: OFFICIAL PROCEEDINGS:

: OF THE CITY OF PEORIA, ILLINOIS:

Council Chambers, Peoria, Illinois, November 25, 2008, a Regular City Council Meeting was held this date at 6:19 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding, and with proper notice having been posted.

ROLL CALL

Roll call showed the following Council Members physically present: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg (Arrived at 6:35 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 led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: ILLINOIS HIGH SCHOOL ASSOCIATION CLASS 2A STATE CHAMPIONS: PEORIA NOTRE DAME HIGH SCHOOL BOYS SOCCER TEAM

PROCLAMATION: MAYOR'S LITTER COMMITTEE: MR. STEVE PIERZ

PROCLAMATION: MS. ELAINE BROWN

PROCLAMATION: WORLD AIDS DAY - DECEMBER 1, 2008

PROCLAMATION: WREATHS ACROSS AMERICA DAY - DECEMBER 13, 2008

MINUTES

Council Member Nichting moved to approve the minutes of the Joint City Council & Town Board Meeting held on November 10, 2008, and the Executive Sessions held on November 10, 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 & TOWN OF PEORIA

(08-579) PUBLIC HEARING REGARDING THE 2009 CITY OF PEORIA BUDGET

Council Member Nichting moved to open the Public Hearing regarding the 2009 City Of Peoria Budget; seconded by Council Member Turner.

Hearing no objections, Mayor Ardis opened the Public Hearing.

The Public Hearing opened at 6:40 P.M.

Following the third call by Mayor Ardis for citizens to address the City Council and after determining that no one else wished to address this issue, Council Member Nichting moved to close the Public Hearing regarding the 2009 City Of Peoria Budget; seconded by Council Member Turner.

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.

Hearing no objections, Mayor Ardis closed the Public Hearing.

The Public Hearing closed at 6:41 P.M.

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

(08-580) **NOTICE OF LAWSUIT Filed on Behalf of STERLING JOHNSON Regarding a COMPLAINT Against Certain Police Officers Alleging Violation of the 4th and 14th Amendments, Regarding an Incident on March 26, 2006, with Recommendation to Receive for Information and Refer to the Legal Department.**

(08-581) **NOTICE OF LAWSUIT Filed on Behalf of TODD PRENTISS Regarding a COMPLAINT Against the City of Peoria, Certain Fire Personnel and Peoria Firefighters Union Local 50, Claiming his Position on the Captain's Eligibility List for the Peoria Fire Department should be Higher than Others Named, with Recommendation to Receive for Information and Refer to the Legal Department.**

(08-582) * **Communication from the Interim City Manager and Finance Director/Comptroller Requesting Approval of the LOW BID from IKON OFFICE SOLUTIONS for the PURCHASE of TWO COPIERS, in the Amount of $30,920.00.**

(08-583) **Communication from the Interim City Manager and Director of Public Works Requesting Approval of CARRI SCHARF TRUCKING and ROANOKE CONCRETE PRODUCTS CO. as VENDORS for TRACTION SAND to Mix with Rock Salt.**

(08-584) **Communication from the Interim City Manager and Director of Public Works Requesting Authorization for Staff to BID at the I.R.S. AUCTION for the PURCHASE of PROPERTY at 501 W. MCCLURE AVENUE.**

(08-585) **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Authorization of $72,925.00 in HOME FUNDS for the REHABILITATION and SALE of ONE EXISTING HOUSE UNIT at 1110 ORANGE STREET in Partnership with Principle Property Management.**

(08-586) **Communication from the Interim City Manager and Director of Public Works Requesting Approval of a PAYMENT for the OVER-CONTRACT AMOUNT of $9,434.90 (Or 14.5% Over) on PAY ESTIMATE #1ST and FINAL for the NEBRASKA AVENUE STORM SEWER REPAIRS PROJECT (West of Interstate 74).**

(08-587) **Communication from the Interim City Manager and Director of Public Works Requesting Approval of AMENDMENT #1 to the PRELIMINARY ENGINEERING SERVICES AGREEMENT with CLARK DIETZ, INC. for a Not To Exceed Amount of $73,300.00 (For a New Total NTE Contract Amount of $297,315.00) for IMPROVEMENTS to PENNSYLVANIA AVENUE, and Approval of the SUPPLEMENTAL MFT RESOLUTION NO. 08-587, in the Amount of $80,000.00, for the Cost of the Engineering Contract Amendment #1. l(Amends 06-347)**

(08-588) **Communication from the Interim City Manager and Acting Human Resources Director Requesting Authorization to Execute the COLLECTIVE BARGAINING AGREEMENT Negotiated Between the City of Peoria and IBEW LOCAL 51 Covering the Period from 12/01/2008 through 11/30/2013.**

(08-589) **Communication from the Interim City Manager and Acting Human Resources Director Requesting Authorization to Enter Into a ONE-YEAR CONTRACT for STOP LOSS COVERAGE for the CITY'S HEATLH CARE PLAN with ING, the Lowest Qualified Bidder, for 2009, at an Estimated Cost of $628,444.00.**

(08-590) ** **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a RESOLUTION Calling on the Board of Local Improvements to Initiate a SPECIAL ASSESSMENT PROJECT for ORNAMENTAL STREET LIGHTING on HETHERWOOD DRIVE and SUFFOLK DRIVE, SOUTH of BRIDALWOOD DRIVE, all of Which is in LYNNHURST SUBDIVISION.**

(08-591) **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval of a RESOLUTION NO. 08-591 Amending Resolution No. 05-557, the PRELIMINARY PLAT for WILHELM RESIDENTIAL SUBDIVISION, to ADD DUPLEX LOTS and CONSOLIDATE 53 SINGLE-FAMILY LOTS for the Residential Development Located North of Trails Edge Subdivision, South of Hickory Grove Road, Along the West Side of Allen Road, with Conditions.**

(08-592) **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE NO. 16,359 Rezoning Property from a Class CN (Neighborhood Commercial) District to a Class R-6 (Multi Family Residential) District for the Property Located at 406-408 W. MCCLURE.**

(08-593) **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE NO. 16,360 Amending Ordinance No. 15,832 for a SHOPPING CENTER in a Class C-2 (Large Scale Commercial) District to Add an ATM for the Property Located at 8201 and 8207 N. KNOXVILLE.**

(08-594) **Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE NO. 16,361 Pertaining to the CITY OF PEORIA NON-PARTISAN PRIMARY ELECTIONS, formally Enacting the Requirement of a Non-Partisan Primary Election when More than Two Candidates have Filed for a Position.**

(08-595) **Communication from the Interim City Manager and Director of Public Works Requesting Approval of a STREET LIGHT REQUEST, in the Total Amount of $85.56 Annually, for the Location of 1218 WEST THRUSH AVENUE.**

(08-596) **Communication from the Interim City Manager and Finance Director/Comptroller Requesting to Receive and File the City of Peoria FIREFIGHTERS' PENSION FUND and the City of Peoria POLICE PENSION FUND ACTUARIAL REPORTS as of JANUARY 1, 2008.**

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

Council Member Manning requested that Item No. 08-582 be removed from the Consent Agenda for further discussion.

Council Member Spain requested that Item No. 08-590 be removed from the Consent Agenda for further discussion.

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

Item Nos. 08-580 through 08-596 (excluding Item Nos. 08-582 and 08-590 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.

(08-582) * **Communication from the Interim City Manager and Finance Director/Comptroller Requesting Approval of the LOW BID from IKON OFFICE SOLUTIONS for the PURCHASE of TWO COPIERS, in the Amount of $30,920.00.**

In response to Council Member Manning, Finance Director/Comptroller Jim Scroggins stated the two copiers that were going to be replaced in Central Services will be traded in for new machines and should not be donated as it would cost the recipient too much in repairs to bring the copiers into good working order as the equipment had reached its maximum lifetime use.

Council Member Manning moved to approve the low bid from IKON Office Solutions for the purchase of two copiers, in the amount of $30,920.00; 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.

(08-590) **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a RESOLUTION Calling on the Board of Local Improvements to Initiate a SPECIAL ASSESSMENT PROJECT for ORNAMENTAL STREET LIGHTING on HETHERWOOD DRIVE and SUFFOLK DRIVE, SOUTH of BRIDALWOOD DRIVE, all of Which is in LYNNHURST SUBDIVISION.**

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Council Member Spain said he would be abstaining from the discussion and vote due to his ownership of property nearby.

Council Member Nichting moved to approve a Resolution calling on the Board of Local Improvements to initiate a Special Assessment Project for ornamental street lighting on Hetherwood Drive and Suffolk Drive, South of Bridalwood Drive, all of which is in Lynnhurst Subdivision; seconded by Council Member Turner.

RESOLUTION NO. 08-590 was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis - 10;
Nays: None;
Abstention: Spain – 1.

(08-597) **Communication from the Interim City Manager and Director of Public Works Requesting to Receive and File the SHERIDAN TRIANGLE BUSINESS DISTRICT ENHANCEMENT MASTER PLAN.**

Council Member Van Auken moved to Receive and File the Sheridan Triangle Business District Enhancement Master Plan; seconded by Council Member Manning.

Public Works Director Dave Barber showed a PowerPoint presentation that summarized the Sheridan Triangle Business District Enhancement Master Plan. Director Barber said the proposed changes were based on the Ferrell Madden Associate Study.

Council Member Van Auken recognized Director Barber for his work along with other key players, and she commented that a project such as this showed Peoria's serious commitment to neighborhood businesses and older neighborhoods. She said this project would not only bring tax dollars and employment to the area, but would help stabilize and enhance the surrounding neighborhoods.

Council Member Turner recognized Council Member Van Auken's efforts and commitment to this project and stated he was hopeful that this would provide incentive for others to develop other parts of Peoria's community.

Mayor Ardis also congratulated Council Member Van Auken on her visionary leadership. He said he planned to work with her to get funding for this project.

Motion to Receive and File the Sheridan Triangle Business District Enhancement Master Plan was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;
Nays: None.

(08-598) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting the Council to Take Action on the Historic Preservation Commission's Recommendation to Adopt an ORDINANCE Approving the DESIGNATION of 237 N.E. MONROE STREET as a LOCAL HISTORIC LANDMARK.

A copy of an e-mail addressed to the Council Members from Tim Herold, HPC commissioner, was distributed to the Council Members urging them to designate the Duroc/Amvets building as a Local Historic Landmark.

A copy of an e-mail addressed to the Council Members from William Ordaz, member of the Central Illinois Landmarks Foundation and an associate member of the Amvets Post 64, was distributed to the Council Members urging the Council Members to support granting landmark status for the Duroc/Amvets Building.

A letter from Attorney Stephen J. West of Safford, West, Tornow & Jaeger and board member of Amvets Greater Peoria Post No. 64, was distributed to the Council Members documenting their opposition to the landmark status for 237 N.E. Monroe.

A letter from Douglas M. Wirth, M. Arch. of PSA-Dewberry Inc. was distributed to the Council Members, which provided an Architectural Analysis, a Condition Assessment and a Review of Historic Landmark Application.

A letter from Jim Maloof, of Maloof Realty, was distributed to the Council Members which urged the Council to allow the Amvets to sell their building.

A letter and pictorial attachments from Richard H. Mitchell, Commander of the Amvets Greater Peoria Post No. 64, was distributed to the Council Members urging them to deny the Ordinance.

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 stated that based upon his belief, the Amvets Duroc Building did not have enough exterior architectural features to warrant it being adopted as a historical landmark.

Council Member Gulley moved to DENY the Historic Preservation Commission’s recommendation to adopt an Ordinance approving the designation of 237 N.E. Monroe Street as a local historic landmark; seconded by Council Member Turner.

Council Member Turner expressed concern that the City of Peoria did not have a pro-active process for historical landmarking. He said the process was difficult to understand and, in his opinion, was neither pro-business nor pro-development. He suggested that potential historic properties, which were nominated for sale, be brought in annually before the City Council, which would allow all parties involved adequate lead time for discussion. He said he felt this case would put a hardship on the Amvets Organization, and since Peoria could not legislate the Organization to maintain the building to HPC standards, he felt the building would fall into further disarray sometime in the future because of funding issues.

Council Member Van Auken said she asked Planning & Growth Management Director Pat Landes to research how this process was handled in other communities. She asked that the Economic Development Department get involved in this effort because she said research had shown that historic preservation was not a determent to development and growth, but instead a

tool for economic development. She said she would like to see the Historic Preservation Commission, the Peoria Historical Society and the Central Illinois Landmark Foundation work in collaboration to present a recommendation to the City Council regarding a strategy for historic preservation in Peoria's community.

Council Member Nichting moved to grant Privilege of the Floor to Mr. Richard Mitchell, 2008-2009 Commander of the Greater Peoria Post 64 Amvets.

Commander Richard Mitchell, speaking on behalf of Post 64, said the building currently known as the Amvet Duroc building was occupied by this organization since 1969. He stated that over the past ten years, the events once held on all four floors of the building had diminished and currently only the basement and first floor of the building were being used. He said six years ago, the organization decided to look for a building that was on one floor and through the help of the Planning & Growth Department, an agreement to sell the building to Riverside Community Church was arranged as well as the purchase of the former Penguin Tap, which would serve as the Amvet's new home. He explained that both contracts were to close on November 17, 2008, but in October the Amvet Organization received a letter from the Central Illinois Landmark Foundation stating their intent to landmark the Amvet Duroc building. He said this letter caused the Church to terminate their agreement with the Amvet Organization which, in turn, caused the termination of the agreement with the owners of the former Penguin Tap. Commander Mitchell explained that in order to restore this building, it would cost as much as $750,000 and he said the property and building were not worth that much. He urged the Council Members to not support the landmark designation for this property and to let the Riverside Community Church purchase the property which, in the Organization's opinion, would be best for the community.

Council Member Sandberg stated the Amvet Duroc Building met seven of the nine criteria for historic landmarking, and he believed the building was an important part of Peoria's history that represented and respected the past.

Council Member Spears said that Chicago's Historic Preservation personnel developed a "watch list" in which potential properties were submitted to the list and discussion took place over one year's time before a decision was made to landmark a particular property. He said the Council should think about moving forward with a similar process. He said he would deny any motion for approval as he thought it was ironic to ask veterans to give citizens freedom, but were being denied the freedom of selling their own building. He said he thought it would behoove the City to let the Amvets sell their building.

Mayor Ardis stated it was frustrating that these issues come at short notice, and he thought perhaps the City of Peoria should have an independent arbitrator that was versed in historic buildings. He said perhaps this person could help the Preservation Foundation create a list. He said he felt the ideas expressed this evening were good ideas and should be reviewed. In support of economic development, he said he felt that a strong faith-based community school would benefit the surrounding neighborhoods by providing stability as well as attracting more business and residential components into the neighborhood than a decaying building would.

Mr. Leslie Kenyon, President of the Central Illinois Landmarks Foundation, spoke in favor of landmarking the Amvet Duroc Building. He provided the Council with a list of recycled buildings that were currently being used and urged the Council to consider the fact that these buildings provided economic development for the City of Peoria as well.

Motion to DENY the Historic Preservation Commission's Recommendation to Adopt an Ordinance approving the designation of 237 N.E. Monroe Street as a Local Historic Landmark, 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.

(08-599) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Rezoning Property from a Class R-4 (Single Family Residential) District to a Class CG (General Commercial) District for Property Located at 507 S. WESTERN, and Rezoning Property from a Class CN (Neighborhood Commercial) District to a Class CG (General Commercial) District for Property Located at 517 S. WESTERN.

Council Member Gulley moved to adopt an Ordinance Rezoning Property from a Class R-4 (Single Family Residential) District to a Class CG (General Commercial) District for Property located at 507 S. Western, and Rezoning Property from a Class CN (Neighborhood Commercial) District to a Class CG (General Commercial) District for Property located at 517 S. Western; seconded by Council Member Turner.

Council Member Gulley noted that there were rumors of a gas station or a liquor store forthcoming for this property, but he said the petitioner just wanted the property rezoned. He publically urged the petitioner that if they were going to use this property as a gas station, he would encourage them to look at the vacant gas station already on Western.

Motion to adopt ORDINANCE NO. 16,362 Rezoning Property from a Class R-4 (Single Family Residential) District to a Class CG (General Commercial) District for Property located at 507 S. Western, and Rezoning Property from a Class CN (Neighborhood Commercial) District to a Class CG (General Commercial) District for Property located at 517 S. Western, was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain,Spears, Turner, Van Auken, Mayor Ardis - 11;
Nays: None.

(08-600) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending Ordinance No. 15,919, for OFFICES Other than those Used to Serve the Institutions Faculty, Staff and Students, in a Class N1 (Institutional) District to Install a MONUMENT SIGN and a ROOFTOP SIGN for the Property Located at 1001 MAIN STREET, with Condition.

Council Member Van Auken moved to adopt the Ordinance amending Ordinance No. 15,919, for offices other than those used to serve the Institutions Faculty, Staff and Students, in a Class N1 (Institutional) District to install a monument sign and a rooftop sign for the property located at 1001 Main Street, with condition, as amended to include Staff's condition number two to read 2) If it is necessary to place a rooftop sign on the North penthouse wall, the sign must be turned off in the darkness period of the evening; seconded by Council Member Nichting.

In response to Council Member Van Auken, Planning & Growth Management Director Pat Landes clarified that the "darkness period of the evening" was the same for billboards which was from midnight until 6:00 A.M.

Council Member Van Auken amended her motion that condition number two read 2) If it is necessary to place a rooftop sign on the North penthouse wall, the sign must be turned off from 12:00 A.M. to 6:00 A.M. Council Member Nichting, the seconder, agreed.

In response to Council Member Gulley, Director Landes clarified that the orientation of the rooftop sign would be toward the Commercial area so it would not be subject to the same restriction.

In response to Council Member Turner, Council Member Van Auken stated the petitioner said they would be willing to have the lighted side of the sign face away from the residential area, if that was the desire of the Council.

Council Member Turner expressed concern that the Council was setting a precedent for a possible new hotel coming into the downtown area.

Director Landes clarified that rooftop signs for the B1 District did not come to the Council for approval. She said that rooftop signs outside of the B1 District, however, were required to come to Council and were considered on a case by case basis.

In response to Council Member Sandberg, Director Landes clarified which direction the signs would face. She stated if there was concern that a sign would have impact on residential in that area, the same restrictions could be considered by the Council.

Motion to adopt ORDINANCE NO. 16,363 amending Ordinance No. 15,919, for offices other than those used to serve the Institutions Faculty, Staff and Students, in a Class N1 (Institutional) District to install a monument sign and a rooftop sign for the property located at 1001 Main Street, with condition, as amended to include Staff's condition number two to read 2) If it is necessary to place a rooftop sign on the North penthouse wall, the sign must be turned off from 12:00 A.M. to 6:00 A.M., was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Spain, Spears,Turner, Van Auken, Mayor Ardis - 10;
Nays: Sandberg – 1.

(08-601) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending Ordinance No. 14,889, an Existing SHOPPING CENTER in a Class C-2 (Large Scale Commercial) District, to Install a 672 SQUARE FOOT ON-PREMISE WALL SIGN for the Property Located at 2200 W. WAR MEMORIAL DRIVE (NORTHWOODS MALL).

Council Member Spears moved to approve the adoption of an Ordinance amending Ordinance No. 14,889, an existing shopping center in a Class C-2 (Large Scale Commercial) District, to install a 672 square foot on-premise wall sign for the property located at 2200 W. War Memorial Drive (Northwoods Mall); seconded by Council Member Spain.

Council Member Sandberg noted that the 672 square foot wall sign was larger than the biggest billboard in the area and expressed concern that this could start a trend.

Motion to adopt ORDINANCE NO. 16,364 amending Ordinance No. 14,889, an existing shopping center in a Class C-2 (Large Scale Commercial) District, to install a 672 square foot on-premise wall sign for the property located at 2200 W. War Memorial Drive (Northwoods Mall), was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Spain, Spears,Turner, Van Auken, Mayor Ardis - 10;
Nays: Sandberg – 1.

(08-602) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting the Following:

A. Recommendation from the Zoning Commission to Adopt ORDINANCE A, Amending APPENDICES B and C of the Code of the City of Peoria Relating to Zoning for VARIOUS TEXT ADJUSTMENTS for CONVENIENCE CASH BUSINESSES and LIFTING the MORATORIUM Enacted June 24, 2008, Ordinance No. 16,291 and Amended July 8, 2008, Ordinance No. 16,301;

OR

B. Recommendation from Staff to Adopt ORDINANCE B Amending APPENDICES B and C of the Code of the City of Peoria Relating to Zoning for VARIOUS TEXT ADJUSTMENTS for CONVENIENCE CASH BUSINESSES and LIFTING the MORATORIUM Enacted June 24, 2008, Ordinance No. 16,291 and Amended July 8, 2008, Ordinance No. 16,301.

Director of Planning and Growth Management Pat Landes distributed a revised Ordinance “A” and a revised Ordinance “B” to all members of the City Council.

Council Member Van Auken moved to concur with the recommendation from the Zoning Commission to adopt revised Ordinance A, amending Appendices B and C of the Code of the City of Peoria relating to Zoning for various text adjustments for Convenience Cash Businesses and lifting the moratorium enacted June 24, 2008, Ordinance No. 16,291 and amended July 8, 2008, by Ordinance No. 16,301, along with the color replacement maps for pages four through nine; seconded by Council Member Manning.

Council Member Van Auken recognized the vast amount of work completed by Planning & Growth Management Urban Planner Shannon Rue which reported what other communities had done about these types of businesses. She said that during the moratorium, an investigation was performed that surveyed citizens’ thoughts about these types of businesses in the community. She stated that while Pay Day Loan Companies were State regulated, Title Loan Companies were not. She reported studies had shown there was a perception and reality when these businesses were clustered, such as they were between Forrest Hill and War Memorial Drive on University, they had a deleterious effect on property values on the entire area. She continued that a master researcher had reported that they had a bad effect on the general public welfare of a community. She said some States had banned these types of business altogether. She stated that while the City could not regulate the operations of the businesses, they could regulate land use.

Council Member Van Auken said she informally contacted Representative Leach and Senator Koehler to share the proposed Ordinance and research with them. She said she asked them to expediently look at the operations of these businesses, and they agreed to do so. She also reported that she would follow up with them accordingly.

Council Member Turner inquired if there was any way to expedite this issue with Representative Leach and others because he was aware of several of these businesses opening on Western today, and feared more could establish themselves before the proposed Ordinance could be enforced.

In response to Council Member Van Auken, Director Pat Landes reported that during the moratorium, there were three inquiries about establishing new businesses on Western. She

said one of the applications for approval did not indicate their nature to be a Title for Cash or a Pay Day Store. She said the Planning & Growth Department would be monitoring this.

Council Member Van Auken reminded the Council that one of the reasons a revised Ordinance was being brought forward was because Council Member Spain brought traditional finance companies to their attention. She reported the Ordinance and its definition were changed to make sure that the finance companies were not impacted.

Council Member Sandberg said if he was asked to adopt an Ordinance which only held the line on distances and did not regulate the effects such as junk cars sitting about the various properties, he could not support it.

Council Member Van Auken said there were rules that should be reinforced, and she had regularly requested that the Planning and Growth Department have the cars removed immediately. She also reported that she urged the Planning and Growth Department to make car removal a routine.

Council Member Manning thanked Council Member Van Auken and staff for their efforts to help improve the problem. He stated that if Council waited for the perfect Ordinance to come about, nothing would get accomplished. He stated, if the Council would accept the status-quo, the quality of life would not improve.

Motion to adopt the recommendation from the Zoning Commission to adopt ORDINANCE NO. 16,365, amending Appendices B and C of the Code of the City of Peoria relating to Zoning for various text adjustments for Convenience Cash Businesses and lifting the moratorium enacted June 24, 2008, Ordinance No. 16,291 and amended July 8, 2008 by Ordinance No. 16,301, along with the color replacement maps for pages four through nine was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;
Nays: Sandberg – 1.

(08-603) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 3 of the Code of the City of Peoria Relating to the EXPANSION of the SUBCLASS 1 (4:00 A.M.) LIQUOR LICENSE DISTRICT. (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.

Council Member Gulley moved to adopt an Ordinance amending Chapter 3 of the Code of the City of Peoria relating to the expansion of the Subclass 1 (4:00 A.M.) Liquor License District; seconded by Council Member Turner.

Council Member Gulley noted that while the Housing Authority wasn't at the last meeting, they were concerned with the rental of their properties. He said if there were problems with those properties, he hoped the Council would be understanding and sensitive to the location and distance from residential.

Council Member Turner moved to grant Privilege of the Floor to Ms. Sandy Fritz and Savino Sierra.

Sandy Fritz, a Peoria resident and speaking on behalf of the Coalition of Concerned Citizens, referred to her November 25, 2008, letter that was distributed to the Council Members. She presented petitions bearing 1,343 signatures in support of prohibiting the sale of alcoholic liquor after 2:00 A.M. She asked the Council to be aware of what the citizens wanted, and she said that the citizens would shape Peoria differently than the Council. She urged the Council to think of the future, and reminded them there will be problems if this Ordinance was passed, particularly with residents close to these establishments.

In response to Council Member Gulley, Ms. Fritz said the signatures were not collected in River West. Ms. Fritz did mention, however, that Peoria pastors strongly opposed the proposed Ordinance.

Savino Sierra, a Peoria resident, said he opposed the proposed Ordinance.

Council Member Sandberg pointed out that the proposed Ordinance failed to include the South side of South Street (where Excalibur was located), and this verbiage should have been included.

In response to Council Member Montelongo, Council Member Turner said taverns affected by the new zone would not only have to apply for approval for this subclass, but additionally meet site approval. Council Member Turner said he did not think that many would be making application.

In response to Council Member Montelongo, Corporation Counsel Randy Ray said he thought there were around eight taverns, perhaps more, in this new zone that could reapply.

In response to Council Member Montelongo, Chief Settingsgaard said there was sufficient staff to patrol the test area and test locations assuming it didn't increase the number of people who go to 4:00 A.M. taverns in addition to Main Street. Chief Settingsgaard said his recommendation was for expansion.

Council Member Manning stated before the Council expanded the 4:00 A.M. area to a bigger area, which would include the Warehouse District, he expressed concern that it would stunt the growth of developments in this area. He said he thought perhaps the Council was being premature in adopting this Ordinance, and he said they needed to deal with enforcing the City's Ordinances first. He encouraged the Council to wait to see what would happen in the future, and he challenged other Council Members to become involved.

Council Member Gulley moved to amend his motion which would strike the words in Sec. 3-59. (b) "with the center line of South Street; thence southeasterly along the centerline of South Street" verbiage from the proposed Ordinance; seconded by Council Member Turner.

Mayor Ardis expressed that it was the intent of Staff to include the Excalibur property.

Corporation Counsel Randy Ray suggested that the Ordinance include the words "to include properties on both sides of South Street; thence southeasterly along South Street".

Motion to adopt ORDINANCE NO. 16,366 amending Chapter 3 of the Code of the City of Peoria relating to the expansion of the SubClass 1 (4:00 A.M.) Liquor License District, as amended to delete in Section 3-59.(b) "with the center line of South Street; thence Southeasterly along the centerline of South Street" and insert "to include properties on both sides of South Street; thence southeasterly along South Street along the center line was approved by roll call vote.
Yeas: Gulley, Montelongo, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 8;
Nays: Nichting, Manning – 2;
Abstention: Jacob – 1.

UNFINISHED BUSINESS

(08-554) 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 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. (New Communication and New Ordinance)

Council Member Van Auken moved to adopt an Ordinance granting a Special Use in 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; seconded by Council Member Gulley.

In response to Council Member Manning, Director of Planning and Growth Management Director Pat Landes explained the policy for a petitioner who did not comply with the conditions.

Motion to adopt ORDINANCE NO. 16,367 granting a Special Use in 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 was approved by roll call vote.
Yeas: Gulley, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;
Nays: Jacob – 1.

(08-356) Communication from the Interim City Manager Regarding Continued DISCUSSION Related to the Development of the Proposed 2009 Budget. No Final Action will be Taken.

Interim City Manager Henry Holling distributed an updated Budget proposal to all members of the Council.

Mayor Ardis remarked that while other municipalities needed to raise taxes, the City of Peoria was able to achieve a balanced budget without raising taxes, going into the fund balance or cutting services. He commended the Interim City Manager and Staff for all of their diligent work on the budget, and especially credited the smooth process to Interim City Manager Henry Holling's leadership. He said that while this was a balanced budget, they were developing serious contingency plans so they could make adjustments on a weekly basis, if needed, so they could stay ahead of the curve if they saw the local economy changing.

Interim City Manager Henry Holling said the budget that would be adopted on December 9, 2008, maintained quality of service by not increasing taxes, and reflected the true partnership in team effort between Staff working together. He said as the City of Peoria approached 2009 with increasing challenges, they would be reviewing contingencies and other plans would be exercised. He reported that the City Staff, Council Members, the Mayor and he would meet

after the first of the year in a workshop to discuss ideas for further discipline. He said together we would continue to present a responsible fiscal plan for the people of the City of Peoria that maintained quality service without an increase in taxes and one we could say we had achieved through good engagement, trust, confidence and teamwork.

Director Scroggins recapped the Council's wishes at the November 10, 2008, meeting and explained how the gap was closed. He said that $78,000 of repairs to Fire Station #16 would be delayed for one year and would be completed with other repairs in 2010. He further explained $8,700 would not be expended for the National League of Cities, and the difference between anticipated and actual pension funding for the Police and Fire Departments came to $32,777. He said these adjustments resulted in a surplus of $1,706 for the 2009 budget.

Council Member Nichting moved to bring back an adjusted 2009 City of Peoria budget as outlined for the December 9, 2008 meeting; seconded by Council Member Van Auken.

Council Member Sandberg asked Director Scroggins if the Council could anticipate a bond issue for the Deveroux Storm Sewers, and rebuilding of streets in subdivisions that were not in the City 15 years ago.

In response to Council Member Sandberg, Director Scroggins said funding options for bigger projects were not included in this budget; however, they would be brought back in January or February of 2009 to determine how they should be processed.

Council Member Manning commented that the 2009 Operating Budget Executive Summary written by Interim City Manager Henry Holling and Director Scroggins addressed these issues. He said Council Member Sandberg's concerns had nothing to do with regard to the 2009 Budget, and getting to a balanced budget was the first and only priority this year. He said there were five projects outlined in this summary that would be brought to the table during the next year.

In response to Council Member Jacob, Director Scroggins said he would have a five-year (2009-2013) plan published before the December 9, 2008 meeting.

Council Member Jacob said he appreciated the excellent work on the budget from the Staff. He commented that he believed prudence dictated what impact the projection would have on 2010 and 2011. He said he thought this budget was more open and transparent and showed good engagement with the Council. He expressed concern, however, that there was a heavy reliance on sales tax revenue. He said if there was a downturn in employment in this community, it would impact the budget. He said there needed to be a focus on reducing expenses especially because of the economic situation.

Council Member Jacob also expressed concern that the Mayor's Youth Corp was not in the 2009 budget. He said the youth fulfilled their commitment to the City, and the City should fulfill their commitment to them. He felt this should be addressed by the Council, and urged them to include this in their future discussions.

Mayor Ardis commented that the Youth Corp was important to him as well. He said if and when contingencies were made after the first of the year, it would be difficult and would directly impact the operating budget.

In response to Mayor Ardis, Interim City Manager Henry Holling commented that the Mayor's Youth Corp was not a budgeted item for 2008, and yet it was supported. He said the support came through federal stimulus bills that were funneled to local government, which could be used for infrastructure projects. He said he was confident that this program could be supported for 2009, but he couldn't identify at this time exactly how this would be funded.

In response to Council Member Montelongo, Director Scroggins reported there was a three month lag on reporting sales tax revenue.

Mayor Ardis explained there were other economic indicators that were monitored on a much closer basis that would help us see the level that was budgeted. He said the Administration would not wait until the second quarter to deal with something that would impact the budget right after the Holiday Season.

Interim City Manager Henry Holling reminded everyone it is the intent of the Staff to hold an intense workshop at the beginning of the year. He said that while they would be pro-active to have contingency plans, they would be mindful of the need for extreme caution as they moved forward in 2009 in all of the management decisions that had a fiscal impact. He also assured the Mayor that as the data became available, it would be shared with everyone so the result would be living within the revenues that were available.

Council Member Nichting asked it be noted that Corporate Replacement Tax is reported when the corporation's fiscal year ended. He said as the numbers come in, they would be able to readjust their income levels that would be reflected going back five years; however the trend would be difficult to track because not all fiscal years ended at the same time.

Director Scroggins stated the Corporate Replacement Tax was not distributed every month; it was distributed seven out of the twelve months dependent on the year end for all corporate companies in the State of Illinois. He said the income tax revenue was distributed on a monthly basis as well as the HRA tax.

In response to Council Member Spain, Director Scroggins explained the relationship between a reduction in the required contribution that was needed for the pension obligation and the increase in the unfunded liability in the Fire Pension Fund. He said the preliminary estimate was higher than what the actuary determined. He said the unfunded liability may have increased, but they had until 2031 to complete funding that increase.

Council Member Van Auken left the Chambers.

PUBLIC COMMENTS REGARDING THE 2009 CITY OF PEORIA BUDGET

Mayor Ardis determined no one wished to address the 2009 City of Peoria Budget at this time.

Motion to bring back an adjusted 2009 City of Peoria Budget as outlined for the December 9, 2008 meeting was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Mayor Ardis – 10;
Nays: None.

NEW BUSINESS

(08-604) REQUEST TO RESCHEDULE THE DECEMBER 23, 2008, REGULAR CITY COUNCIL MEETING TO BE HELD ON MONDAY, DECEMBER 15, 2008, AT 5:00 P.M.

Council Member Nichting moved to reschedule the December 23, 2008, Regular City Council Meeting to be held on Monday, December 15, 2008, at 5:00 P.M.; seconded by Council Member Montelongo.

Council Member Sandberg stated that he could not accommodate the date change for the meeting.

Motion to reschedule the December 23, 2008, Regular City Council Meeting to be held on Monday, December 15, 2008, at 5:00 P.M., was approved by roll call vote.
Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Spain, Spears, Turner, Mayor Ardis - 9;
Nays: Sandberg – 1.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(08-605) 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.

Lavetta Ricca, President of the Old Town South Homeowners Association, expressed concern that City Council has not been active in developing the Southwest Corridor.

Paul Masick, Chairman of the Historic Preservation Commission, said he agreed with a lot of what the Council said this evening regarding designating local historic landmarks. He said he had been talking with Council Member Van Auken for the past month on some changes, and getting a list together in order to work with the Landmark Foundation. He confirmed with Director Landes this would be on their January agenda for the Commission meeting. He said he would like to compile a list of buildings that were worth saving. He stated they were going to try to work out a plan to contact the owners to see how they felt about the status, and that would include a mailing. He said there were also plans to meet with Les Kenyon and with the Board of the Landmark Foundation to address concerns.

EXECUTIVE SESSION

(08-606) REQUEST for APPROVAL of a MOTION for the CITY COUNCIL to go into EXECUTIVE SESSION to Discuss 2(c)(5) The purchase or lease of real property for the use of the public body; and 2(c)(6) The setting of a price for sale or lease of property owned by the public body.

Council Member Turner moved that the City Council go into Executive Session to Discuss 2(c)(5) The purchase or lease of real property for the use of the public body; and 2(c)(6) The setting of a price for sale or lease of property owned by the public body; seconded by Council Member Manning.

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

ADJOURNMENT

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

Approved by via voce vote.

The Regular City council Meeting adjourned at 9:10 P.M.

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

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