

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

Council Chambers, Peoria, Illinois March 10, 2009, a Regular City Council Meeting was held this date at 6:15 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding, and with proper notice having been posted.

ROLL CALL

Roll call showed the following Council Members were physically present: Gulley, Jacob, Manning, Nichting (arrived at 6:20 P.M.), Sandberg (arrived at 6:32 P.M.), Spain, Spears, Turner, Van Auken, Mayor Ardis – 10; Absent: Montelongo - 1.

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.

PERFORMANCE: MORTON CIVIC CHORUS

PROCLAMATION: GYORGY DOCZI, ROMANIAN BEREAN PRISON MINISTRY
SIMON FRANCISC, ROMANIAN PASTOR

PROCLAMATION: DENISE ADAMS: 25TH ANNIVERSARY with the MORTON CIVIC CHORUS on Behalf of the CENTRAL ILLINOIS MEMORIAL KIDNEY FUND

PROCLAMATION: AMERICAN RED CROSS CENTRAL ILLINOIS CHAPTER: HIGHLY PERFORMING CHAPTER AWARD and AMERICAN RED CROSS MONTH - March 2009

PROCLAMATION: WOMEN'S HISTORY MONTH – March 2009

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting held on February 24, 2009, as printed with clarification that the motion should reflect the negotiated sale of \$17,645,000.00 rather than \$17,645.00 under Item No. 09-086, Page 28831; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

(09-096) PUBLIC HEARING Regarding the DRAFT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER).

Council Member Nichting moved to open the Public hearing regarding the Draft Consolidated Annual Performance and Evaluation Report (CAPER); seconded by Council Member Turner.

Hearing no objections, Mayor Ardis opened the Public Hearing.

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

Director of Planning and Growth Management Pat Landes said this was the third of three hearings held and there was \$3 million in federal funds invested in the program.
Hearing no objections, Mayor Ardis opened the Public Hearing.

Following the third call by Mayor Ardis for citizens to address the City Council and after determining that no one wished to address this issue, Council Member Nichting moved to close the Public hearing regarding the proposed Draft Consolidated Annual Performance and Evaluation Report (CAPER); seconded by Council Member Turner.

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

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

Nays: None.

Hearing no objections, Mayor Ardis closed the Public Hearing.

The Public Hearing closed at 6:42 P.M.

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

- (09-097) NOTICE of LAWSUIT Filed on Behalf of Marshall Dunnigan Regarding a Claim, with Request to Receive for Information and Refer to Legal Department.
- (09-098) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a PURCHASE of REAL ESTATE Located at 1722 WEST DR. MARTIN LUTHER KING, JR. DRIVE, in the Amount of \$49,000.00, as an Opportunity Acquisition for the Future Widening of DR. MARTIN LUTHER KING, JR. DRIVE.
- (09-099) Communication from the Interim City Manager and Police Chief Requesting Approval to PURCHASE FITNESS EQUIPMENT (Various Brands and Types) from FITNESS FOR ALL, INC., OF PEORIA, IL for a Total Price of \$29,999.50, from the Asset Forfeiture Fund.
- (09-100)
* Communication from the Interim City Manager and Communications Manager Requesting Approval of an EXCLUSIVE GROUP of FOUR CATERING SERVICE BUSINESSES, Which Includes Hickory Stick, Barrack's Cater Inn, Echo Valley Meats, and Eurest Dining Services, at the GATEWAY BUILDING, with a Request for Authorization for the Administration to Implement.
- (09-101)
** Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval of the ALLOCATION of SUPPLEMENTAL CDBG FUNDS, as Outlined, and Contingent Upon Completion of All Regulatory Requirements.

- (09-102) ******* Communication from the Interim City Manager and Director of Economic Development Requesting Approval of a SUBORDINATION AGREEMENT for the BUSINESS DEVELOPMENT FUND LOAN for SALAM EID ENTERPRISES, INC. dba ONE WORLD CAFE-CATERING.
- (09-103) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,402 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2009 Relating to the USE OF RESTRICTED FEDERAL ASSET FORFEITURE FUNDS for the PURCHASE of FITNESS EQUIPMENT from FITNESS FOR ALL, INC., in the Amount of \$30,000.00.
- (09-104) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,403 Abating the TAX Heretofore LEVIED to PAY PRINCIPAL OF and INTEREST ON GENERAL OBLIGATION CORPORATE PURPOSE BOND of the City of Peoria 2009 SERIES A.
- (09-105) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,404 ABATING the NIAGARA and TWIN TOWERS SPECIAL SERVICE AREA TAXES LEVIED to PAY the PRINCIPAL OF and INTEREST ON \$2,875,000.00 SERIES 2004A DOWNTOWN REDEVELOPMENT PARKING REVENUE REFUNDING BONDS of the City of Peoria, Illinois, 2009.
- (09-106) Communication from the Interim City Manager and Director of Public Works Requesting Adoption of ORDINANCE NO. 16,405 VACATING ARMSTRONG AVENUE Between KNOXVILLE AVENUE and BERKELEY AVENUE; Requesting Approval of RELEASES of TWO EASEMENTS Adjoining ARMSTRONG AVENUE Between KNOXVILLE AVENUE and BERKELEY AVENUE, Which were Acquired for Street Lighting Purposes, and Requesting Authorization for the Interim City Manager to Execute the Releases.
- (09-107) Communication from the Interim City Manager and Director of Planning and Growth Management Recommending Adoption of ORDINANCE NO. 16,406 Granting a SPECIAL USE for a CEMETERY in a Class R3 (Single Family Residential) District for EXISTING CONDITIONS and a PROPOSED FREESTANDING SIGN Located Along WAR MEMORIAL DRIVE for Property Located at 3014 N. PROSPECT ROAD, with Conditions.
- (09-108) ******** Communication from the Interim City Manager and Director of Workforce Development Regarding a REPORT BACK Pertaining to What Resources were Available for People Who had Lost Their Jobs.
- (09-109) PEORIA PUBLIC LIBRARY FINANCIAL REPORT STATEMENT OF REVENUES AND EXPENDITURES, LIBRARY USE INDEX, and STATISTICAL REPORT for Period Ending JANUARY 31, 2009, with Request to Receive and File.

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

Council Member Jacob requested Item No. 09-102 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested Item No. 09-100 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested Item No. 09-101 be removed from the Consent Agenda for further discussion.

Council Member Nichting requested Item No. 09-108 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.

Items No. 09-097 through 09-109 (excluding Items No. 09-100, 09-101, 09-102, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

**(09-100) Communication from the Interim City Manager and Communications
* Manager Requesting Approval of an EXCLUSIVE GROUP of FOUR
 CATERING SERVICE BUSINESSES, Which Includes Hickory Stick,
 Barrack's Cater Inn, Echo Valley Meats, and Eures Dining Services, at the
 GATEWAY BUILDING, with a Request for Authorization for the
 Administration to Implement.**

Council Member Sandberg said there had not been any communication from Staff that this concept had been beneficial. He said he believed the original intent of contracting exclusive caterers was to balance expenses and revenues. He said he would like to see, historically, the difference in revenues of having the catering open to all versus a chosen few.

City Communications Manager Alma Brown said the Council had originally agreed to the bid concept to help generate revenue at the Gateway Building. She said of 32 bid packets that were sent to businesses, only four responded with a bid. She said it was now time to vote on this issue as the contract was expiring and she noted that this contract wasn't doing what the City had hoped it would do.

Council Member Sandberg expressed concern that he felt the Council had, in good faith, passed this agreement and he was now not prepared to support the concept because it wasn't working. He further stated that the Gateway was a public building and should be opened up to all caterers.

Mayor Ardis stated there was no kitchen facility at the Gateway Building and this was the original point of securing caterers. He said the caterers would be required to meet not only the needs of those renting the facility, but health department qualifications as well. He said another challenge was finding caterers who could serve the tastes of many different types of people.

Council Member Sandberg said he believed that the City only had six businesses who have an actual catering license and he felt that all six of those caterers should be given the same opportunity to serve the needs of the building. He pointed out there was no point in continuing this practice when the City had no basis to do so.

Council Member Gulley said he didn't understand how the four caterers were chosen and asked that the criteria be defined and an explanation be given why the prices were so varied.

Ms. Brown repeated there was a bid process with only four of the 32 businesses solicited responding. She said the bid amounts were reliant upon what services each caterer could provide to the City and she further explained the process.

Council Member Gulley said he was not comfortable supporting this agreement.

Following further discussion, Council Member Nichting moved to approve the Exclusive Group of Four Catering Service Businesses, which includes Hickory Stick, Barrack's Cater Inn, Echo Valley Meats, and Eurest Dining Services, at the Gateway Building, and to authorize the Administration to implement; seconded by Council Member Turner.

Council Member Sandberg said an annual fee should be considered and the caterers could market the building themselves. He said he felt it was a better idea to challenge those businesses who did not submit bids. He suggested a fee concept and a percentage of gross could help to perhaps maximize investments.

Council Member Gulley reiterated Council Member Sandberg's comments. He moved for a substitute motion to establish a \$275 annual fee and percentage of gross of 12.5% for a two-year period and open up the service to all; seconded by Council Member Sandberg.

Mayor Ardis said it was important to consider the logistics of the suggested changes and he suggested deferring this Item for one month and give direction or a recommendation.

Council Member Nichting said if it was the wish of Council, the proposal should just be rejected. He noted it was important to honor the efforts of those who did submit bids.

Council Member Sandberg said he didn't have any problem with extending the current contract to the four caterers, but he just wanted to see all Peoria businesses have the same opportunity. He said a business coming from outside of Peoria should be required to pay more for the privilege to do business here.

Council Member Gulley withdrew his substitute motion.

Council Member Nichting moved for a substitute motion to reject the proposals and begin the process again; seconded by Council Member Gulley.

Council Member Sandberg said he was open to the contract in the beginning but the City was not seeing any profits under this exclusive agreement.

Council Member Turner said this issue originated because citizens utilizing the Gateway were hiring dual caterers – one to handle the food and one liquor licensed business to handle the beverages.

Substitute motion to reject the proposals and begin the process again was approved by roll call vote.

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

Nays: Jacob – 1.

Council Member Nichting moved to extend the Contract of an Exclusive Group of Four Catering Service Businesses for 60 days, which includes Hickory Stick, Barrack's Cater Inn, Echo Valley Meats, and Eurest Dining Services, at the Gateway building, to determine options; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

Council Member Nichting requested information on the occupancy issue.

**(09-101) Communication from the Interim City Manager and Director of Planning and
** Growth Management Requesting Approval of the ALLOCATION of
 SUPPLEMENTAL CDBG FUNDS, as Outlined, and Contingent Upon
 Completion of All Regulatory Requirements.**

Council Member Gulley asked if the funds had already been received that was part of the Stimulus money.

Director of Planning and Growth Management Pat Landes said it was a small part of the Stimulus money and noted the importance of getting the fund allocations out in a timely fashion. She said her office had only received notification that the money was coming, but had not received it yet.

Council Member Gulley asked if the Council's priorities had changed because he thought sidewalk projects were the priority to receive funding.

Director Landes said these were restricted funds and the staff committee looked for projects that could be realized within a 120-day window. She noted that funds were set aside for sidewalk upgrades, but these fell under the Impact Zone. She said not quite half of this money was allocated for sidewalks.

Council Member Sandberg noted the ADA ramp program was an applicable program and said funds should be directed to rebuild sidewalks.

Director Landes clarified the ADA ramp request was for \$250,000.00. She said if the Council wanted more money allocated to sidewalks, she would need direction tonight.

In discussion with Council Member Nichting, Assistant Fire Chief Dave Johnston reviewed status of repairs needed at Stations 9 and 3. Assistant Fire Chief Johnston said Station 9 was still in need of a new roof and Station 3 still had issues with leaky plumbing and deteriorating walls. He noted that attempts at repairs had been made numerous times. Council Member Nichting said because the City's firefighters were at the Station 24 hours a day, 7 days a week, it was important to consider the safety of these City employees. He said the Council had recognized the need for sidewalk improvements, but Life Safety Issues for employees should also be addressed.

Council Member Nichting moved to approve the Allocation of Supplemental CDBG Funds, as outlined, and contingent upon completion of all regulatory requirements; seconded by Council Member Turner.

In discussion with Council Member Spears regarding the selection of the agencies to receive funding, Director Landes said only two proposals were received. She added the scope of projects that could be covered under this funding was broader than that of Stimulus dollars. She said the selection committee was comprised of City Staff.

Interim City Manager Henry Holling said he wished to clarify the stimulus package. He said this money would be administered by 16 agencies and some funds would come from the State and would require a competitive process. He noted information about allocation was unfolding even at this time and staff would provide more clear information when it was received.

Council Member Gulley expressed concern that he did not feel the Council's priorities were in order.

Council Member Spain said it was important to note Stimulus money was based on how quickly projects could come about. He further stated sidewalk repairs were not just a matter of installing a sidewalk and there was engineering and planning involved.

Council Member Sandberg said the City's priorities must be more clearly defined and should include a cure for the City's aging infrastructure.

Council Member Jacob moved to divide the questions between Items 4 and 5 and Items 1, 2, and 3; seconded by Council Member Sandberg.

Motion to divide was approved by roll call vote.

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

Nays: Nichting - 1.

Council Member Jacob moved to approve Items 4 & 5 outlined in the Council Communication regarding allocation of supplemental CDBG Funds; seconded by Council Member Sandberg.

Motion to approve Items 4 & 5 was approved by roll call vote.

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

Nays: None.

Council Member Jacob moved to defer Items 1, 2, and 3 outlined in the Council Communication regarding allocation of supplemental CDBG Funds for two weeks until the March 24, 2009, Regular City Council meeting; seconded by Council Member Sandberg.

Motion to defer Items 1, 2, and 3 until March 24, 2009, was approved by roll call vote.

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

Nays: Nichting, Turner – 2.

(09-102) **Communication from the Interim City Manager and Director of Economic**
******* **Development Requesting Approval of a SUBORDINATION AGREEMENT for**
 the BUSINESS DEVELOPMENT FUND LOAN for SALAM EID ENTERPRISES,
 INC. dba ONE WORLD CAFE-CATERING.

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

Council Member Nichting moved to approve a Subordination Agreement for the Business Development Fund Loan for Salam EID Enterprises, Inc. dba One World Café-Catering; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstentions: Jacob -1.

(09-108) Communication from the Interim City Manager and Director of Workforce Development Regarding a REPORT BACK Pertaining to What Resources were Available for People Who had Lost Their Jobs.

Director of Workforce Development Bashir Ali distributed a replacement chart to all members of the City Council.

Council Member Nichting moved to receive and file the report back pertaining to what resources were available for people who had lost their jobs with a replacement chart, as amended; seconded by Council Member Turner.

Motion, as amended, was approved by roll call vote.

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

Nays: None.

(09-110) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an AMENDMENT to the 1996 INTERGOVERNMENTAL AGREEMENT Between the City of Peoria and the PEORIA CIVIC CENTER AUTHORITY, and Requesting Authorization for the Interim City Manager to Execute the Agreement.

Council Member Manning moved to approve the Amendment to the 1996 Intergovernmental Agreement between the City of Peoria and the Peoria Civic Center Authority, and request to authorize the Interim City Manager to execute the Agreement; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: Sandberg – 1.

(09-111) Communication from the Interim City Manager and Corporation Counsel Requesting Authorization for the Interim City Manager to Execute an AGREEMENT with COMCAST to EXTEND the CURRENT CABLE FRANCHISE AGREEMENT until JULY 31, 2009.

Mayor Ardis stated he would be abstaining from discussion and voting on this Item because of the business relationship his employer has with Comcast. He requested that Council Member Manning assume the Chair to lead discussion on this Item.

Council Member Turner moved to authorize the City Manager to execute an Agreement with Comcast to extend the current Cable Franchise Agreement until July 31, 2009; seconded by Council Member Van Auken.

Council Member Sandberg pointed out that any cable company could offer service to Peoria and it needs to be clarified with citizens what could and could not be dictated to Comcast. He said he felt it was in the best interest of the City to have local control of the franchise, rather than relying on State control.

In discussion with Council Member Spain, Corporation Counsel Randall Ray explained the 5% the City received as part of the franchise agreement amounted to slightly over \$1 million. Council Member Spain said his frustration with Comcast regarded their lack of customer service, but he said he was not willing to throw away the 5% of revenue for the City. He said he would be willing to support an agreement extension provided the City specified to Comcast what was expected from them. He noted that the Council could not dictate price or channel selections, but a certain level of service could be requested and they could give a 60 day notice regarding price increases.

Council Member Nichting suggested adding certain standards regarding customer service delivery that must be met into the final agreement with Comcast, with a provision that the City would file a complaint with the FCC if this did not occur.

Council Member Turner noted that he felt the Public Hearing held in February was worthwhile and Comcast was looking to raise their standards in delivering customer service and to rebuild their reputation in the community.

Council Member Gulley said there had been discussion about holding another Public Hearing prior to the final vote, which would hopefully bring out those citizens with concerns who were unable to attend the first hearing.

Motion to authorize the City Manager to execute an Agreement with Comcast to extend the current Cable Franchise Agreement until July 31, 2009, was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, – 9;

Nays: None;

Abstentions: Mayor Ardis – 1.

(09-112) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Planning Commission to Approve a RESOLUTION Amending the COMPREHENSIVE PLAN, by Including the GLEN OAK SCHOOL NEIGHBORHOOD IMPACT ZONE (The Glen Oak Zone) PLAN, the GLEN OAK ZONE is Generally Described as the Parcels Adjacent to and Within a Two-Square Block Area Bounded by Arcadia Avenue on the North, Atlantic Avenue on the East, Behrends Avenue on the South, and Indiana Avenue on the West.

Council Member Manning moved to approve a Resolution amending the Comprehensive Plan, by including the Glen Oak School Neighborhood Impact Zone (The Glen Oak Zone) Plan is generally described as the parcels adjacent to and within a two-square block area bounded by Arcadia Avenue on the North, Atlantic Avenue on the East, Behrends Avenue on the South, and Indiana Avenue on the West; seconded by Council Member Turner.

Senior Urban Planner Jim Martin gave a presentation that outlined the details of the creation and implementation of the plan. He explained the goals of this project were to curtail crime, increase homeownership, create a positive place to raise a family, and increase neighborhood involvement.

Council Member Manning clarified the project was the result of assuring neighborhood resources were being fully utilized. He noted implementation of the plan would be a learning exercise for everyone and said the plan was not perfect, but a working template. He said the next Impact Zone would benefit from this exercise. He thanked those involved for their efforts on the project.

Council Member Jacob expressed his gratitude to the Council who were able to work together to see the vision of this plan. He noted many people participated and the end result would be beneficial to future plans.

Council Member Jacob moved to grant Privilege of the Floor to Peoria School District #150 Superintendent Ken Hinton

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Peoria School District #150 Superintendent Ken Hinton.

Ken Hinton, District #150 Superintendent, said it was a privilege to see the plan come to fruition. He said this school would be a showplace for the nation, especially the Community Learning Center. He said the school would be for the neighborhood to emphasize learning is a continuous process. He said this plan was the first of two or three experiments designed to improve the quality of life in these areas.

Mayor Ardis noted strong neighborhoods came from strong schools and provided a positive impact. He commended the efforts of Council Member Jacob and Council Member Manning.

Council Member Sandberg said it was an excellent plan but he expressed concern about the transportation network around Frye Street. He said he was concerned that the greater level of traffic would have a negative impact of quality of life for those citizens.

In further discussion with Council Member Sandberg, Director Landes noted that staff from Public Works, Fire Department, and Police Department worked with her staff to design the plan and this concern was thoroughly explored. She said many factors were considered including parking for buses, student crossing areas, public traffic, etc. She said this item was required in the Intergovernmental Agreement with District 150. She said during construction the traffic would need to be better directed, but she would have additional information in April.

Council Member Manning noted in discussion with former Director of Public Works Steve Van Winkle, the plan was to perhaps reroute traffic to McClure or Nebraska Streets.

Motion to approve RESOLUTION 09-112 to amend the Comprehensive Plan, by including the Glen Oak School Neighborhood Impact Zone (the Glen Oak Zone) Plan, the Glen Oak Zone is generally described as the parcels adjacent to and within a two-square block area bounded by Arcadia Avenue on the North, Atlantic Avenue on the East, Behrends Avenue on the South, and Indiana Avenue on the West was approved by roll call vote.

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

Nays: None.

(09-113) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval of FUNDING, in the Amount of \$7,500.00 for PLAYGROUND EQUIPMENT at the BOYS and GIRLS CLUB Located within the GLEN OAK SCHOOL NEIGHBORHOOD IMPACT ZONE.

Council Member Van Auken said she would be abstaining from discussion and voting on this item due to her membership on the Boys/Girls Club Board.

Council Member Manning moved to defer this Item for one month until the April 14, 2009, Regular City Council meeting; seconded by Council Member Gulley.

Motion to Defer this Item until April 14, 2009, was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Nichting, Sandberg, Spain, Spears, Turner, Mayor Ardis – 9;

Nays: None;

Abstentions: Van Auken – 1.

(09-114) 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 by Adding Sections 3-100 and 3-101 Pertaining to a MORATORIUM SITE APPROVAL for the RETAIL SALE of ALCOHOLIC LIQUORS in Certain Areas.

Council Member Jacob said he would be abstaining from discussion 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 Sandberg gave a presentation to better illustrate which properties would be impacted by the proposed moratorium. He expressed his concern that the only thing this moratorium would accomplish would be removing rights of the property owners; therefore, he said he would not be supporting this Ordinance for a two-year moratorium.

Council Member Turner said this issue was brought to him by the Police Department, noting the Liquor Investigator had been approached by numerous individuals who wanted to apply for liquor licenses just for the sake of having one. He noted this moratorium would give the Council an opportunity to make wise decisions about what developments should be made.

In further discussion with Council Member Sandberg, Corporation Counsel Ray said any Council could repeal any Ordinance adopted by another Council. He clarified the intent was to prohibit dividing the planned area which could be problematic.

Council Member Spain said he agreed adequate planning was needed to develop this area and he appreciated the value of the plan and its impact on the economy and policing the area, etc. He said it was more important to focus on the progress of this area to serve needs of all property owners and noted there were many family friendly establishments, some of which may show interest in this area, who served alcohol. He expressed concern that these opportunities would be excluded. He said he would not be supporting this Ordinance.

Council Member Gulley said he would not support a moratorium as it limits development opportunities.

Council Member Sandberg moved to grant Privilege of the Floor to those citizens who wished to address this issue.

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

Warren Danz, Peoria resident and property owner, said he was opposed to the moratorium and noted his establishment at 633 Main street had been a tavern for fifty years. He said he thought the purpose of the new hotel was to promote business and the economy. He said he felt the moratorium was only an attempt to discriminate against the small business owner. He asked that the Ordinance be denied.

Savino Sierra, Peoria resident, spoke in support of the moratorium.

A Pekin resident said he was aware of many family friendly places that offered alcoholic beverages and felt the moratorium would hurt opportunities for those property owners who owned establishments that were set up to be taverns by the way they were built.

Mayor Ardis commended Council Member Turner for bringing this item forward and he clarified that the objectives of this issue were not to side with one party. He stated he didn't feel the moratorium would alleviate all issues in this area. He said he appreciated the productive discussion and realized many businesses were not set up to accommodate any other kind of business. He reminded all citizens that a liquor license was a right, not a privilege.

Council Member Sandberg expressed concern that the boundaries for the moratorium were not consistent with those of the Hospitality Zone.

Council Member Sandberg moved to deny the Ordinance. No second was heard.

Council Member Turner moved to adopt an Ordinance amending Chapter 3 of the Code of the City of Peoria by adding Sections 3-100 and 3-101 pertaining to a Moratorium Site Approval for the Retail Sale of Alcoholic Liquors in certain areas; seconded by Council Member Van Auken.

In discussion with Council Member Spears, Police Chief Steve Settingsgaard noted he did not have a formal stance on this issue and he said Council Member Turner discussed this Item with the City's Liquor Investigator.

Motion to adopt an Ordinance amending Chapter 3 of the Code of the City of Peoria by adding Sections 3-100 and 3-101 pertaining to a Moratorium Site Approval for the Retail Sale of Alcoholic Liquors in certain areas was DEFEATED by roll call vote.

Yeas: Turner, Van Auken, Mayor Ardis – 3;

Nays: Gulley, Manning, Nichting, Sandberg, Spain, Spears – 6;

Abstentions: Jacob - 1.

UNFINISHED BUSINESS

(08-640) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission to Adopt an ORDINANCE Granting a SPECIAL USE in a Class WM (West Main Form) District to Allow for SITE and BUILDING WAIVERS from the LAND DEVELOPMENT CODE for Property Located at 725 and 741 W. MAIN STREET, 712, 716, and 718 W. RUSSELL STREET, and 1012, 1014, 1016, 1020, and 1022 N. DOUGLAS STREET, with Conditions. (New Communication and New Ordinance)

Council Member Van Auken moved to grant Privilege of the Floor to Attorney Bob Hall to speak on behalf of his client, C.P.O Group Holdings who were interested in developing one of the buildings into a medical/retail business.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Attorney Bob Hall.

Attorney Bob Hall, representing C.P.O. Group Holdings, explained his clients have had great difficulty in meeting all of the requirements specified in the Land Development Code. He said they had gone to great expense to comply, but they had become quite frustrated because there was no consistency with enforcement of these codes. He said his client was prepared to abandon their plan to develop their business in this area if the Ordinance passed without some provision. He noted the countless meetings he had attended, attempting to rectify the issue. He said his client was requesting the Ordinance limit the need for decorative fencing to just one street side as this provision would not allow CPO to provide adequate parking to accommodate vehicles that met the needs of their clients.

Following a brief discussion, Council Member Van Auken moved to adopt an Ordinance granting a Special Use in a Class WM (West Main Form) District to allow Site and Building Waivers for the Land Development Code for property located at 725 and 741 W. Main Street, 712, 716, and 718 W. Russell Street, and 1012, 1014, 1016, 1020, and 1022 N. Douglas Street, with conditions, as amended to change condition No. 1 to reflect the decorative fence would only be installed on Russell Street and not Douglas Street; seconded by Council Member Gulley.

Council Member Van Auken noted form-based areas present challenges even though they are not intended to make it difficult to move forward in developing quality projects and re-using old buildings. She urged the Council to support this Ordinance with the modification.

ORDINANCE NO. 16,407, as amended, was approved by roll call vote.

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

Nays: Sandberg - 1.

NEW BUSINESS

(09-115) REQUEST FOR DEVELOPMENT OF “HARDSHIP” PROGRAM FOR MEDICARE PART B SUPPLEMENT

Council Member Jacob requested the following letter be read into the record.

“October 17, 2008

“Mr. Jim Scroggins
City of Peoria
419 Fulton
Peoria, IL 61602

“Dear Jim,

“I would like to begin the process of analyzing the potential options and costs associated with developing and funding a “hardship” program for the Medicare part B supplement, exclusively directed to eligible City of Peoria retiree widows/widowers that meet certain criteria.

“It would be as follows:

- “1) Review the potential for developing, determining and administering suitable income eligibility requirements” (e.g. asset threshold, income threshold, etc.) for retiree widow/widowers “hardship” participation/qualification.

- "2) Identify City of Peoria widow/widowers that are on fixed pensions, and suffering "hardship."
- "3) Identify all costs (including paid premium, GASB liability, administration, etc.) to develop and implement a "hardship" program.
- "4) Explore options to avoid or minimize GASB liability, as feasible and legal.

"Jim, I understand this is a fairly expansive project that may require some outside agency calculations. Please provide a timeline and feedback on the best manner to proceed with this analysis.

"Your feedback and thoughts on this matter would be appreciated.

"Regards,

"George Jacob

"cc: Henry Holling
Randy Ray
Kimberly King
Janet Tomlins
Jim Underwood
Tom Jackson"

Mayor Ardis requested a report back from Staff regarding potential costs of developing this program.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(09-116) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding Various Items

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

Mr. Gordon L. Seibold, Peoria resident, expressed concern regarding the noisy vehicle exhaust systems (especially on motorcycles) on Peoria streets. He asked the City of Peoria to enforce its Anti-Noise Ordinance and he presented a petition of 99 signatures to be entered into the Record.

Council Member Nichting moved to accept the Petition bearing 99 signatures supporting enforcement of the Anti-Noise Ordinance; seconded by Council Member Sandberg.

Approved by roll call vote.

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

Nays: None.

Mr. David P. Henderson, Peoria resident, shared his views on the proposed Riverfront Museum.

Mr. Savino Sierra, Peoria resident, said he was happy to see the Glen Oak School project progressing, but he felt the Harrison School site was being neglected. He added buildings were more important than park-like settings.

EXECUTIVE SESSION

- (09-117) **Requesting Approval of a Motion for the City Council to go into EXECUTIVE SESSION to discuss 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; and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending in a court or administrative tribunal, or when the public body finds that such an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.**

Council Member Turner moved for the City Council to go into Executive Session to discuss 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; and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending in a court or administrative tribunal, or when the public body finds that such an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting; seconded by Council Member Manning.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 9:40 P.M.

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

bb/adh