded by Council Member Nichting.

Approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Spain, Spears, Van Auken, Mayor Ardis – 9;
Nays: Sandberg - 1.

(08-405) Communication from the Interim City Manager and Director of Inspections Requesting Approval of an ORDINANCE Amending CHAPTER 5 of the Code of the City of Peoria Adopting the 2008 NATIONAL ELECTRICAL CODE in its Entirety, with Supplemental Information as Requested, and New Ordinance Changing Effective Date to December 1, 2008.

Council Member Sandberg expressed concern regarding the proposed Ordinance because he felt the changes made it more difficult for citizens to follow the requirements and it would add costs to the price of a home maintenance.

Director of Inspections John Kunski explained the notification process of suppliers and retail stores that all receptacles installed in Peoria would be required to be tamper proof. He said they could not prevent the sale of something that was not tamper proof, but they could make every attempt to prevent installation through the permit process.

Council Member Spears moved to adopt an Ordinance amending Chapter 5 of the Code of the City of Peoria adopting the 2008 National Electrical Code in its entirety with an effective date of December 1, 2008, and receive and file the supplemental information; seconded by Council Member Van Auken.

ORDINANCE NO. 16,322 was approved by roll call vote.
Yeas: Jacob, Manning, Montelongo, Nichting, Spain, Spears, Van Auken, Mayor Ardis – 8;
Nays: Gulley, Sandberg - 2.

(08-406) Communication from the Interim City Manager and Corporation Counsel Requesting the Following:

A. Approval of a RESOLUTION Calling on the General Assembly to REPEAL or ABATE MOTOR FUEL TAXES on TAXI CABS.

B. Adoption of an ORDINANCE Amending CHAPTER 30 of the Code of the City of Peoria Pertaining to TAXI CAB RATES, with Supplemental Communication and New Ordinance Changing the Effective Date to September 3, 2008.

Council Member Spears moved to approve a Resolution calling on the General Assembly to repeal or abate Motor Fuel Taxes on Taxi Cabs and adopt an Ordinance amending Chapter 30 of the Code of the City of Peoria pertaining to Taxi Cab Rates with an effective date of September 3, 2008, and receive and file the supplemental communication; seconded by Council Member Gulley.

Council Member Nichting moved to divide the two issues; seconded by Council Member Sandberg.

Motion to divide the two issues was approved by roll call vote.
Yeas: Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 9;
Nays: Gulley - 1.

Council Member Spears moved to approve a Resolution calling on the General Assembly to repeal or abate Motor Fuel Taxes on Taxi Cabs; seconded by Council Member Gulley.

RESOLUTION NO. 08-406 was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 8;
Nays: Montelongo, Nichting - 2.

Council Member Spears moved to adopt an Ordinance amending Chapter 30 of the Code of the City of Peoria pertaining to Taxi Cab Rates, and receive and file the supplemental communication; seconded by Council Member Gulley.

Council Member Sandberg suggested a staggered fee schedule and levels of services.

Council Member Spears urged the Council's support of the proposed Ordinance at this time because of inspections that would be due in September and they wanted to reduce the costs for the City for the inspections.

Motion to adopt ORDINANCE NO. 16,323 amending Chapter 30 of the Code of the City of Peoria pertaining to Taxi Cab Rates, and receive and file the supplemental communication was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Spain, Spears, Van Auken, Mayor Ardis – 9;
Nays: Sandberg - 1.

(08-415) Communication from the Interim City Manager and Director of Public Works Requesting Approval of an EXTENSION of the JANITORIAL SERVICES CONTRACT until October 1, 2009, with THE CLEANING SOURCE for a ONE YEAR CONTRACT EXTENSION VALUE of $386,974.97, Including a 4% Price Adjustment on a SOLE SOURCE BASIS. (Amends Item No. 06-533)

Council Member Montelongo moved to defer this item until the September 9, 2008, Regular City Council Meeting; seconded by Council Member Gulley.

Motion to defer this item until September 9, 2008, was approved by roll call vote.
Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 9;
Nays: Manning - 1.

(08-418) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting the Following:

A. Receive and File the SUPPLEMENTAL INFORMATION.

Council Member Van Auken moved to receive and file the supplemental information; seconded by Council Member Jacob.

Following comments by Council Member Sandberg, Council Member Van Auken moved to grant Privilege of the Floor to Mr. Ron Naples; seconded by Council Member Manning.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. Ron Naples.

Mr. Ron Naples, representing Adams Outdoor, confirmed that an electrical contractor, who was also an electrician, conducted standardized testing for light sources and foot candles, and all tests were performed in the same manner. He confirmed that all readings were consistent with digital, non-digital, and ambio light.

In discussion with Council Member Van Auken, Director of Planning and Growth Management Pat Landes explained the light meter testing that was conducted when complaints were filed regarding lighting issues. She said foot candles were measured for brightness, which was their only way to measure. She explained, in this case, there were foot candle measurements and nits, which was a measure of intensity for the electronic multiple messaging signs. In further discussion, she confirmed she was satisfied with the procedure that was used for measurements.

Motion to receive and file the supplemental information was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 10;
Nays: None.

B. Take Action on Request to Adopt an ORDINANCE Amending Ordinance No. 16,072, an EXISTING SPECIAL USE in a Class CG (General Commercial) District for an OFF-PREMISE SIGN (Billboard) to Add an ELECTRONIC MULTIPLE MESSAGE DISPLAY for the EAST SIDE of the BILLBOARD for Property Located at 1418 N. LINN STREET;

Council Member Van Auken moved to adopt an Ordinance amending Ordinance No. 16,072, an Existing Special Use in a Class CG (General Commercial) District for an Off-Premise Sign (Billboard) to add an Electronic Multiple Message Display for the East Side of the Billboard for property located at 1418 N. Linn Street; seconded by Council Member Gulley.

Discussion was held regarding current Ordinance requirements for light measurements.

Council Member Van Auken pointed out that this billboard would not be allowed to have more light than what was already approved in the Existing Special Use, or it would not be accepted.

Council Member Sandberg displayed slides that showed the high intensity wiring that had already been installed on the billboard. He expressed concern that the terms of the previous Special Use had not been met. He urged the Council not to adopt the proposed ordinance, and he stated he felt this billboard lighting would negatively impact the surrounding older neighborhood.

In discussion with Council Member Van Auken, Director of Planning and Growth Management Pat Landes said when the sign was completed, a paved surface would be installed and the appropriate landscaping would need to be installed.

In discussion with Council Member Jacob, Mr. Naples explained all Adams Outdoor billboards were turned off at midnight daily.

Motion to adopt ORDINANCE NO. 16,324 amending Ordinance No. 16,072, an Existing Special Use in a Class CG (General Commercial) District for an Off-Premise Sign (Billboard) to add an Electronic Multiple Message Display for the East Side of the Billboard for property located at 1418 N. Linn Street was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Spain, Spears, Van Auken, Mayor Ardis – 9;
Nays: Sandberg - 1.

C. Concur with the Recommendation from the Zoning Commission to DENY the Request to Adopt an ORDINANCE Amending Ordinance No. 16,072, an EXISTING SPECIAL USE in a Class CG (General Commercial) District for an OFF-PREMISE SIGN (Billboard) to Add an ELECTRONIC MULTIPLE MESSAGE DISPLAY for the EAST SIDE of the BILLBOARD for Property Located at 1418 N. LINN STREET.

Clerk's Note: This item was an alternative and, therefore, was not voted on by the Council.

NEW BUSINESS

REQUEST for TREE TRIMMING in Front of a BILLBOARD on WASHINGTON STREET

Council Member Gulley referred to a billboard that was on Washington Street and he said the project called for trees be installed. He said those trees were now tall enough that they covered the face of the billboard, and he requested that the trees either be replaced or trimmed.

ANNOUNCEMENT Regarding FALL MUSIC FESTIVAL at GLEN OAK PARK and RENAMING of ABINGTON STREET to FOGELBERG PARKWAY

Council Member Manning announced that Live Music Peoria would present their Fall Music Festival at Glen Oak Park on Saturday, September 13, 2008. He said the Festival would pay tribute to the late Peoria native Dan Fogelberg. He said tickets were available at Coop Records or www.livemusicpeoria.org, and he announced that the renaming of Abington Street to Fogelberg Parkway was underway. He said Mrs. Fogelberg taught music at Glen Oak School, Mr. Fogelberg was the Band Director at Woodruff High School, and Dan attended both schools.

REQUEST to ADOPT a BEVERAGE CONTAINER INSPECTION AND RECLAMATION ACT

Council Member Sandberg expressed concern regarding the large number of broken beverage bottles and trash thrown on Bigelow Street on a daily basis. He proposed that the Council adopt a beverage container inspection and reclamation act and beverage distributors should pay a nickel for every bottle returned to them.

(08-442) REQUEST for 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 on WEDNESDAY, SEPTEMBER 3, 2008, at 4:30 P.M. at the University of Illinois College of Medicine, Room A 100-2, One Illini Drive, Peoria, Illinois.

Council Member Nichting moved that the City Council 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 on Wednesday, September 3, 2008, at 4:30 P.M. at the University of Illinois College of Medicine, Room A 100-2, One Illini Drive, Peoria, Illinois; seconded by Council Member Van Auken.

Approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 10;
Nays: None.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(08-443) 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.

Dr. John Carroll, a Peoria resident, referred to the recent approval of the Firefighter's Union Contract and he spoke in support of two Fire Stations being allowed to use advanced life support on emergency calls in their area. He urged the Council to allow the remaining Fire Stations to also use advanced life support measures when needed so the entire Peoria community would benefit.

EXECUTIVE SESSION

(08-444) REQUEST for 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; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; 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 Nichting moved that the City Council 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; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; 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, Van Auken, Mayor Ardis – 10;
Nays: None.

ADJOURNMENT

Council Member Montelongo moved to adjourn the Regular City Council Meeting; seconded by Council Member Jacob.

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 8:31 P.M.

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

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