

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

Council Chambers, Peoria, Illinois, September 23, 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, and with proper notice having been posted.

**ROLL CALL**

Roll call showed the following Council Members were physically present: Gulley (arrived 6:27 P.M.), Jacob, Manning, Montelongo, Nichting (left at 8:45 P.M.), Sandberg, Spain, Spears (arrived 6:20 P.M.), 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:** FIRST UNITED METHODIST CHURCH OF PEORIA - 175<sup>TH</sup> ANNIVERSARY

**PROCLAMATION:** ALPHA PHI OMEGA 60TH ANNIVERSARY

**PROCLAMATION:** SISTER CITY CLONMEL, IRELAND - 10TH ANNIVERSARY

**PROCLAMATION:** ALZHEIMER'S ASSOCIATION: MEMORY WALK SUNDAY - October 5, 2008

**PROCLAMATION:** NATIONAL ALLIANCE ON MENTAL ILLNESS: MENTAL ILLNESS AWARENESS WEEK - October 5 - 11, 2008

**PROCLAMATION:** PEORIA HUMANE SOCIETY: BARK IN THE PARK DAY - October 12, 2008

**MINUTES**

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting and Executive Sessions held on September 9, 2008, with a clarification to Page 28653 of the Regular Minutes, under Item No. 08-469, reflecting that this item was approved by roll call vote. Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Turner, Van Auken, Mayor Ardis – 10; Nays: None.; 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:**

- (08-470) NOTICE OF LAWSUIT on Behalf of STEVE PIERZ and LESLIE PAULSON Regarding a COMPLAINT Against the CITY OF PEORIA and the HISTORIC PRESERVATION COMMISSION Pertaining to an Alleged Violation of the Fifth and Fourteenth Amendments, with Recommendation to Receive for Information and Refer to the Legal Department.
- (08-471) TAG DAY REQUEST from THE KOREAN WAR VETERANS OF AMERICA,  
\* PEORIA CHAPTER #243, Requesting Permission to Sell KOREAN WAR DAISIES in the City of Peoria on FRIDAY, SEPTEMBER 26 and SATURDAY, SEPTEMBER 27, 2008. (Dates are Open.)
- (08-472) TAG DAY REQUEST from BRADLEY UNIVERSITY'S SPECIAL EVENTS DIRECTOR to Raise Money for the DANCE MARATHON by Soliciting Donations from Pedestrians Near the Courthouse Plaza on FRIDAY, OCTOBER 3, 2008 (from 11:00 A.M. until 1:30 P.M.) and on TUESDAY, OCTOBER 7, 2008 (from 11:00 A.M. until 1:30 P.M.). (Dates are Open.)
- (08-473) Communication from the Interim City Manager and Police Chief Requesting Approval to DECLARE TWO (2) RETIRED POLICE SQUAD CARS (Units #549 and #577) EXCESS PROPERTY and to SELL THEM to DISTRICT #150 SECURITY for ONE DOLLAR (\$1.00) EACH.
- (08-474) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to REPLACE the FUNDING SOURCE for the MacARTHUR APARTMENTS PROJECT by REALLOCATING \$262,098.00 from PROJECT 07SPD to UNALLOCATED HOME FUNDS and ALLOCATING \$262,098.00 in CDBG FUNDS to PROJECT 07SPD.
- (08-475) Communication from the Interim City Manager and Director of Public  
\*\* Works Requesting Approval of the INITIATION of the SAFE ROUTES TO SCHOOL (SRTS) PROGRAM within the ILLINOIS SRTS PROGRAM, a Grant-Based Program Supporting Projects and Programs to Encourage Walking and Bicycling to and From Schools (Kindergarten to Eighth Grade), and Requesting Authorization for the Public Works Staff to Submit a 2009 FY Capital Budget Request for this Program.
- (08-476) Communication from Mayor Jim Ardis Requesting Approval of a  
\*\*\* RESOLUTION Amending Resolution No. 03-438 Pertaining to the WORKFORCE DEVELOPMENT BOARD and Changing the Term Ending Date to October 1.
- (08-477) Communication from Interim City Manager and Director of Economic Development Requesting Adoption of an ORDINANCE NO. 16,328 Amending CHAPTER 2, Section 2-252 (l) and (o) of the Code of the City of Peoria and Amending Ordinance No. 15,473, Relating to the RENAISSANCE PARK COMMISSION AUTHORITY to REVIEW ZONING VARIANCES, SUBDIVISION APPROVALS, and BUILDING PERMITS for PROJECTS OVER \$350,000.00.

- (08-478) Communication from Interim City Manager and Director of Public Works Requesting Adoption of an ORDINANCE NO. 16,329 Vacating the ALLEY Between GLENDALE AVENUE and GLEN OAK AVENUE, from HAMILTON BOULEVARD to FAYETTE STREET.
- (08-479) Communication from the Interim City Manager and Director of Public Works Requesting Adoption of an ORDINANCE NO. 16,330 Vacating the ALLEY in the Block Bounded by GLENDALE AVENUE, HAMILTON BOULEVARD, and the Previously Vacated KNOXVILLE AVENUE.
- (08-480) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Rezoning Property Located at 5004 N. UNIVERSITY STREET from the Present Class R-1 (Single Family Residential) District to a Class C-1 (General Commercial) District.  
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- (08-481) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE NO. 16,331 Rezoning Property Located at the SOUTHEAST CORNER of the INTERSECTION of N. ALLEN ROAD and SUD PARKWAY from the Present Class I-1 (Industrial/Business Park) District to a Class C-2 (Large Scale Commercial) District.
- (08-482) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending Ordinance No. 16,010, an EXISTING SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER to ADD a GAS STATION and RESTAURANT for Property Located at the NORTHWEST CORNER of the INTERSECTION of ALLEN ROAD and TOWNLINE ROAD.  
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- (08-483) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at EXPOSITION GARDENS for a FUNDRAISER on SUNDAY, OCTOBER 5, 2008.  
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- (08-484) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an AMENDED HOUR for the APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE for EASTER SEALS for an EVENT to be Held at STUDIO 29, 6523 N. Galena Road on SATURDAY, OCTOBER 4, 2008. (Amends Item No. 08-462).  
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- (08-485) APPOINTMENTS and REAPPOINTMENTS by Mayor Jim Ardis to the WORKFORCE DEVELOPMENT BOARD, with Request to Concur:  
APPOINTMENTS:  
  
Dr. Mary Davis (Voting) - Term Expires 10/1/2009  
Martha Diebold (Voting) - Term Expires 10/1/2010  
Kyle Ham (Voting) - Term Expires 10/1/2009  
Sheila Thurman (Voting) - Term Expires 10/1/2011  
John Balkema (Voting) - Term Expires 10/1/2011

**REAPPOINTMENTS:**

**Raylana S. Anderson (Voting) - Term Expires 10/1/2011**

**James C. Fassino (Voting) - Term Expires 10/1/2011**

**Merle Rocke (Voting) - Term Expires 10/1/2011**

**Rick Travis (Voting) - Term Expires 10/1/2011**

**(08-486) PEORIA CIVIC CENTER OPERATING AND CAPITAL BUDGET FISCAL YEAR ENDED AUGUST 31, 2009, 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 Turner requested that Item No. 08-471 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item No. 08-476 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested that Item Nos. 08-482, 08-483, and 08-484 be removed from the Consent Agenda for further discussion.

Council Member Nichting requested that Item Nos. 08-482 and 08-480 be removed from the Consent Agenda for further discussion.

Council Member Spain requested that Item No. 08-475 be removed from the Consent Agenda for further discussion.

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

Items Nos. 08-470 through 08-486 (excluding Item Nos. 08-471, 08-475, 08-476, 08-480, 08-482, 08-483 and 08-484, which were 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.

**(08-471) TAG DAY REQUEST from THE KOREAN WAR VETERANS OF AMERICA, PEORIA CHAPTER #243, Requesting Permission to Sell KOREAN WAR DAISIES in the City of Peoria on FRIDAY, SEPTEMBER 26 and SATURDAY, SEPTEMBER 27, 2008. (Dates are Open.)**

City Clerk Mary Haynes announced that a letter was received from Commander Paul W. Sutphin representing the Korean War Veterans of America, Chapter #243, requesting that this item be withdrawn from the City Council Agenda.

**(08-475) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the INITIATION of the SAFE ROUTES TO SCHOOL (SRTS) PROGRAM within the ILLINOIS SRTS PROGRAM, a Grant-Based Program Supporting Projects and Programs to Encourage Walking and Bicycling to and From Schools (Kindergarten to Eighth Grade), and Requesting Authorization for the Public Works Staff to Submit a 2009 FY Capital Budget Request for this Program.**

Following a clarification, Council Member Spain moved to approve the initiation of the Safe Routes To School (SRTS) Program within the Illinois SRTS Program, a Grant-Based Program supporting projects and programs to encourage walking and bicycling to and from schools (Kindergarten to Eighth Grade), and to authorize the Public Works Staff to submit a 2009 FY Capital Budget request for this program; 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.

**(08-476)      Communication from Mayor Jim Ardis Requesting Approval of a  
\*\*\*      RESOLUTION Amending Resolution No. 03-438 Pertaining to the  
                 WORKFORCE DEVELOPMENT BOARD and Changing the Term Ending  
                 Date to October 1.**

In reference to Item No. 08-485 regarding the appointments and reappointments to the Workforce Development Board, Council Member Sandberg expressed concern that four out of the six appointments and reappointments were not residents of the City of Peoria. He stated the proposed October 1 date was a recertification date. He expressed concern that the citizens of Peoria were picking up the costs that the Federal Government would not pay for, and he said he felt there should be a regional reimbursement for the support of Workforce Development. He questioned if the proposed Resolution was approved, would the City go another year without challenging the region that benefitted from Workforce Development. He stated that if they benefitted from the Resolution, then they should provide commission members, resources and financial support so the citizens of Peoria were not the only ones paying for the services.

Mayor Ardis stated he felt this would be a good time for Council Member Sandberg to voice his concerns. He stated he agreed with the comments regarding the regional funding approach and this should be discussed further during budget sessions.

Corporation Counsel Randy Ray stated that changing the terms to October 1 did not commit the City to a long-term lead agency role. He further stated the appointments to the Board and the Resolution were not the issues.

Council Member Sandberg stated based upon Corporation Counsel Ray's response, he moved to approve the Resolution amending Resolution No. 03-438 pertaining to the Workforce Development Board and changing the term ending date to October 1; seconded by Council Member Van Auken.

RESOLUTION NO. 08-476, amending Resolution No. 03-438, was approved by roll call vote.

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

Nays: None.

**(08-480)      Communication from the Interim City Manager and Director of Planning and  
\*\*\*\*      Growth Management Requesting Adoption an ORDINANCE Rezoning  
                 Property Located at 5004 N. UNIVERSITY STREET from the Present Class  
                 R-1 (Single Family Residential) District to a Class C-1 (General Commercial)  
                 District.**

Council Member Nichting stated he would be abstaining from the discussion and vote on this item due to having beneficial interest in the property.

Council Member Turner moved to adopt the Ordinance rezoning property located at 5004 N. University Street from the present Class R-1 (Single Family Residential) District to a Class C-1 (General Commercial) District; seconded by Council Member Van Auken.

ORDINANCE NO. 16,332 was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None;

Abstentions: Nichting – 1.

**(08-482) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending Ordinance No. 16,010, an EXISTING SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER to ADD a GAS STATION and RESTAURANT for Property Located at the NORTHWEST CORNER of the INTERSECTION of ALLEN ROAD and TOWNLINE ROAD.**  
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Council Member Jacob said he would be abstaining from the discussion and vote due to the close proximity to property he owned.

Council Member Nichting moved to defer this item until the October 14, 2008, Regular City Council Meeting; seconded by Council Member Spain.

Motion to defer this item until October 14, 2008, was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob – 1.

**(08-483) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at EXPOSITION GARDENS for a FUNDRAISER on SUNDAY, OCTOBER 5, 2008.**  
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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 Turner moved to approve an application for a Class H (Temporary Outdoor) Liquor License at Exposition Gardens for a Fundraiser on Sunday, October 5, 2008; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None;

Abstentions: Jacob – 1.

**(08-484) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an AMENDED HOUR for the APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE for EASTER SEALS for an EVENT to be Held at STUDIO 29, 6523 N. Galena Road on SATURDAY, OCTOBER 4, 2008. (Amends Item No. 08-462).**  
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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.

**SEPTEMBER 23, 2008**

**CITY COUNCIL PROCEEDINGS**

**28660**

Council Member Turner moved to approve an amended hour for the application for a Class H (Temporary Outdoor) Liquor License for Easter Seals for an event to be held at Studio 29, 6523 N. Galena Road on Saturday, October 4, 2008; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None;

Abstentions: Jacob – 1.

**(08-487) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Authorization for \$172,375.00 in HOME FUNDS for the CONSTRUCTION and SALE of TWO (2) NEW AFFORDABLE HOUSING UNITS Located in the 1800 BLOCK of SOUTH STANLEY STREET in Partnership with REJUVENATE PEORIA, LLC.**

Council Member Gulley moved to authorize \$172,375.00 in HOME Funds for the construction and sale of two (2) new affordable housing units located in the 1800 block of South Stanley Street in partnership with Rejuvenate Peoria, LLC.; 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.

**(08-488) Communication from the Interim City Manager and Director of Public Works with Recommendation from the Board of Local Improvements to Adopt an ORDINANCE Providing for the IMPROVEMENT of LYNNHURST SUBDIVISION, Except HETHERWOOD DRIVE and SUFFOLK DRIVE SOUTH of BRIDALWOOD DRIVE, for an ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT.**

Council Member Spain stated he would be abstaining from discussion and the vote on this item due to his ownership of property in the Lynnhurst neighborhood.

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

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

Lonnie Furness, Lynnhurst resident, spoke in favor of the installation of ornamental street lighting on Hetherwood. He expressed concern that Hetherwood had been excluded from the project and he said he conducted an informal survey of 26 homeowners which resulted in 11 homeowners for the project, 7 homeowners against the project, 2 abstentions and 6 homeowners provided no response.

Linda Bradshaw, Lynnhurst resident, spoke in favor of the installation of ornamental street lighting on Hetherwood. She stated the lighting would enhance Hetherwood because it was the main entrance into the Lynnhurst Subdivision.

Susie Carter, 1762 W. Gift, spoke against the installation of ornamental street lighting in the Lynnhurst Subdivision. She explained she was speaking on behalf of her parents, who are on a fixed income, and still lived in the neighborhood. She stated that most property owners around

the lake did not want the ornamental lighting. She stated she felt that the lighting would negatively impact property values.

Alice Winget, Lynnhurst resident, spoke in favor of the installation of ornamental street lighting in the Lynnhurst neighborhood. She expressed concern for the security of runners and walkers in the neighborhood.

Tom Conlon, Lynnhurst resident, spoke in favor of the installation of ornamental street lighting in the Lynnhurst Subdivision. He expressed concern regarding past crime and he wanted the neighborhood to be more secure. He also expressed concern regarding safety for walkers and he was concerned that the money that had already been spent toward the project would be wasted if the project did not move forward.

Sue McIntyre, Lynnhurst resident, spoke against the installation of ornamental street lighting in the Lynnhurst Subdivision. She cited a survey that was conducted in 2003 and she said she was interested in the project because she thought the City would explore the costs initially. She said the Board of Improvements decided this project would cost \$1.5 million and the residents would be assessed one-half of it against their property. The original proposition was 53% which was presented to the Board of Local Improvements, but she said since 2003 there had been an 18% turnover in original property owners. She said she supported Suffolk to be excluded from the project.

Rick Simkins, Lynnhurst resident, spoke in favor of the installation of ornamental street lighting in the Lynnhurst Subdivision. He said he was a block captain and expressed concern for the safety of children and walkers.

Wilma Schubert, Lynnhurst resident, spoke in favor of the installation of ornamental street lighting in the Lynnhurst Subdivision. She expressed concern regarding safety in the neighborhood.

Charles Gabbert, Lynnhurst resident, spoke in favor of the installation of ornamental street lighting in the Lynnhurst Subdivision. He also discussed the petition process.

Gloria Cassel-Fitzgerald, Lynnhurst resident, spoke in favor of the installation of ornamental street lighting in the Lynnhurst Subdivision. She discussed safety concerns because she believed the neighborhood needed lighting.

Jody Feigle, Lynnhurst resident, spoke against the installation of ornamental street lighting in the Lynnhurst Subdivision. He expressed concern that taxes would need to be raised and he spoke against the \$1.5 million for the project. He urged the Council to vote no or to table the item.

Joe Sauder, Lynnhurst resident, spoke against the installation of ornamental street lighting in the Lynnhurst Subdivision. He said he felt the project would offer no real value and he urged the targeting of needed areas only.

Scott Huffman, Lynnhurst resident and President of the homeowners association, spoke in favor of the installation of ornamental street lighting in the Lynnhurst Subdivision. He stated that Lynnhurst's Covenant cited a mandatory order for dusk to dawn house lighting only, so he felt that ornamental street lighting was needed for safety.

Steve Van Winkle, Lynnhurst resident, spoke in favor of the installation of ornamental street lighting in the Lynnhurst Subdivision. He stated as former Public Works Director for the City of Peoria, he understood there was usually some opposition to these kinds of projects, but he urged the Council to support.



Council Member Nichting commented on public policy dealing with street lights and sidewalks and he said historically the Council had accepted and approved the petitions. He said if the City decided to change the process, he felt this should be eliminated from the budget because there were always people who opposed the projects. He said there was also a timing issue in that petitions were gathered four to five years prior to the project being installed. He added during this time of delay, there could be a change in some property owners and those new residents may not be aware of the project.

Council Member Nichting questioned whether the residents on Hetherwood could go before the Board of Local Improvements to request ornamental street lighting on their own.

Corporation Counsel Randy Ray said that individual projects could be bid with this job; however the project should go back before the Board of Local Improvements. He said he would rather not change this proposed Ordinance.

Council Member Nichting moved to adopt the Ordinance providing for the improvement of Lynnhurst Subdivision, except Hetherwood Drive and Suffolk Drive south of Bridalwood Drive, for an ornamental street lighting improvement project; seconded by Council Member Turner.

Following further discussion, Council Member Montelongo stated it was apparent that the residents of Lynnhurst were split on their support of ornamental street lighting for the neighborhood. He moved for a substitute motion to defer this item until the October 14, 2008, Regular City Council Meeting so that a compromise could be discussed with the residents; seconded by Council Member Spears.

Council Member Nichting expressed concern regarding a deferral and he questioned what process would be followed to determine a compromise.

Council Member Sandberg suggested that projects could be broken into smaller components where there was neighborhood interest. He stated this was something that may need to be determined prior to this item coming back before the Council.

In discussions with Council Member Nichting regarding the installation of electrical lines for street lighting, Director of Public Works Dave Barber explained there may be a need to redesign the project due to the installation of these lines and block by block installation could be difficult.

Council Member Nichting requested that Council Member Montelongo provide information to the residents regarding the time and place for a neighborhood meeting so interested residents would be able to attend.

Substitute motion to defer this item until the October 14, 2008 Regular City Council Meeting so that a compromise could be discussed with the residents was approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Sandberg, Spears, Mayor Ardis – 6;

Nays: Manning, Nichting, Turner, Van Auken – 4;

Abstentions: Spain – 1.

**(08-489) Communication from the Interim City Manager and Corporation Counsel with Request to Adopt an ORDINANCE Creating the YOUTH LEADERSHIP COMMISSION and to REPEAL Ordinance No. 15,702 (an Ordinance Creating the City of Peoria Youth Advisory Commission).**

Council Member Spain explained why changes were needed to this Commission. He commended Interim City Manager Henry Holling and 6 Sigma Black Belt Christopher Setti for their assistance in representing the City's perspective.

Council Member Spain moved to adopt the Ordinance creating the Youth Leadership Commission and to repeal Ordinance No. 15,702 (an Ordinance creating the City of Peoria Youth Advisory Commission); seconded by Council Member Jacob.

ORDINANCE NO. 16,333 was approved by roll call vote.

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

Nays: None.

**(08-490) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation to Concur with the Zoning Commission's Recommendation to Adopt or to Concur with the Staff's Recommendation to DENY an ORDINANCE Rezoning Property Located at 1720 S. LIVINGSTON STREET from the Present Class R-4 (Single Family Residential) District to a Class CN (Neighborhood Commercial) District.**

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.

Following a brief explanation by Director of Planning and Growth Management Pat Landes, Council Member Gulley moved to adopt the Ordinance rezoning property located at 1720 S. Livingston Street from the present Class R-4 (Single Family Residential) District to a Class CN (Neighborhood Commercial) District; seconded by Council Member Van Auken.

ORDINANCE NO. 16,334 was approved by roll call vote.

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

Nays: None;

Abstention: Jacob – 1.

### **UNFINISHED BUSINESS**

**(08-399) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a FRANCHISE EXTENSION with COMCAST for CABLE SERVICES until JANUARY 31, 2009, at Which Time a Revised Franchise Agreement will be Presented, and Requesting Authorization for the Interim City Manager to Execute the Agreement, with Supplemental Communication.**

Council Member Nichting moved to approve a Franchise extension with Comcast for cable services until January 31, 2009, at which time a revised Franchise Agreement will be presented and to authorize the Interim City Manager to execute the Agreement, and receive and file the supplemental communication; 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.

(08-456) **Communication from the Interim City Manager and Director of Public Works Requesting Approval of the Following and Authorize the Interim City Manager to Execute the Necessary Documents:**

- A. **SECOND SUPPLEMENT to a PROFESSIONAL SERVICES AGREEMENT for PIONEER PARKWAY EXTENSION PRELIMINARY ENGINEERING SERVICES with CRAWFORD, MURPHY, and TILLY, INC. (CMT), in an Amount Not to Exceed \$691,353.00, to Complete Preliminary Engineering and Obtain Design Approval for the Expanded Limits of the Project and to be Subject to Review and Approval by Illinois Department of Transportation (Amends 03-612 and Refer to Item No. 07-502-A);**

Council Member Nichting moved to approve the second supplement to a Professional Services Agreement for Pioneer Parkway Extension Preliminary Engineering Services with Crawford, Murphy, and Tilly, Inc. (CMT) in an amount not to exceed \$691,353.00, to complete preliminary engineering and obtain design approval for the expanded limits of the project and to be subject to review and approval by Illinois Department of Transportation; 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.

- B. **LOCAL AGENCY AMENDMENT #2 for FEDERAL PARTICIPATION with the ILLINOIS DEPARTMENT of TRANSPORTION (IDOT) to Request 80% Federal Funding and 20% City Funding for the PRELIMINARY ENGINEERING SECOND AMENDMENT, Up to the Maximum Grant Amount;**

Council Member Nichting moved to approve a Local Agency Amendment #2 for Federal Participation with the Illinois Department of Transportation (IDOT) to request 80% Federal funding and 20% City funding for the preliminary engineering second amendment, up to the maximum grant amount; 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.

- C. **SUPPLEMENTAL MFT RESOLUTION, in the Amount of \$700,000, to Provide Support for the Contract Amount with the Anticipation of \$413,350 in Grant Reimbursements. (Supplemental Communication)**

Council Member Nichting moved to approve a supplemental MFT Resolution, in the amount of \$700,000, to provide support for the contract amount with the anticipation of \$413,350 in grant reimbursements; 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.

**(08-467) Communication from the Interim City Manager and Communications Manager with REPORT BACK Regarding SERVICES PROVIDED by the City of Peoria for the VISIT FROM PRESIDENT GEORGE BUSH.**

A supplemental report back from Communications Manager Alma Brown was distributed to all members of the City Council and Council Member Sandberg distributed a copy of Section 2-335 through 2-337 of City Code.

In discussion with Council Member Sandberg regarding costs for the Presidential visit, Police Chief Settingsgaard confirmed that planning costs for the event were not reflected in the memo that was distributed.

Council Member Sandberg said he felt there was a difference between official and unofficial visits as to which were reimbursed by the Federal government. He stated he felt it was illegal for compensated City employees to prepare for, organize, and participate in a political rally or event. He said he felt the person the fundraiser benefitted should not only be billed, but a request should be made of this person to reimburse the City of Peoria for expenses incurred by President Bush's recent visit.

Mayor Ardis said he did not feel the citizens of Peoria would expect the City of Peoria not to participate in protecting the President of the United States, in the past or in the future, when there was a scheduled visit. He said he did not feel anyone on the City Staff knowingly violated any laws in this matter.

Council Member Sandberg said he did not expect the Federal government to reimburse the City for all of the cost, but he stated there should be some reimbursement provided to the City of Peoria. He said it was possible that the City was reimbursed by the Federal government for past unofficial Presidential visits, such as in the 1980's.

Council Member Sandberg moved to send a bill to the recipient of the recent fundraiser for costs incurred by the City of Peoria, including planning costs for the recent visit by President Bush, so the City of Peoria clearly treated everyone regarding the costs for political events uniformly; seconded by Council Member Van Auken.

Council Member Van Auken said she felt the White House had a policy of reimbursing communities when the President visited. She said she felt the City should inquire about the policy.

Council Member Spears said he would support the motion, but he felt the City of Peoria should clarify their policy in the event that there would be a future visit by anyone who was running for President or Vice-President of the United States. He said if a President came to town for a rally that was free and open to the public, no reimbursement should be requested.

Council Member Manning said prior to voting on this issue, he would like to determine how other communities were handling these kinds of issues.

Council Member Jacob said he felt this was an issue that the Council should discuss in detail to determine how to proceed with their own policy.

Council Member Manning moved for a substitute motion to defer this item until the October 14, 2008, Regular City Council Meeting; seconded by Council Member Van Auken.

Substitute Motion to defer this item until the October 14, 2008, Regular City Council Meeting was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 8;

Nays: Montelongo, Nichting, Turner - 3.

**NEW BUSINESS****(08-491) REQUEST by COUNCIL MEMBER NICHING to AMEND the SPECIAL ASSESSMENT PROCESS.**

Council Member Nichting referred to the Special Assessment process and he suggested some changes. He stated given that the City Staff provided the petitions to be circulated within neighborhoods, the petitions should be returned with a description of the property, pictures of the proposed project, and cost estimates, which would include the statement that this was an estimate which could be subject to change due to fluctuating labor and material costs. He further explained that any delay between the time of the initial petition and the funding of the project could vary in a delay of installation from one to several years. He said this information should be circulated to property owners at the time they signed Special Assessment Petitions. He stated this would alleviate any confusion by the property owners. He further requested that the information for affected neighborhoods be posted on the City's web site and that a majority petition had been received so this information would be available to all new residents of neighborhoods, realtors, and title companies. He requested that Staff be given direction to come back with a policy or a change to the Ordinance.

Council Member Jacob requested that pricing on the front end of the project be made clear to the residents.

Council Member Sandberg concurred with Council Member Jacob's comments and he stated the costs not only be flexible, but communicated clearly.

No objections were heard from the Council regarding Council Member Nichting's suggested changes.

**REQUEST TO PROVIDE INFORMATION ON THE CITY'S WEBSITE REGARDING ASSISTANCE FOR FLOODING AND SEWER BACKUPS**

Council Member Manning referred to the recent heavy rainfall which resulted in flooding and sewer backups in East Bluff neighborhood homes. He said he talked with Stan Browning of the Greater Peoria Sanitary Sewer District and Public Works Director Dave Barber and it was determined there were no compensation or reimbursement programs for this situation. He requested that Public Works Director Dave Barber work with Communications Manager Alma Brown to provide information on some of the City's programs and services available to homeowners and place this information on the City's web site.

Council Member Jacob said the Greater Peoria Sanitary District had a program that would help assist in paying for retrofitting a sewer pump in homes on City-owned sewers. He said if the residents would choose to participate in this program, it could help prevent some of these problems in the future.

No objections were heard.

**(08-492) REQUEST FOR REPORT BACK ON CHARTER SCHOOLS AND THEIR POSITIVE IMPACTS ON COMMUNITIES.**

Council Member Montelongo requested a report back regarding charter schools and the positive impact they were having on communities.

Mayor Ardis stated there had been past discussions regarding charter schools and their positive impacts on communities and he requested that Council Member Montelongo provide

information to the Council on how they were organized and functioned. He suggested that the Council have a presentation in the future to gain more knowledge. He further requested that the Interim City Manager Henry Holling gather preliminary information that would lead to further discussion.

Council Member Van Auken said the Expanded Mass Science and Technical Academy Planning Group, of which she was a member, would be holding a meeting on October 8. She stated the group was currently exploring charter schools and she would ask the group to provide a presentation to the Council at a later date.

No objections were heard.

**(08-493) REQUEST FROM COUNCIL MEMBER GULLEY FOR A REPORT BACK REGARDING NIGHT OUT AGAINST CRIME.**

Council Member Gulley expressed concern regarding the date change established this year for the annual Night Out Against Crime. He explained there were too many events in his District and not enough time to attend all of them due to the daylight hours being shortened in September. He requested a report back regarding possible changes.

Council Member Sandberg concurred with Council Member Gulley's concerns because he did not feel the event had the same energy as in past years.

No objections were heard.

**(08-494) REQUEST FROM COUNCIL MEMBER JACOB FOR A REPORT BACK REGARDING CITY OF PEORIA PERSONNEL WHO LIVE IN THE CITY LIMITS.**

Council Member Jacob requested a report back on residency requirements and the number of City personnel who lived within the City limits. He requested that it be broken down by department and for percentages to be included.

No objections were heard.

**(08-495) REQUEST FOR A MOTION TO HOLD A RESCHEDULED CITY COUNCIL MEETING ON MONDAY, NOVEMBER 10, 2008, AT 6:15 P.M.**

Council Member Montelongo moved to hold a rescheduled City Council meeting on Monday, November 10, 2008, at 6:15 P.M. due to November 11, 2008, being a holiday and City Hall will be closed; 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.

**CITIZEN REQUESTS TO ADDRESS THE COUNCIL**

Mayor Ardis determined there were no citizens to address the City Council.

**WELCOME TO CITY CLERK'S NEW EMPLOYEE ADMINISTRATIVE ASSISTANT III  
KRISTYL JOHNSON**

City Clerk Mary Haynes announced and welcomed newly hired Administrative Assistant III Kristyl Johnson to the City Clerk's Office. She said that Ms. Johnson had previously worked for Mr. Bob Viets at CILCORP and held Education and Administrative degrees. She stated that Ms.

**SEPTEMBER 23, 2008**

**CITY COUNCIL PROCEEDINGS**

**28668**

Johnson had 30 years' administrative experience and would be assisting the Clerk's Office in taking minutes of the City Council meetings. Mayor Ardis welcomed Ms. Johnson and wished her well.

Council Member Nichting left the Council Meeting at 8:45 P.M.

### **EXECUTIVE SESSION**

**(08-496) 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; 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 Montelongo 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; 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 Jacob.

Approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Sandberg, Spain, Spears,  
Turner, Van Auken, Mayor Ardis – 10;

Nays: None.

### **ADJOURNMENT**

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

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 8:51 P.M.

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

kej/bb