

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

Council Chambers, Peoria, Illinois, October 14, 2008, a Regular City Council Meeting was held this date at 6:18 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 at 6:30 P.M.), Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11; Absent: 0.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection and then he requested that the Boy Scouts from Den 7 Pack 4 from Kellar, Lindbergh and Washington Gifted Schools lead the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: STELLA STEWART GOOD NEIGHBOR AWARD WINNER
CAROL HOLFORD

PROCLAMATION: GOSPEL JUBILEE – OCTOBER 19, 2008

PROCLAMATION: DISABILITY EMPLOYMENT AWARENESS MONTH –
OCTOBER 2008

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting held on September 23, 2008, the Special City Council Meeting held on October 7, 2008 and Executive Sessions held on September 23, 2008 and October 7, 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

**(08-499) PUBLIC HEARING Regarding the PROPOSED HOSPITALITY
IMPROVEMENT ZONE (HIZ) TIF REDEVELOPMENT PROJECT AREA.**

Council Member Nichting moved to open the Public Hearing regarding the proposed Hospitality Improvement Zone (HIZ) TIF Redevelopment Project Area; 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.

The Public Hearing opened at 6:48 P.M.

Following the third call by Mayor Ardis for citizens to address the City Council and determining that no one else wished to address this issue, Council Member Nichting moved to close the Public Hearing regarding the proposed Hospitality Improvement Zone (HIZ) TIF Redevelopment Project Area; seconded by Council Member Turner.

Director of Economic Development Craig Hullinger gave a PowerPoint presentation that was entitled Hospitality Improvement Zone Tax Increment Financing District which gave the benefits of utilizing TIF and other incentives to attract quality properties in Peoria's downtown area.

His presentation stated that in order to achieve the City's redevelopment goals, Peoria's downtown area needed more and better hotel rooms which could not be accomplished without utilizing TIF. It was determined and unanimously voted by the Joint Review Board that the proposed area was eligible and all eligibility requirements have been met, he said. He stated the HIZ TIF Plan Goals included reduction or elimination of deleterious conditions in the project area, would make Peoria aesthetically desirable, improve Peoria's ability to compete as a regular conference and convention center, and increase the tax base.

In response to Council Member Sandberg's inquiry as to why the Amvets Building, which was under consideration for Historic designation, was added to the hospitality area, Director Hullinger replied that the owner of the same requested to be in this district. He further explained that because this building was included in the TIF district, it would not have any effect on the right of the property owner to demolish.

In response to Council Member Manning's inquiry regarding how much it would cost to build the Embassy Suites in East Peoria, Director Hullinger said he believed they received the entire TIF to build the Convention Center and the hotel. Additionally, he commented that the three competitive hotels mentioned in his presentation (Embassy Suites in East Peoria, Marriott in Normal and Holiday Inn in Tinley Park) received TIF funds to build as well.

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

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

Nays: None.

The Public Hearing closed at 6:55 P.M.

**(08-500) PUBLIC HEARING Regarding PROPOSED HOSPITALITY
IMPROVEMENT ZONE BUSINESS DISTRICT DEVELOPMENT PLAN**

Council Member Nichting moved to open the Public Hearing regarding the proposed Hospitality Improvement Zone Business District Development Plan; 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.

The Public Hearing opened at 6:56 P.M.

Following the third call by Mayor Ardis for citizens to address the City Council and determining that no one else wished to address this issue, Council Member Nichting moved to close the Public Hearing regarding the proposed Hospitality Improvement Zone Business District Development Plan; seconded by Council Member Turner.

Director of Economic Development Craig Hullinger gave a PowerPoint presentation that was entitled Hospitality Improvement Zone Business Development District which was a tool to help Peoria promote Economic Growth and Development. He explained the funds generated by hotels and Civic Center concessions would be rebated to hotels that generated them for capital improvements and would provide assistance for other property owners for façade improvements and rehabilitation.

Director Hullinger stated that the BDD Plan conformed to Peoria's Comprehensive Plan. He continued that the area was BDD eligible as "blighted" due to deterioration, obsolescence, and vacant and underutilized buildings.

Director Hullinger commented that public intervention was needed to attract new private investment, encourage current owners to substantially improve existing facilities, improve Peoria's competitive position as a regional conference and convention center and increase the tax base of the project area.

Director Hullinger stated that a BDD (Business Development District) had different standards and criterion than a TIF. He said this project conformed to the Comprehensive Plan. He added this was the first of two required Public Hearings and the next was scheduled in two weeks.

Council Member Sandburg highlighted some inconsistencies in the criteria for a BDD and the objectives found in the Land Development Code, such as bringing buildings to the property line. Mr. Hullinger pointed out this was a financing plan. He said the BDD was basically a tax on properties to rebate money back to the hotels for improvement.

In discussion with the Director Hullinger, Council Member Spain determined that if owners did not wish to be in the district, the City would remove them. He acknowledged that the district must be contiguous; however, Director Hullinger added that the hotels were supportive of this.

Mayor Ardis pointed out there would be an additional Public Hearing and that would provide an additional opportunity for citizens to speak.

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

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

Nays: None.

The Public Hearing closed at 7:03 P.M.

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

- (08-501) **NOTICE OF LAWSUIT on Behalf of EMILIO MATA Regarding a COMPLAINT Against SHAWN ANDRUS and the CITY OF PEORIA Pertaining to an Accident with a City of Peoria Vehicle, with Recommendation to Receive for Information and Refer to the Legal Department.**
- (08-502) **Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of CRESCENT ELECTRIC, in the Amount of \$12,676.80, for the PURCHASE of LIGHT FIXTURES (Eight Inch Canned Light) for the CITY HALL REHABILITATION PROJECT.**
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- (08-503) **Communication from the Interim City Manager and Director of Public Works Requesting Approval to EXTEND the LIMITS of the CONTRACT with OTTO BAUM COMPANY, INC., for the HICKORY GROVE ROAD BIKE TRAIL and STORM SEWER IMPROVEMENT PROJECT to Include BIKE TRAIL CONSTRUCTION Along the East Side of Allen Road, Between Hickory Grove Road and Miners Drive for an Additional Amount of \$66,843.00 (For a New Total Contract in the Amount of \$189,289.20).**
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- (08-504) **Communication from the Interim City Manager and Director of Public Works Requesting Approval to Pay OTTO BAUM COMPANY, INC. an Amount Not to Exceed \$100,000.00 for EMERGENCY STORM SEWER and ROADWAY REPAIRS in the 2900 BLOCK of WEST NEBRASKA AVENUE as Outlined.**
- (08-505) **Communication from the Interim City Manager and Director of Economic Development Requesting Approval to RENEW the BUSINESS DEVELOPMENT LOAN for PEORIA ACE HARDWARE for FIVE YEARS and to Authorize the City Manager to Execute the Necessary Documents.**
- (08-506) **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval to REVISE the INCOME ELIGIBILITY GUIDELINE for the EMERGENCY HOUSING REPAIR PROGRAM, as Outlined.**

- (08-507) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE NO. 16,335 Amending CHAPTER 9.5 of the Code of the City of Peoria Pertaining to APPEALS of DECISIONS by the EROSION CONTROL ADMINISTRATOR.
- (08-508) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 13 of the Code of the City of Peoria Pertaining to HANDBILLS.

- (08-509) Communication from the Interim City Manager and Director of Economic Development Requesting Approval to SUBMIT an ENTERPRISE ZONE APPLICATION to the DEPARTMENT of ECONOMIC OPPORTUNITY (DCEO) with Recommendation from the Planning Commission to Adopt an ORDINANCE Amending Ordinance No. 11,051, for an EXPANSION of the ENTERPRISE ZONE to Include Properties Located in the Second and Fourth Council Districts Along Sterling Avenue From Forrest Hill to Glen and also Including the Corner of Forrest Hill and Gale, and in the Second District Specified Properties Along University and Dries Lane from Forrest Hill to War Memorial Drive.

- (08-510) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Historic Preservation Commission to Adopt an ORDINANCE NO. 16,336 Approving the DESIGNATION of 401 NORTH EAST MONROE STREET, as a LOCAL HISTORIC LANDMARK.
- (08-511) 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 C-1 (General Commercial) District for the EXPANSION of a BEER GARDEN for the Property Located at 4421 N. STERLING, with Conditions.

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- (08-512) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a STREET LIGHT REQUEST, in the Total Amount of \$427.80 Annually for the Locations of 317 CORNHILL, 3531 N.E. MADISON, 3620 N.E. MONROE, 611 HARVARD and 635 HARVARD.
- (08-513) Communication from Interim City Manager with Request to Receive and File the WORK PLANS for the REQUIRED CITY of PEORIA COMMISSIONS.
- (08-514) Communication from the Interim City Manager and Director of Economic Development with Request to Receive and File a WRITTEN REPORT Passed by the Joint Review Board (JRB) on September 30, 2008, Agreeing that the HOSPITALITY IMPROVEMENT ZONE (HIZ) TIF REDEVELOPMENT PROJECT AREA Satisfies the Eligibility Criteria for a CONSERVATION AREA.

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(08-515) PEORIA PUBLIC LIBRARY FINANCIAL REPORT and USE INDEX for JULY, 2008.

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. 08-506 be removed from the Consent Agenda for further discussion.

Council Member Manning requested that Item No. 08-515 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested that Item No. 08-511 be removed from the Consent Agenda for further discussion.

Council Member Spain requested that Item No. 08-508 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item Nos. 08-502, 08-503, 08-509 and 08-514 be removed from the Consent Agenda for further discussion.

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

Item Nos. 08-501 through 08-515 (excluding Item Nos. 08-502, 08-503, 08-506, 08-508, 08-509, 08-511, 08-514 and 08-515, 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.

(08-502) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of CRESCENT ELECTRIC, in the Amount of \$12,676.80, for the PURCHASE of LIGHT FIXTURES (Eight Inch Canned Light) for the CITY HALL REHABILITATION PROJECT.

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Council Member Sandberg expressed concern regarding the bidding process and stated this was not competitive.

Council Member Spears questioned the bulb specifications and questioned whether the other manufacturer was cheaper. He moved to defer this item for two weeks until the October 28, 2008, Regular City Council Meeting; seconded by Council Member Van Auken.

Motion to defer this item until October 28, 2008, was approved by roll call vote.

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

Nays: None.

- (08-503)** **Communication from the Interim City Manager and Director of Public Works Requesting Approval to EXTEND the LIMITS of the CONTRACT with OTTO BAUM COMPANY, INC., for the HICKORY GROVE ROAD BIKE TRAIL and STORM SEWER IMPROVEMENT PROJECT to Include BIKE TRAIL CONSTRUCTION Along the East Side of Allen Road, Between Hickory Grove Road and Miners Drive for an Additional Amount of \$66,843.00 (For a New Total Contract in the Amount of \$189,289.20).**
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Council Member Sandberg questioned why this additional phase was being requested and questioned whether it was to save money.

Director of Public Works David Barber stated the City received requests from homeowners for this installation and thought it would connect the two areas. He stated it would allow the City to complete the work this year. He said if the project was delayed, it would not be completed until Spring 2009, but completing the project this year would be the best and efficient use of Staff time. He added that if it was the Council's wish to go out for bids that could be done.

Council Member Nichting moved to extend the limits of the contract with Otto Baum Company, Inc. for the Hickory Grove Road Bike Trail and storm sewer improvement project to include bike trail construction along the East side of Allen Road, between Hickory Grove Road and Miners Drive for an additional amount of \$66,843.00 (For a New Total Contract in the Amount of \$189,289.20); 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.

- (08-506)** **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval to REVISE the INCOME ELIGIBILITY GUIDELINE for the EMERGENCY HOUSING REPAIR PROGRAM, as Outlined.**
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Council Member Van Auken informed the citizens that revising the Guideline would assist working class, middle income families since they would now be eligible.

Council Member Gulley questioned whether the City had the legal ability to change guidelines because he was interested in utilizing that ability in another program.

Planning and Growth Management Assistant Director Ross Black stated we could create a variety of levels but nothing above the 80% cap that HUD sets.

Council Member Van Auken moved to revise the Income Eligibility Guideline for the Emergency Housing Repair Program, as outlined; seconded by Council Member Manning.

Motion to revise the Income Eligibility Guideline for the Emergency Housing Repair Program, as outlined was approved by roll call vote.

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

Nays: None.

(08-508) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 13 of the Code of the City of Peoria Pertaining to HANDBILLS.

Council Member Spain questioned whether there could be a four week deferral so this could be delayed to allow the Litter Committee to consider conducting a study.

Corporation Counsel Randy Ray stated it would have to be understood that the City would not enforce this section of the Code during this time. He said the reason for the Ordinance repealing this section was because the Court had spoken.

Council Member Spain moved to adopt an Ordinance amending Chapter 13 of the Code of the City of Peoria pertaining to handbills, with the understanding that this be referred to the Litter Commission with a request that they conduct the necessary study; seconded by Council Member Jacob.

ORDINANCE NO. 16,337 was approved by roll call vote.

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

Nays: None.

(08-509) Communication from the Interim City Manager and Director of Economic Development Requesting Approval to SUBMIT an ENTERPRISE ZONE APPLICATION to the DEPARTMENT of ECONOMIC OPPORTUNITY (DCEO) with Recommendation from the Planning Commission to Adopt an ORDINANCE Amending Ordinance No. 11,051, for an EXPANSION of the ENTERPRISE ZONE to Include Properties Located in the Second and Fourth Council Districts Along Sterling Avenue From Forrest Hill to Glen and also Including the Corner of Forrest Hill and Gale, and in the Second District Specified Properties Along University and Dries Lane from Forrest Hill to War Memorial Drive.

Council Member Sandberg expressed his objection to the expansion of the Enterprise Zone.

Council Member Van Auken moved to submit an Enterprise Zone application to the Department of Economic Opportunity (DCEO) with recommendation from the Planning Commission to adopt an Ordinance amending Ordinance No. 11,051, for an expansion of the Enterprise Zone to include properties located in the Second and Fourth Council Districts along Sterling Avenue from Forrest Hill to Glen and also including the corner of Forrest Hill and Gale, and in the Second District specified properties along University and Dries Lane from Forrest Hill to War Memorial Drive; seconded by Council Member Turner.

Motion to submit an Enterprise Zone application to the Department of Economic Opportunity (DCEO) with recommendation from the Planning Commission to adopt ORDINANCE NO. 16,338, an Ordinance amending Ordinance No. 11,051, for an expansion of the Enterprise Zone to include properties located in the Second and Fourth Council Districts along Sterling Avenue from Forrest Hill to Glen and also including the corner of Forrest Hill and Gale, and in the Second District specified properties along University and Dries Lane from Forrest Hill to War Memorial Drive was approved by roll call vote.

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

Nays: Sandberg – 1.

(08-511) 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 C-1 (General Commercial) District for the EXPANSION of a BEER GARDEN for the Property Located at 4421 N. STERLING, with Conditions.

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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 Montelongo moved to adopt the Ordinance granting a Special Use In a Class C-1 (General Commercial) district for the expansion of a beer garden for the property located at 4421 N. Sterling, with conditions; seconded by Council Member Spain.

ORDINANCE NO. 16,339 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.

(08-514) Communication from the Interim City Manager and Director of Economic Development with Request to Receive and File a WRITTEN REPORT Passed by the Joint Review Board (JRB) on September 30, 2008, Agreeing that the HOSPITALITY IMPROVEMENT ZONE (HIZ) TIF REDEVELOPMENT PROJECT AREA Satisfies the Eligibility Criteria for a CONSERVATION AREA.

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Council Member Sandberg expressed his opposition.

Council Member Spain moved to receive and file a written report passed by the Joint Review Board (JRB) on September 30, 2008, agreeing that the Hospitality Improvement Zone (HIZ) TIF Redevelopment Project Area satisfies the eligibility criteria for a Conservation Area; seconded by Council Member Manning.

Motion to receive and file a written report passed by the Joint Review Board (JRB) on September 30, 2008, agreeing that the Hospitality Improvement Zone (HIZ) TIF Redevelopment Project Area satisfies the eligibility criteria for a Conservation Area was approved by roll call vote.

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

Nays: Sandberg – 1.

(08-515) PEORIA PUBLIC LIBRARY FINANCIAL REPORT and USE INDEX for JULY, 2008.

Council Member Manning pointed out that the Library Representative had changed the format of the Statistical Report to a Use Index Report. He stated he would like to have the information that was previously provided by them to include the number of circulated materials, door counts, reference requests and computer users. He said the Library reweighted their calculations, but he felt those numbers were still important.

Council Manning moved to receive and file the reports and to direct the City Manager to request the Library provide the Statistical Report showing circulation of materials, door counts, reference requests and computer users that were published previously; 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.

(08-516) Communication from Mayor Jim Ardis Requesting Approval of a RESOLUTION by the City of Peoria Approving the DESIGNATION of PEORIA as HONORARY THOME TOWN for OCTOBER 2008.

Council Member Spears stated Peoria was very proud of Jim Thome and all his accomplishments and he originally thought it would be a good thing to honor him, especially if the White Sox were in the playoffs. He stated that Jim Thome always came back home and participated in many charitable events. He said Mr. Thome had used his gifts to bring advantages to those in need, and he never asked for monetary gain for his autographs.

Council Member Spears then moved to Table the Resolution and to consider bringing it off the Table next Fall when, hopefully, the White Sox would be in the playoffs; seconded by Council Member Manning.

Motion to Table was approved by roll call vote.

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

Nays: None.

(08-517) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval of the 2009-2012 HUD CONSOLIDATED PLAN and 2009 HUD ANNUAL ACTION PLAN for Submittal to the Department of Housing and Urban Development (HUD) with a Total Grant Request of \$2,793,408 for 2009.

Council Member Van Auken moved to approve the 2009-2012 HUD Consolidated Plan and 2009 HUD Annual Action Plan for submittal to the Department of Housing and Urban Development (HUD) with a total grant request of \$2,793,408 for 2009; 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.

(08-518) Communication from the Interim City Manager and Director of Economic Development Requesting Approval of a WAREHOUSE DISTRICT TAX INCREMENT FINANCING (TIF) REDEVELOPMENT AGREEMENT Between the City of Peoria and B & L SALES, and Authorizing the City Manager to Execute the Necessary Documents.

Council Member Jacob ascertained in discussion with Director of Economic Development Craig Hullinger that nothing in the proposed Redevelopment Agreement would allow a waiver of the requirements found in the Land Development Code. In discussion with Director of Planning and Growth Management Patricia Landes, Council Member Jacob determined that any waiver would go through the ZBA. She said that zoning certificates and building permits would be processed administratively.

Council Member Nichting stated he would be abstaining due to ownership of property in the District.

Council Member Gulley moved for approval of a Warehouse District Tax Increment Financing (TIF) Redevelopment agreement between the City of Peoria and B & L Sales, and to authorize the City Manager to execute the necessary documents; seconded by Council Member Turner.

Approved by roll call vote:

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

Nays: None;

Abstention: Nichting – 1.

- (08-519) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an INTERGOVERNMENTAL AGREEMENT by and Between the BOARD of EDUCATION, CITY of PEORIA SCHOOL DISTRICT NO. 150, and CITY of PEORIA Regarding the NEW BIRTH Through FOURTH GRADE LINCOLN SCHOOL and Authorizing the Mayor to Execute the Agreement.**

Council Member Gulley remarked that the City had been working with the School District #150 regarding moving the new school forward. He said it takes both the City and the District working together on the development of schools.

Council Member Sandberg questioned whether the project had been reviewed and had met all the required regulations. Director of Planning and Growth Management Pat Landes stated this Intergovernmental Agreement was for site and the project had not been reviewed at this point. She said the Intergovernmental Agreement required the project to go to the SPRB (Site Plan Review Board) and a Public Hearing would be held by the School District.

Council Member Gulley moved to approve an Intergovernmental Agreement by and between the Board of Education, City of Peoria School District No. 150, and City of Peoria regarding the New Birth through Fourth Grade Lincoln School and authorizing the Mayor to execute the agreement; seconded by Council Member Manning.

Approved by roll call vote.

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

Nays: None.

- (08-520) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Historic Preservation Commission to Adopt an ORDINANCE Approving the DESIGNATION of ALL of the BUILT MEDIAN COMPONENT of the RIGHT-OF-WAY of the 600 and 700 BLOCKS (Monroe Street to Glendale Avenue), and the 1200, 1300 and 1400 BLOCKS (Randolph Avenue to North Street) of HAMILTON BOULEVARD as a LOCAL HISTORIC LANDMARK.**

Council Member Van Auken moved to defer this item until the November 10, 2008, Regular City Council Meeting; seconded by Council Member Gulley.

Motion to defer this item until November 10, 2008, was approved by roll call vote.

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

Nays: None.

(08-521) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending Ordinances 16,205 and 16,310 Pertaining to the EXTENSION of TEMPORARY 4:00 A.M. LIQUOR LICENSES for CLUB APOLLO and EXCALIBUR Until November 30, 2008. (Refer to 07-531 and 08-383)

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.

Mayor Ardis stated that this Ordinance would temporarily extend the 4:00 A.M. provision until November 30, 2008. In the meantime he said this issue would go to the Liquor Commission and then the Council would determine at a later date whether to allow these two licensees to have a 4:00 A.M. subclass on a permanent basis. Mayor Ardis said there would be no decision on making this permanent until there was an opinion from the Police Department and the Liquor Commission.

Council Member Sandberg objected to the report from the Police that compared Hoops, a restaurant, with the two nightclubs. He said this was not comparing apples to apples.

Council Member Manning stated he felt the explanation on Page Two of the report adequately compared similar activities in the Main Street area with those that might be at those two locations. He stated that Hoops had the highest incidents and the Police Department was simply trying to establish a baseline.

Council Member Van Auken commended the Chief for the work and the analysis. She stated she did not see any effort to skew the analysis.

Mayor Ardis stated that after the Liquor Commission reviewed the statistics, there would be ample time for the Council to discuss this.

Council Member Turner moved to adopt an Ordinance amending Ordinances 16,205 and 16,310 pertaining to the extension of temporary 4:00 A.M. Liquor Licenses for Club Apollo and Excalibur until November 30, 2008; seconded by Council Member Gulley.

ORDINANCE NO. 16,340 amending Ordinance No. 16,205 and 16,310 was approved by roll call vote.

Yeas: Gulley, Manning, Montelongo, Nichting, Spain, Spears, Turner, Van Auken, Mayor Ardis – 9;

Nays: Sandberg – 1;

Abstention: Jacob – 1.

(08-522) Communication from Interim City Manager and Director of Public Works Requesting to CLOSE COMPLETED CAPITAL PROJECTS and REALLOCATE UNUSED FUNDS as Per the Attached SUMMARY SHEETS. (Refer to 08-356)

Council Member Nichting moved to close completed capital projects and reallocate unused funds as per the attached summary sheets; seconded by Council Member Van Auken.

Motion to close completed capital projects and reallocate unused funds as per the attached summary sheets 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

08-015-B) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting the Following:

- 1. REMOVE FROM THE TABLE Item 08-015-B, an ORDINANCE Amending Ordinance No. 14,023, a SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER and Approving Local Sign Regulations for Property Located at 10500 N. KNOXVILLE AVENUE (Temporary Address).**
- 2. ADOPT the REPLACEMENT ORDINANCE Amending Ordinance 14,023, a SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER and Approving Local Sign Regulations for Property Located at 10500 N. KNOXVILLE AVENUE (Temporary Address).**

Council Member Nichting moved to remove from the Table the Ordinance amending Ordinance 14,023; 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.

Council Member Nichting moved to adopt the replacement Ordinance amending Ordinance 14,023, a Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center and approving local sign regulations for property located at 10500 N. Knoxville Avenue (Temporary Address); seconded by Council Member Turner.

ORDINANCE NO. 16,341, Amending Ordinance No. 14,023, was 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 Interim City Manager with Request to Receive and File the REPORT BACK Regarding SERVICES PROVIDED by the City of Peoria for the VISIT from PRESIDENT GEORGE BUSH.

Corporation Counsel Randall Ray stated there was a Motion on the Floor to ask for reimbursement of costs. However, he learned the Schock Campaign had reimbursed the City so the pending motion was moot.

Mayor Ardis suggested that the Council schedule this topic for a Policy Discussion.

Council Member Nichting moved to place this matter on a future Council Agenda after the Budget discussions were held; seconded by Council Member Van Auken.

Council Member Sandberg stated expenditures such as these were relevant to the Budget discussions and objected to the delay.

Motion to place this matter on a future Council Agenda after the Budget discussions were held was approved by roll call vote.

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

Nays: Sandberg - 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 the Property Located at the NORTHWEST CORNER of the INTERSECTION of ALLEN ROAD and TOWNLINE ROAD. (Replacement Ordinance)

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 adopt 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 the property located at the Northwest Corner of the intersection of Allen Road and Townline Road; seconded by Council Member Spain.

ORDINANCE NO. 16,342, amending Ordinance No. 16,010, was approved by roll call vote.

Yeas: Gulley, Manning, Montelongo, Nichting, Spain, Spears, Turner, Van Auken, Mayor Ardis – 9;

Nays: Sandberg – 1;

Abstention: Jacob – 1.

(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 and to Receive and File the SUPPLEMENTAL INFORMATION.

Mayor Ardis noted the Motion on the Floor was 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.

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 Montelongo said that before he met with the residents of Lynnhurst, he met with Director of Public Works David Barber and his staff to discuss possible solutions which were 1) poles moved 10 to 15 feet from their marked location, 2) the wattage of the bulb, 3) steel plates inside the housing of the lights to deflect some of the lighting and 4) remove some poles at the residents' request with Engineering making that decision. He stated that he conducted two separate meetings with the residents of Lynnhurst Subdivision to accomplish a compromise and reported that there was exceptional discussion among the attendees who were respectful of one another. He also tried to get the price of lighting down, but learned that could not be done. He added he tried to reimbursement extended from 10 to 20 years, but could not do that for legal reasons. He said he believed in lights in neighborhoods, but due to many factors he could not support an Ordinance tonight because there was not enough detail in the petitions outlining the costs.

Council Member Van Auken stated this was a difficult decision because both sides were right. She expressed concern about the process at the local Board of Improvements that allowed certain streets to be allowed to opt out. She said she agreed with Director Barber's current philosophy to have these projects move more quickly to avoid issues such as this.

In discussion with Corporation Counsel Randall Ray, Council Member Sandberg determined that when this matter came on September 23 and this evening, this was the first time the Council had seen this particular request.

Council Member Sandberg also stated that many special assessment projects he remembered were not subdivision wide, but block by block. He added that special assessment projects were to build neighborhoods, not to tear them apart and therefore he could support the improvement.

Motion to adopt ORDINANCE NO. 16,343 providing for the improvement of Lynnhurst Subdivision, except Hetherwood Drive and Suffolk Drive South of Bridalwood Drive, for an ornamental street lighting improvement project was approved by roll call vote.

Yeas: Jacob, Manning, Nichting, Spears, Turner, Van Auken, Mayor Ardis – 7;

Nays: Gulley, Montelongo, Sandberg - 3;

Abstention: Spain – 1.

(08-492) Communication from the Interim City Manager and Communications Manager Regarding REPORT BACK on CHARTER SCHOOLS and Their POSITIVE IMPACTS on COMMUNITIES, and Request to Receive and File.

Council Member Montelongo commented that the first Charter School was being planned in the area of Math, Science and Technology which would give parents and students a choice of education. He said District 150 and many people in the community including him and Council Member Van Auken were planning for this. He requested that the City Council invite District 150 officials to come and have a dialog regarding Charter Schools.

Interim City Manager Henry Holling stated that the Council Communication should reflect this was adjacent to Renaissance Park, not in Renaissance Park.

Mayor Ardis thanked Interim City Manager Henry Holling for bringing this information forward because our schools were very important to our City.

Council Member Montelongo moved to request a presentation from School District 150 regarding Charter Schools in the near future and to receive and file the report back; 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.

(08-494) Communication from the Interim City Manager and Acting Human Resources Director with Request to Receive and File the SUMMARY of CITY OF PEORIA EMPLOYEE RESIDENCY.

Council Member Jacob expressed appreciation for the report and requested additional historical information, trends by department and five-year trends. He stated he would like to see what other communities were doing to encourage their staff to live within the city limits. He also stated he wanted discussions regarding incentives that might be used to encourage residency, particularly to encourage City of Peoria Public Safety employees to live within the taxing boundaries.

Council Member Spain pointed out a program in Elgin, Illinois, designed to promote unique public safety within an immediate geographic area and to offer the type of incentives that Council Member Jacob mentioned to City of Peoria Police Officers who lived inside the City, he explained. He said in Elgin, they promoted a resident officer program. He said they gifted properties in older neighborhoods that were experiencing challenges that resulted from drug seizures and other types of property acquisition. He further stated and it was a voluntary program and no one was forced to move, but several did. He said it connected Police Officers to their neighborhoods. He suggested a policy session and requested more information from staff regarding innovative ideas.

Council Member Gulley stated Peoria had already offered several similar programs to encourage residency, especially of Police Officers living in challenged neighborhoods. He said at RiverWest, officers could live free, and some have taken advantage of that.

He added, in the soon to be available property near the new Harrison School, he hoped there would be an opportunity for a possible program there.

Council Member Sandberg pointed out much of this situation has been brought about by collective bargaining rulings. He said homes in the Valley could be purchased for \$15,000, so cost was not the issue. He said the City was not providing the level of services, vision, and focus where they felt secure in their investment. He suggested looking at where City employees currently lived and recommended that the report go back further.

Interim City Manager Henry Holling said he would be glad to provide historical data, perhaps even pre-Richwoods Annexation, and to find information with comparable cities in Illinois and other industrial states, such as Peoria's, and draw upon experience of the private sector in terms of being competitive for the human resources to provide management services.

Council Member Jacob said if the trends showed us new insight, the Council should look at the issue.

Council Member Jacob moved to receive and file with the additional information to be provided; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None.

(08-356) Communication from the Interim City Manager Regarding Continued DISCUSSION of the City of Peoria Community Investment Plan Issues Related to the Development of the Proposed 2009 Budget and Review of Current Capital Projects, with Public Comment Relating to the Budget. No Final Action will be Taken.

Director of Public Works David Barber stated that discussion about the Capital Budget would begin next week. He said the proposed budget provided a different format which contained three summary sheets that provided detailed information about Funded and Unfunded Projects as well as a summary of all Projects which provided a quick overview of Project Cost, Lead Department, Project Type and Funding Source. He stated that the department tried to provide more detail in order to be more transparent in hope that the information would be easier to understand.

Director Barber requested if Council had questions that could be submitted before the meeting, he would like to respond to these ahead of time in writing or at the meeting in written form in order to speed the process along.

Mayor Ardis commented that he felt the Budget Book's view and look was much more concise and transparent than in the past. He commended Director Barber on his efforts. He reiterated that if Council had questions that could be submitted to Director Barber and his staff ahead of time, to please do so between now and then. He then ascertained no one from the audience wanted to address the Council on the Budget.

City Clerk Mary Haynes said the next Budget Meeting would be held on Tuesday, October 21, 2008, at 6:15 P.M.

(08-146) DISCUSSION REGARDING PEORIA'S PROPOSED LOGO

Council Member Spain said he had received a lot of feedback on the logo process. He stated there was a considerable amount of interest in the logo and the image. He said he wanted to mention in the minutes the process was not about a logo or a picture. He said if that was a case perhaps a contest would be appropriate, but the Council approved an effort for an overall theme and graphic images to brand the community. He said the current process in front of us was over-emphasizing the logos that exist currently. He explained as they move through the process, it was good to understand the process was more than just choosing a design and the process would continue to develop that related to an entire theme with appropriate tag lines, etc. He encouraged the citizens to stay tuned for more developments and requested that the people working on the project emphasize the research that had gone into the project; to emphasize what other competitive cities had done regarding keeping their logo and brand updated; and how they had marketed their City both inside and outside the City; and how they used their themes to attract visitors and new residents from across the Country. He said this was what was important and not just a single design or picture.

Council Member Sandberg requested the Council communication and the minutes when the logo RFP was approved. He said he did not remember that the action was not a branding campaign.

ADA COMPLIANCE AT CITY LINK

Council Member Sandberg stated he received an email regarding City Link's compliance with ADA and providing services to people with disabilities. He questioned whether the City's EEO Office determined whether they were meeting accessibility. He stated he wanted an objective investigation.

Corporation Counsel Randall Ray stated the City could look into the situation.

Council Member Turner stated City Link had a Committee and the Committee was looking into this. He said we have addressed this and City Work was working toward completion of all Mr. Sparks' concerns. Council Member Turner said he and Mr. Sparks would be attending a meeting on October 15, 2008, at 11:00 A.M. at City Link and that City Link had on-going meetings every month. He said there were assurances in place to address these issues.

ADA COMPLIANCE AT THE PARKING AREA ON THE MUSEUM BLOCK

Council Member Sandberg requested information whether there was handicapped parking at the Museum Block. He questioned what review has been exercised.

PUBLIC INPUT REGARDING THE PROPOSED NEW LINCOLN SCHOOL

Council Member Jacob questioned whether there would be neighborhood meetings regarding Lincoln School and he requested that the City facilitate that. Director of Planning and Growth Management Pat Landes stated the School District had that responsibility to conduct a Public Hearing, but she would be happy to relay to the neighborhood groups the information when that date was set.

POLICY DISCUSSIONS REGARDING RETAINING BUSINESSES COMING OUT OF THE PEORIA NEXT PROGRAM (SUCH AS ECOTHERMICS).

Council Member Jacobs reported he attended a Press Conference at Peoria Next announcing that a small company, Ecothermics, owned by a local family named Rocke, was developed through the Peoria Next Program. He said it was in regard to pump technology that had tremendous opportunity. He said the City had to compete with other cities to get that group to select Peoria to do the work. He added one of the challenges for the Council was that once we grow these businesses, the next step was trying to land them in our community so we do not lose those jobs. He said we needed to have a discussion about that next step.

NEW BUSINESS**ANNOUNCEMENT OF STATE LAW OFFERING FREE RIDES ON PUBLIC TRANSPORTATION TO PEOPLE WITH DISABILITIES**

Council Member Turner announced the new law that provided free rides on public transportation systems in Illinois for people with disabilities which goes into effect on October 24, 2008.

(08-523) REPORT BACK REQUESTS REGARDING USE OF SOLAR LIGHTS FOR STREET LIGHTING PROJECTS AND UTILIZING THE LEEDS PROGRAM ON CITY BUILDING PROJECTS, USING PUBLIC FUNDS.

Council Member Spears requested a Report Back on whether utilizing solar lighting on future ornamental lighting projects in subdivisions would save money. Further, he requested another Report Back creating a policy that would provide that future City building projects, especially those publicly funded, would utilize LEEDS and provide the costs and any savings.

Director of Public works David Barber said there was a Commission currently working in this area and he would like to use the Commission and then bring back information to the Council in approximately 60 to 90 days.

The Mayor requested that in the form of a motion.

Council Member Spears moved for a Report Back to determine whether utilizing solar lighting on future street lighting projects would save money and how it would act; and,

further, he requested another Report Back creating a policy that would provide that future City building projects, especially those publicly funded, would follow the LEEDS program and include projected costs and any savings; seconded by Council Member Van Auken.

Director Barber reiterated a Sustainability Commission was looking at this and he suggested working with them and bringing the report back in 60 to 90 days. He added he could bring back the issue of using solar lights sooner.

Council Member Spears said 90 days was fine.

Motion for a Report Back to determine whether utilizing solar lighting on future street lighting projects would save money and how it would act; and, further, he requested another Report Back creating a policy that would provide that future City building projects, especially those publicly funded, would follow the LEEDS program and include projected costs and any savings was approved by roll call vote.

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

Nays: None.

CITIZENS REQUEST TO ADDRESS THE COUNCIL

(08-524) Request for CITIZENS to ADDRESS the CITY COUNCIL Regarding VARIOUS ISSUES

The Mayor determined some citizens who had requested to speak had left the Chambers.

Gordon Seibold, 215 W. Sam J. Stone Avenue, Peoria, Illinois, requested assistance with the noise level of motorcycles.

Mayor Ardis stated that ABATE encouraged the City to enforce the ordinances currently on record. He said he had spoken to the Interim City Manager and to the Police Department. He requested information in the City Manager's update regarding a motorcycle with a muffler and a motorcycle with modified straight pipes.

Savino Sierra, 1708 S. Stanley, Peoria, Illinois, stated he supported the Police Chief, the Police Department, and the Department of Public Works. He expressed concern regarding the proposed logo. He said on the survey, there was no place to vote for none of the above.

EXECUTIVE SESSION

- (08-525) **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, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 9:05 P.M.

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