

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

Council Chambers, Peoria, Illinois, November 10, 2008, a Joint City Council & Town Board Meeting was held this date at 6:16 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 physically present: Gulley (Arrived at 6:25 P.M.) Jacob, Manning, Montelongo, Nichting, Sandberg (Arrived at 6:20 P.M.), Spain, Spears, Turner, Van Auken, Mayor Ardis – 11; Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection and then he requested the Boy Scouts from Den 3 Pack 154 from Holy Family lead the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PRESENTATION: ILLINOIS CHAPTER GOLD AWARD PRESENTATION BY THE AMERICAN PLANNING ASSOCIATION TO THE CITY OF PEORIA PUBLIC WORKS DEPARTMENT FOR THE MOSSVILLE BLUFFS WATERSHED PROGRAM AND TO THE PLANNING DEPARTMENT FOR THE COMPREHENSIVE PLAN PUBLIC OUTREACH EFFORT.

PROCLAMATION: TOYS FOR TOTS

PROCLAMATION: TROT FOR TOTS

PROCLAMATION: HARBOR LIGHT HOSPICE

PROCLAMATION: TREE OF LIGHTS CAMPAIGN DAY - NOVEMBER 13, 2008

PROCLAMATION: PHILANTHROPY DAY - NOVEMBER 15, 2008

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting held on October 28, 2008, the Special City Council Meeting held on November 3, 2008, and the Executive Session held on November 3, 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.

RECOGNITION OF LOCAL DIGNATARIES

Mayor Ardis recognized and welcomed former City Council Members Lou Carr, James Polk and Marcella Teplitz.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

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

- (08-561)** **Communication from the Interim City Manager and Director of Public Works Requesting Approval of an MFT RESOLUTION, in the Amount of \$215,000.00, for ENGINEERING COSTS for the Development of Plans, Construction Inspection and Construction Costs for a TRAFFIC SIGNAL at the INTERSECTION of PIONEER PARKWAY and HALE AVENUE.**
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- (08-562)** **Communication from the Interim City Manager and Director of Public Works Requesting Adoption of ORDINANCE NO. 16,353 Vacating the ALLEY Located Within LOTS 9 and 10 in BLOCK 37 in HALE'S ADDITION to the City of Peoria.**
- (08-563)** **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of ORDINANCE NO. 16,354 Amending APPENDIX A of the Code of the City of Peoria Relating to the RESUBMISSION of a PRELIMINARY PLAT Denied by City Council or through the Administrative Review Process.**
- (08-564)** **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Concur with the Recommendation from the Administration to Set the DATE for NATIONAL NIGHT OUT AGAINST CRIME on the FIRST TUESDAY in AUGUST Based on the Majority Preference from an On-Line Survey. (Refer to Item 08-493)**
- (08-565)** **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS A (Tavern) at 456 FULTON, SUITE 103, with Recommendation from the Liquor Commission to Approve.**
 **
- (08-566)** **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS A (Tavern) at 514 MAIN STREET, with Recommendation from the Liquor Commission to Approve.**

- (08-567)** **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS G (Restaurant, Beer & Wine Only) at 1420 N.E. ADAMS, with Recommendation from the Liquor Commission to Approve.**

- (08-568)** **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS B (Restaurant, Full-Service Bar) with a SUBCLASS 3 (Beer Garden) at 7301 NORTH RADNOR ROAD, with Recommendation from the Liquor Commission to Approve.**

(08-569) REAPPOINTMENTS by Mayor Jim Ardis to the PEORIA CIVIC CENTER AUTHORITY, with Recommendation to Concur:

Laraine E. Bryson (Voting) - Term Expires 7/1/2013

Dan J. Silverthorn (Voting) - Term Expires 7/1/2013

Brent Lonteen (Non-Voting) - Term Expires 7/1/2010

Council Member Robert Manning (Non-Voting) - Term Expires 7/1/2010

(08-570) PEORIA PUBLIC LIBRARY FINANCIAL REPORT, USE INDEX and STATISTICAL REPORT for SEPTEMBER 30, 2008.

Mayor Ardis questioned if the Council wished to have any of the Consent Agenda items removed for further discussion.

Council Member Jacob requested that Item Nos. 08-565, 08-566, 08-567 and 08-568 be removed from the Consent Agenda for further discussion.

Council Member Turner requested that Item No. 08-568 be removed from the Consent Agenda for further discussion.

Council Member Spain requested that Item No. 08-567 be removed from the Consent Agenda for further discussion.

Council Member Montelongo requested that Item No. 08-561 be removed from the Consent Agenda for further discussion.

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

Items Nos. 08-561 through 08-570 (excluding Item Nos. 08-561, 08-565, 08-566, 08-567, and 08-568, 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.

(08-561) Communication from the Interim City Manager and Director of Public Works Requesting Approval of an MFT RESOLUTION, in the Amount of \$215,000.00, for ENGINEERING COSTS for the Development of Plans, Construction Inspection and Construction Costs for a TRAFFIC SIGNAL at the INTERSECTION of PIONEER PARKWAY and HALE AVENUE.

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In response to Council Member Montelongo's inquiry, Public Works Director David Barber commented that it was his belief that the new construction would not provide a protected left turn lane for citizens turning onto Hale from Pioneer Parkway.

Council Member Nichting moved to approve an MFT Resolution, in the amount of \$215,000.00, for engineering costs for the development of plans, construction inspection and construction costs for a traffic signal at the intersection of Pioneer Parkway and Hale Avenue; seconded by Council Member Van Auken.

MFT RESOLUTION NO. 08-561 was approved by roll call vote.

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

Nays: Sandberg – 1.

- (08-565) Communication from the Interim City Manager and Corporation Counsel
Requesting Approval of a SITE APPLICATION for a CLASS A (Tavern) at
456 FULTON, SUITE 103, with Recommendation from the Liquor
Commission to Approve.**

Council Member Jacob said he would be abstaining from discussing and voting on this item because he was a liquor licensee and was prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

Council Member Nichting moved to concur with the recommendation of the Liquor Commission to approve a Site Application for a Class A (Tavern) at 456 Fulton, Suite 103; seconded by Council Member Spears.

Approved by roll call vote.

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

Nays: None;

Abstention: Jacob – 1.

- (08-566) Communication from the Interim City Manager and Corporation Counsel
Requesting Approval of a SITE APPLICATION for a CLASS A (Tavern) at
514 MAIN STREET, with Recommendation from the Liquor Commission to
Approve.**

Council Member Jacob said he would be abstaining from discussing and voting on this item because he was a liquor licensee and was prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

Council Member Nichting moved to concur with the Liquor Commission to approve a Site Application for a Class A (Tavern) at 514 Main Street; seconded by Council Member Spears.

Approved by roll call vote.

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

Nays: None;

Abstention: Jacob – 1.

- (08-567) Communication from the Interim City Manager and Corporation Counsel
Requesting Approval of a SITE APPLICATION for a CLASS G (Restaurant,
Beer & Wine Only) at 1420 N.E. ADAMS, with Recommendation from the
Liquor Commission to Approve.**

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 Spain reported that Council Members had received an email from neighborhood leaders in the surrounding area of 1420 N.E. Adams expressing they had not been notified in relation to this pending application. He reported that although the neighborhood leaders did not have an objection to the application, he urged Council Members to do a better job of proactive communication with neighborhood leaders concerning these issues.

Council Member Spain moved to concur with the recommendation from the Liquor Commission to approve the Site Application for a Class G (Restaurant, Beer & Wine only) at 1420 N.E. Adams; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None;

Abstention: Jacob – 1.

(08-568) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS B (Restaurant, Full-Service Bar) with a SUBCLASS 3 (Beer Garden) at 7301 NORTH RADNOR ROAD, with Recommendation from the Liquor Commission to Approve.

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 reported at the time the Liquor Commission met to review the pending application for 7301 N. Radnor Road, there were no objections heard. However, since that time, Council Member Turner had been contacted by two residents of West Eagle Point Drive who were not able to attend the initial meeting due to sickness and lived within 300 feet of the proposed location. He said the residents documented their primary concern was noise and possible continual police intervention that could arise from the proposed beer garden, and their letter urged consideration for support of the Class B License only without a Subclass 3. He requested that the letter from these residents be made part of the permanent record.

Council Member Turner moved to concur with the recommendation from the Liquor Commission to approve the Site Application for a Class B (Restaurant, Full-Service Bar) with a Subclass 3 (Beer Garden) at 7301 North Radnor Road; seconded by Council Member Nichting.

Approved by roll call vote.

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

Nays: None;

Abstention: Jacob – 1.

(08-571) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a RESOLUTION Approving SITES Located in the City of Peoria, Peoria County, Illinois, to be Acquired, Altered and Improved by the Public Building Commission of Peoria County, Illinois, and Leased by said Commission to the BOARD OF EDUCATION OF CITY OF PEORIA, SCHOOL DISTRICT NUMBER 150, Peoria County, Illinois.

Corporation Counsel Randy Ray distributed a revised Page One to the Resolution to all members of the City Council and clarified the changes.

Council Member Gulley moved to approve the revised Resolution approving sites located in the City of Peoria, Peoria County, Illinois, to be acquired, altered and improved by the Public Building Commission of Peoria County, Illinois, and leased by said Commission to the Board Of Education of City Of Peoria, School District Number 150, Peoria County, Illinois; seconded by Council Member Manning.

Following discussion with Planning & Growth Management Director Pat Landes, Council Member Sandberg stated since he believed that Harrison and Glen Oak Schools were not working in good faith to meet the standards of new urbanism, he could not vote to approve the Resolution. He said he would like to vote for the schools on an individual basis, but it was not possible as this Resolution was written.

Council Member Manning stated he attended meetings where the City's preference was communicated; however, there were a number of reasons why the schools couldn't comply. He said the schools do not have to be subject to the City's Zoning Code.

Council Member Gulley stated he was in attendance in some of the meetings, and he felt the schools were trying to incorporate new urbanism in all that was possible. He said the schools were embracing and doing what they could, and he was satisfied with the outcome.

Council Member Sandberg expressed concern that the schools wanted to use Public Building Commission financing without adhering to the full requirements of what the previous Council adopted in principal.

Motion to approve the RESOLUTION NO.08-571, as revised, approving sites located in the City of Peoria, Peoria County, Illinois, to be acquired, altered and improved by the Public Building Commission of Peoria County, Illinois, and Leased by said Commission to the Board Of Education of City Of Peoria, School District Number 150, Peoria County, Illinois, was approved by roll call vote.

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

Nays: Sandberg – 1.

(08-572) Communication from the Interim City Manager and Director of Economic Development Requesting Adoption of an ORDINANCE Designating the HOSPITALITY IMPROVEMENT ZONE BUSINESS DISTRICT and Adopting and Approving the HOSPITALITY IMPROVEMENT ZONE BUSINESS DISTRICT DEVELOPMENT PLAN.

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

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

Tim Bertschy, Attorney speaking on behalf of his client, Quinn, Johnston, Henderson & Pretorius, Inc. Law Firm, and for himself as a downtown business owner located at 124 S.W. Adams, requested that Items 08-572 through 08-575 be deferred for two weeks. Mr. Bertschy expressed concern regarding the relocation of Big Al's to the corner of Jefferson and Hamilton. He stated relocating Big Al's to this location would hurt land values. He also stated the people in this area had invested money in good faith in this community and in their buildings. He stated there would be no way to recover the money they would loose from lower property values. He stated the two week deferral period would hurt no one while an alternate solution was sought.

John Redlingshafer, Attorney speaking on behalf of Heyl, Royster, Voelker & Allen PC located at 124 S.W. Adams, as well as their client, Quinn, Johnston, Henderson & Pretorius, Inc. expressed the legal concerns of the land and business owners in relation to the Liquor Ordinance. He stated that if a vote was taken tonight, the City would risk a serious detriment to the area and urged the Council to support a two week deferral.

Ron Hamm, Attorney located at 411 Hamilton and speaking on behalf of the Associated Bank Building owners, expressed concern that moving Big Al's to the corner of Jefferson and Hamilton would attract other taverns to the same area. He also expressed concern that the outcome regarding this project had already been determined.

Murv Pretorius, Attorney speaking on behalf of Quinn, Johnston, Henderson & Pretorius, Inc. located at 227 N.E. Jefferson, stated that Big Al's and the two establishments located on either side of Big Al's had 240 police calls in two years which averaged 10 calls per month. He stated his concerns regarded property values and safety issues. He suggested that Big Al's be moved to the Madison Building, which was already located in the entertainment district. He said he believed that the City should respect the fact that he and his partners had 30 years of time, effort and money invested and he urged the Council to support a two week deferral.

Jack Teplitz, resident of 240 N.E. Randolph Avenue, stated he was involved with urban revitalization in cities and expressed concern that not all of the details had been shared with the public. He stated he supported Big Al's moving to another location, but urged the Council to seek out alternative locations that would be acceptable instead of limiting the move to the corner of Jefferson and Hamilton.

Leslie Kenyon, representative for the Grand Army of the Republic Hall Memorial Hall located at 416 Hamilton, stated this location had been restored by public money and was currently used for events involving children and families. He urged the Council to reject the proposal.

Randy Africano, property owner of 234 Madison Avenue and 410 Fayette Street, spoke about his involvement in renovating these properties which resulted in winning a Peoria Beautiful Award. He expressed concern that the City never had a cohesive plan for what the future of the City of Peoria should be. He spoke in support of a hotel downtown, and questioned if there was a plan for a central entertainment district in Peoria. He urged the Council to defer this issue for two weeks so it could be studied further.

Jane Genzel, speaking on behalf of Peoria Opportunities expressed her concerns about litter and parking issues that may arise if Big Al's was moved to the corner of Jefferson and Hamilton. She said she was supportive of a significant downtown development project, but urged the Council to look into alternative sites. She requested that this issue be deferred for two weeks.

Sandy Fritz, Peoria resident, reported there were 1,695 police calls in 2006 in the block where Big Al's was located. She said that social diseases in Peoria had increased. She said the Council could not deny an application to an adult use by law, but could deny a liquor license based on the harmful effects such as prostitution, illegal drugs, etc. She recommended that the Council be open and fair and take time to discuss the issue.

John Blossom, resident of 125 S.W. Jefferson Avenue and business owner at 456 Fulton, spoke from a resident's and business owner's perspective stating that Big Al's had never been a problem. He stated that he did not believe the value of his business and/or personal property would be impacted negatively, but instead would be affected positively by the downtown development.

In response to Mayor Ardis' request, Director of Economic Development Craig Hullinger summarized the additional taxes that would be implemented in the Hospitality District and explained how the revenues would be distributed. He said that this issue was not related to the next three items.

Council Member Gulley moved to adopt an Ordinance designating the Hospitality Improvement Zone Business District and adopt and approve the Hospitality Improvement Zone Business District Development Plan; seconded by Council Member Van Auken.

Council Member Sandberg expressed his concern that the Council was not rewarding the right behavior and was privatizing the profits and socializing losses. He said creating a TIF in this area would raise taxes everywhere else.

Motion to adopt ORDINANCE NO. 16,355 designating the Hospitality Improvement Zone Business District and adopt and approve the Hospitality Improvement Zone Business District Development Plan was approved by roll call vote.

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

Nays: Sandberg – 1.

(08-573) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 18 of the Code of the City of Peoria Pertaining to ADULT BUSINESSES.

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 Gulley moved to adopt an Ordinance amending Chapter 18 of the Code of the City of Peoria pertaining to Adult Businesses; seconded by Council Member Turner.

Council Member Sandberg expressed concern regarding issues of compliance. He said he felt it was only necessary to change the distance in the Ordinance instead of creating a new Ordinance which he believed would create litigation in the future.

Council Member Van Auken stated she thought it was not only appropriate to change the Ordinance for a grandfathered business, but was probably legally necessary.

Council Member Gulley urged the Council Members to vote for this Ordinance. He clarified that the Council was voting for compliance in the future.

Council Member Spain discussed the potential for a downtown hotel project that was coming about in tough economic times, and he reiterated that nothing had been predetermined at this time. He said he agreed with Council Member Gulley that this would be a step in the right direction.

Motion to adopt ORDINANCE NO. 16,356 amending Chapter 18 of the Code of the City of Peoria pertaining to Adult Businesses was approved by roll call vote.

Yeas: Gulley, Manning, Montelongo, Spain, Spears, Turner, Van Auken, Mayor Ardis – 8;

Nays: Nichting, Sandberg – 2;

Abstention: Jacob – 1.

(08-574) Communication from the Interim City Manager and Corporation Counsel Requesting the Council to Take Action on a SITE APPLICATION for a CLASS A (Tavern), with SUBCLASS 1 (4:00 A.M. Closing) and SUBCLASS 2 (Live Entertainment) at 500 MAIN STREET, with No Recommendation from the Liquor Commission.

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.

An e-mail from Attorney Sam Zabeck was distributed to all members of the City Council.

Council Member Turner discussed future growth planned for East Peoria. He said that Peoria's Central Business District needed to be strengthened and Peoria need to enhance the economic development future of the whole community. He stated that while he did not agree with the proposed location, he felt that Big Al's was willing to make a sacrifice.

Council Member Turner moved approve a Site Application for a Class A (Tavern), with Subclass 1 (4:00 A.M. Closing) and Subclass 2 (Live Entertainment) at 500 Main Street; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: Nichting – 1;

Abstention: Jacob – 1.

(08-575) Communication from the Interim City Manager and Corporation Counsel Requesting the Council to Take Action on a SITE APPLICATION for a CLASS A (Tavern), with SUBCLASS 1 (4:00 A.M. Closing) and SUBCLASS 2 (Live Entertainment) at 414 HAMILTON BOULEVARD, with No Recommendation from the Liquor Commission.

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.

A letter from Heyl Royster Voelker & Allen with a letter from Quinn Johnston Henderson & Pretorius voicing their objection to Big Al's relocating to the corner of Jefferson and Hamilton was distributed to all members of the City Council.

Council Member Gulley moved to approve on a Site Application for a Class A (Tavern), with Subclass 1 (4:00 A.M. Closing) and Subclass 2 (Live Entertainment) at 414 Hamilton Boulevard; seconded by Council Member Turner.

In discussion with Attorney Sam Zabeck, representing Peoria Speakeasy, Inc., Council Member Manning determined that Big Al's did not have to relocate and by doing so, could cause a substantial business risk by moving off of Main Street to any location. He verified with Attorney Sam Zabeck that his client had been approached by a private company that offered to purchase the property from him. He also determined that the City of Peoria was not providing any type of financial assistance for Big Al's to move and other locations suggested were still being considered. He determined that if Big Al's were to move to the corner of Jefferson and Hamilton, there was nothing that would keep them from moving again.

Council Member Manning discussed the volume of Police calls in the 500 block of Main Street with Assistant Police Chief Phil Korem.

In discussion, Mayor Ardis confirmed that the police calls to Big Al's were generated by the club itself as a proactive measure to potentially avoid problems. He pointed out that these preliminary steps were necessary for the potential developer to bring the project forward.

Savino Sierra, Peoria resident, spoke in opposition to Big Al's moving to Hamilton Boulevard.

Motion to approve on a Site Application for a Class A (Tavern), with Subclass 1 (4:00 A.M. Closing) and Subclass 2 (Live Entertainment) at 414 Hamilton Boulevard was approved by roll call vote.

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

Nays: Nichting – 1;

Abstention: Jacob – 1.

UNFINISHED BUSINESS

(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, with Petitions Bearing 36 Signatures in Support of the Hamilton Boulevard Name and Grass Boulevard Being a Historic Landmark.

A letter from Randolph Roanoke Residential Association opposing the landmark designation was distributed to all members of the City Council.

Council Member Van Auken stated that she deferred this item in order to give the surrounding property owners time to consider, in particular, the grassy part of the boulevard. She stated that in the last 30 days, 36 people had come forward to support the designation from Randolph Avenue to North Street. She stated she contacted President and CEO Michael O'Brien of Methodist Medical Center, and he assured her that Methodist Medical Center took no position on this issue. She stated in checking with Council Member Gulley, he had heard no serious objections or support for the 600 – 700 blocks of Monroe Street to Glendale Avenue. She stated it appeared that the majority supported the proposed Ordinance.

Council Member Van Auken moved 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 and receive and file the Petitions of support; seconded by Council Member Gulley.

Council Member Jacob expressed concern that the Council was being asked to landmark certain medians located on Randolph as they are only 12 years old. He said he thought attention should be directed toward the Lincoln Branch Library instead.

In response to Council Member Sandberg's concern about annual plantings, Corporation Council Randy Ray recommended that the Ordinance be amended so it would not apply to the seasonal flower plantings.

Council Member Sandberg requested a friendly amendment that annual flower planting would not require a Certificate of Appropriateness. Council Member Van Auken, the maker of the motion, agreed to the friendly amendment.

In response to Council Member Spears, Planning & Growth Management Director Pat Landes verified if the amended Ordinance was adopted, and any changes to the median were needed, it would require the Historical Preservation's approval.

In response to Council Member Montelongo, Architect Leslie Kenyon responded that Armstrong Avenue was a landmarked boulevard. He commented if something was landmarked, the City would accept it as it was and would not be required to restore to it to originality. He stated that landmarked boulevards made the City distinctive.

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

Marcella Teplitz, resident of 240 N.E. Randolph Avenue, urged the Council to not approve the Landmark designation due to the designation not meeting the "designation criteria" and Hamilton Boulevard had undergone considerable change from the mid-nineteenth century to the present and as a result its architectural ambiance has changed dramatically and no longer represented anything that existed in the past.

Motion to adopt ORDINANCE NO. 16,357 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 and receive and file the Petitions, as amended, that annual flower planting would not require a Certificate of Appropriateness, was approved by roll call vote.

Yeas: Gulley, Manning, Sandberg, Spears, Turner, Van Auken, Mayor Ardis – 7;

Nays: Jacob, Montelongo, Nichting, Spain – 4.

(08-533) Communication from the Interim City Manager and Director of Public Works Requesting Approval for the PURCHASE of REAL ESTATE Located at 1501 W. JOHN H. GWYNN, JR. AVENUE for the Purchase Price of \$40,000.00 as an Opportunity Acquisition for the Future Widening of Dr. Martin Luther King, Jr. Drive, with SUPPLEMENTAL INFORMATION.

Council Member Spain said he appreciated the report back that was provided. He stated that he noted several differences between the 2008 and 2009 CIP. He said the differences included design engineering costs and land acquisition funds that were not consistent from year to year. He stated it would be helpful in making decisions of this kind if the next steps were shared regarding the progress of property acquisition in the future.

Council Member Spain moved to approve the purchase of real estate located at 1501 W. John H. Gwynn, Jr. Avenue for the purchase price of \$40,000.00 as an Opportunity Acquisition for the future widening of Dr. Martin Luther King, Jr. Drive, and receive and file the supplemental information; seconded by Council Member Gulley.

In response to Council Member Jacob, Public Works Director David Barber stated that widening Dr. Martin Luther King, Jr. Drive did not have that much impact on traffic. Director Barber said that the report on Main Street was almost ready and he would provide this for the next meeting or the meeting after. Director Barber stated he felt it was important to strategize about future acquisitions at the beginning of next year.

Motion to approve the purchase of real estate located at 1501 W. John H. Gwynn, Jr. Avenue for the purchase price of \$40,000.00 as an Opportunity Acquisition for the future widening of Dr. Martin Luther King, Jr. Drive, and receive and file supplemental information was approved by roll call vote.

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

Nays: Jacob – 1.

(08-552) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Rezoning Property from the Present Class C-1 (General Commercial) District to a Class C-2 (Large Scale Commercial) District and Granting a SPECIAL USE for a SHOPPING CENTER and MINI-STORAGE FACILITY for the Property Located at 7501 N. UNIVERSITY, with Conditions.(Replacement Ordinance and Site Plan)

Council Member Nichting moved to adopt an Ordinance rezoning property from the present Class C-1 (General Commercial) District to the Class C-2 (Large Scale Commercial) District and granting a Special Use for a shopping center and mini-storage facility for the property located at 7501 N. University as amended to change Condition #2 to read: The mini storage area must have a security access gate into the site and must be closed from 10:00 P.M. to 6:00 A.M.; seconded by Council Member Turner.

ORDINANCE NO. 16,358, as amended, was approved by roll call vote.

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

Nays: None.

(08-554) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Concur with the Recommendation from the Zoning Commission to DENY the Request for a SPECIAL USE in a Class R-3 (Single-Family Residential) District for the Placement of a U.S. CELLULAR COMMUNICATIONS TOWER on the Property Located at 2503 N. UNIVERSITY STREET.

Council Member Van Auken stated that this item had been deferred to get additional information and certification of information from the applicant. She stated that although the information had not been available to the Zoning Commission, it was submitted to and reviewed by staff. She said the applicant had shown that the existing towers could not accommodate the proposed antenna, higher priority locations to meet their needs were not available, and the coverage in the general area would increase from fair to good to very good and excellent.

Council Member Van Auken moved that an Ordinance be brought back to the Council at the November 25, 2008, City Council meeting for a Special Use for the placement of a U.S. Cellular Communications Tower at 2503 N. University Street; 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.

(08-356) 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.

An Updated Budget Proposal from Interim City Manager Henry Holling was distributed to all members of the City Council.

A memo from the Peoria Area Chamber was distributed to all members of the City Council.

Interim City Manager Henry Holling stated that the City had reached a balanced budget without a cut in services and no new taxes. He said that the City went from a \$3 million projected deficit to a deficit less than \$120,000 of the overall budget.

Mayor Ardis thanked the City Manager and staff for helping to close the significant gap. He requested that Finance Director/Comptroller Jim Scroggins give a brief summary of how the gap was closed.

Director Scroggins summarized that reduction in health care costs, cutting three positions that would not result in lost services to the citizens, and delayed CIP items helped close the gap.

Mayor Ardis stated this information would be available for the public.

Council Member Sandberg requested that staff develop a strategy for the bid of the solid waste contract coming in June 2009.

In response to Council Member Sandberg, Public Works Director David Barber said he would provide a report back on how \$1.1 million to \$1.6 million was developed regarding the contract for refuse collection which is a 2010 budgeted expense.

Council Member Spain said he appreciated all of the work on the Budget by City Staff. He expressed concern for the older neighborhoods in relation to the Alley Lighting Program stating that this was a key safety program. He moved to direct the Staff to come up with \$25,000 from some source to fund the 2009 Alley Lighting Program; seconded by Council Member Van Auken.

Mayor Ardis stated that an unbelievable task was asked of the Staff to come back to help close the gap without cutting positions and raising property taxes other than fee increases. He cautioned the Council Members in this regard.

Council Member Spears moved to amend the motion suggesting if funds from the electrical tax were realized, the money for the Alley Lighting Program could be added back into the 2009 Budget. No second was heard.

Council Member Spain pointed out there was approximately \$25,000 in unallocated CDBG funds and in Riverfront activities. He said there could also be other funding sources, but he would be willing to work with the City staff outside of this meeting to find a funding source.

Council Member Nichting pointed out that any additional revenues that were realized from the utility tax or other sources would require a budget amendment in 2009 and adjustments could be made at that time, which could include funding for the Alley Lighting Program.

Council Member Nichting moved for a substitute motion to accept the 2009 City of Peoria Preliminary Budget as outlined, which would include the information provided in the Updated Budget Proposal dated November 7, 2008; seconded by Council Member Gulley.

Approved by roll call vote.

Yeas: Gulley, Manning, Montelongo, Nichting, Sandberg, Spain, Spears – 7;

Nays: Jacob, Turner, Van Auken, Mayor Ardis – 4.

Mayor Ardis requested that Interim City Manager Henry Holling and the City Staff bring back a balanced budget for adoption on December 9, 2008.

PUBLIC COMMENTS REGARDING THE 2009 CITY OF PEORIA BUDGET

Mayor Ardis determined that no one wished to address issues in the 2009 City of Peoria Budget.

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

(08-576) Communication from the Town Officials Budget Committee with Request to Approve the Proposed ESTIMATE OF TAXES to be LEVIED for the Town of the City of Peoria Pursuant to 35 ILCS 200/18/60, in the Amount of \$2,073,854.00, with an Estimated Tax Rate of .1312 and to Enter Into the Permanent Record.

Trustee Nichting moved to approve the proposed estimate of taxes to be levied for the Town of the City of Peoria pursuant to 35 ILCS 200/18/60, in the amount of \$2,073,854.00, with an estimated tax rate of .1312 and to enter into the permanent record; seconded by Trustee Turner.

Approved by roll call vote.

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

Nays: None.

NEW BUSINESS

CONGRATULATIONS TO TANYA KOONCE, NEWLY PROMOTED WCBU NEWS DIRECTOR

Council Member Manning congratulated Tanya Koonce of WCBU Radio for her promotion to News Director for the station.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(08-577) Request for CITIZENS to ADDRESS the CITY COUNCIL Regarding VARIOUS ISSUES.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those citizens wishing to address the City Council.

Greg Chase, a Peoria resident and disabled Veteran, expressed concern that his house may be demolished following a fire. He urged the City to be more lenient with disabled people and they should help their citizens.

S.F. Edwards, 2143 N. Prospect Road, stated he had served on the City's Peoria Youth Commission and he felt that Peoria needed to have more activities to bring young people together. He said he would like to meet with the Mayor and discuss this issue.

William Ordaz, a Peoria resident, spoke in opposition to the Resolution approving sites to be acquired by the Public Building Commission and leased to the Board of Education. He said the sites were not contiguous to the property near the Lincoln and Woodruff sites.

EXECUTIVE SESSION

(08-578) REQUEST for APPROVAL of a MOTION for the CITY COUNCIL to go into EXECUTIVE SESSION to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 2(c)(5) The purchase or lease of real property for the use of the public body; and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent.

Council Member Manning moved that the City Council go into Executive Session to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 2(c)(5) The purchase or lease of real property for the use of the public body; and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

Council Member Montelongo moved to adjourn the Joint City Council and Town Board Meeting; seconded by Council Member Spain.

Approved by viva voce vote.

The Joint City Council and Town Board Meeting adjourned at 9:52 P.M.

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