

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

Council Chambers, Peoria, Illinois, January 12, 2010, a Joint City Council & Town Board 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 were physically present: Gulley, Irving, Jacob (arrived at 6:24 P.M.), Montelongo, Riggensbach, Sandberg, Spain, Spears (arrived at 6:25 P.M.), Turner, Van Auken, Mayor Ardis - 11. Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection, and then Boy Scout Troop #88 from Northminster Presbyterian Church in Dunlap led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: ST. VINCENT de PAUL 8TH GRADE GIRLS BASKETBALL TEAM

PROCLAMATION: LOOK! IT'S MY BOOK!

Council Member Gulley left the Council Chambers.

MINUTES

Council Member Spain moved to approve the minutes of the December 22, 2009, Regular City Council Meeting, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: None.

Council Member Gulley returned to the Council Chambers.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – TOWN OF THE CITY OF PEORIA**(10-001) ADMINISTERING OATH OF OFFICE OF ASSESSOR TO BONNIE D. GAVIN**

City Clerk Mary Haynes administered the Oath of Office of Assessor to Ms. Bonnie D. Gavin, who would begin serving her third term of Office.

Assessor Bonnie D. Gavin said she was elected in April 2009, but the Assessor was not sworn in until the first of January of the following year so properties could be assessed as of January 1. She said this would be her third term in Office and she would continue to serve the public to the best of her ability. She further explained the Assessor did not assess taxes, but the Assessor appraised properties based upon the last three years of sales. She said a level of assessment had to be maintained at 33½, which was driven by the State Statutes. She discussed the recent downturn in the economy, which had made the job of Assessor very challenging. She thanked her Staff for their skill, expertise and knowledge, and for their

dedication to the taxpayers. She said she would continue to be available to listen to taxpayers' concerns about their properties, and she wanted to make sure all homeowners received information regarding the exemptions they were entitled to on their tax bills. She said she would continue her education that was required by the State of Illinois. She said the position of Assessor was the only Elected Official position which required certification with the State of Illinois. She thanked Mayor Ardis and the Council Members, Township Clerk Mary Haynes, Township Collector Patrick Nichting, and Township Supervisor Joe Whalen for their support in the past. She especially thanked her husband, who had been supportive in her years as a public servant.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA**CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE, for the City of Peoria, with Recommendations as Outlined:**

- (10-002) **TAG DAY REQUEST from the KIWANIS CLUB of SOUTH-WEST PEORIA to Hold their ANNUAL PEANUT DAYS FUNDRAISER on SEPTEMBER 23, 24, and 25, 2010. (Dates are Open.)**
- (10-003) **NOTICE OF LAWSUIT on Behalf of NAPOLEON PURHAM on a Complaint Against the City of Peoria Regarding an Injury Sustained in a Fall on a Sidewalk at 1711 Howett Street, with Request to Receive for Information and Refer to Legal Department.**
- (10-004) **NOTICE OF LAWSUIT on Behalf of JEANETTE PROCTOR on a Complaint Against the City of Peoria Regarding a Fall through a Manhole Cover in a Pedestrian Area within the Property Located at 5201 W. War Memorial Drive on December 8, 2008, with Request to Receive for Information and Refer to Legal Department.**
- (10-005) **Communication from the City Manager and Director of Public Works Requesting Approval of a REAL ESTATE PURCHASE Located at 1408 W. DR. MARTIN LUTHER KING, JR. DRIVE, in the Amount of \$40,000.00, as an Opportunity Acquisition for the Future Widening of Dr. Martin Luther King, Jr. Drive.**
- (10-006) **Communication from the City Manager and Director of Public Works
* Requesting Approval of an AGREEMENT with the ILLINOIS DEPARTMENT OF TRANSPORTATION for FUNDING of the CONSTRUCTION of ORANGE PRAIRIE ROAD from U.S. 150 to ALTA ROAD, in the Amount of \$15 million.**
- (10-007) **APPOINTMENT and REAPPOINTMENTS by Mayor Jim Ardis to the PEORIA
** HOUSING AUTHORITY, with Request to Concur:**
- APPOINTMENT:**
 Kenneth J. Zika (Voting) - Term Expires 11/17/2011
- REAPPOINTMENTS:**
 Richard W. Zuckerman (Voting) - Term Expires 11/17/2012
 Carl K. Cannon (Voting) - Term Expires 11/17/2012
 Duane F. Heward (Voting) - Term Expires 11/17/2012
 John W. Williams (Voting) - Term Expires 11/17/2011
- (10-008) **REPORT of the CITY TREASURER PATRICK A. NICHTING for the MONTH of NOVEMBER 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 Irving requested Item No. 10-006 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested Item No. 10-007 be removed from the Consent Agenda for further discussion.

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

Items No. 10-002 through 10-008 (excluding Item Nos. 10-006 and 10-007, which was removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(10-006) Communication from the City Manager and Director of Public Works
* Requesting Approval of an AGREEMENT with the ILLINOIS DEPARTMENT
OF TRANSPORTATION for FUNDING of the CONSTRUCTION of ORANGE
PRAIRIE ROAD from U.S. 150 to ALTA ROAD, in the Amount of \$15 million.**

City Clerk Mary Haynes announced the Administration had requested this item be withdrawn from the Council Agenda.

**(10-007) APPOINTMENT and REAPPOINTMENTS by Mayor Jim Ardis to the PEORIA
** HOUSING AUTHORITY, with Request to Concur:**

APPOINTMENT:

Kenneth J. Zika (Voting) - Term Expires 11/17/2011

REAPPOINTMENTS:

Richard W. Zuckerman (Voting) - Term Expires 11/17/2012

Carl K. Cannon (Voting) - Term Expires 11/17/2012

Duane F. Heward (Voting) - Term Expires 11/17/2012

John W. Williams (Voting) - Term Expires 11/17/2011

Council Member Gulley moved to concur with the appointment of Kenneth J. Zika and the reappointments of Richard W. Zuckerman, Carl K. Cannon, and John W. Williams to the Peoria Housing Authority; seconded by Council Member Spain.

Council Member Gulley explained Duane F. Heward planned to retire and he would not be able to serve on the Peoria Housing Authority.

Motion to concur with the appointment of Kenneth J. Zika and the reappointments of Richard W. Zuckerman, Carl K. Cannon, and John W. Williams to the Peoria Housing Authority was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

(10-009) Communication from the City Manager and Director of Public Works with Request for the City Council to SCHEDULE a POLICY SESSION to DISCUSS the U.S. ROUTE 24 ADAMS STREET/WASHINGTON STREET FEASIBILITY REPORT.

Director of Public Works Dave Barber reported his department had been working on this project for a long period of time, but with the stimulus work last year and 2010 budget discussions, discussions for this project were delayed until now. He explained the project and he said the project would be divided into four sections before moving into a Phase I study that would have more detailed analysis of the roadway, impacts on utilities, layout of street designs, and detailed survey work. He added he would need more input from the Council before moving into these areas. He said discussions had begun with IDOT regarding funding, but there was nothing definite yet.

Mayor Ardis recommended that a Policy Session needed to be held soon for a thorough understanding of the study, possibly in the next 30 days.

Following further discussion, Council Member Spain moved to schedule a Policy Session in the next 30 days to discuss the U.S. Route 24 Adams Street/Washington Street Feasibility Report; seconded by Council Member Gulley.

Council Member Sandberg requested that discussion at the Policy Session include information regarding the impact of one-way streets and changing the character of Adams and Jefferson Streets.

Council Member Spain said he agreed it would be difficult to separate these issues. He pointed out that Washington Street was critical and decisions made regarding Washington Street would have repercussions on other streets. He said he felt the discussion should be more broad.

Mayor Ardis advised Director Barber that preparations should be made to expand the discussion to include Washington Street and the impact these decisions would have as changes pushed into the downtown area.

Motion to schedule a Policy Session to discuss the U.S. Route 24 Adams Street/Washington Street Feasibility Report in the next 30 days was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

(10-010) Communication from the City Manager and Corporation Counsel Requesting Approval of an INTERGOVERNMENTAL AGREEMENT Between the CITY OF PEORIA and the TOWN OF THE CITY OF PEORIA Pertaining to a FOIA OFFICER DEPUTY, with a Request to Authorize the City Manager to Execute the Agreement.

Council Member Van Auken moved to Table this item; seconded by Council Member Jacob.

Motion to Table was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

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

- (10-011) Communication from Chairman Jim Ardis Requesting Approval of an INTERGOVERNMENTAL AGREEMENT Between the CITY OF PEORIA and the TOWN OF THE CITY OF PEORIA for a FOIA OFFICER DEPUTY.**

Council Member Van Auken moved to Table this item; seconded by Council Member Turner.

Motion to Table was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

UNFINISHED BUSINESS – CITY OF PEORIA
(INCLUDING BUT NOT LIMITED TO MOTIONS TO RECONSIDER, IF ANY, ITEMS FROM THE PREVIOUS REGULAR MEETING)

- (09-330) Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 1 of the Code of the City of Peoria Relating to GENERAL PROVISIONS and the GENERAL PENALTY and SETTLEMENT of RENTAL REGISTRATION VIOLATIONS.**

Corporation Counsel Randy Ray distributed a replacement Ordinance to all members of the City Council.

Following a brief explanation by Corporation Counsel Ray, Council Member Jacob moved to adopt the replacement Ordinance amending Chapter 1 of the Code of the City of Peoria relating to General Provisions, the General Penalty, and settlement of Rental Registration violations; seconded Council Member Van Auken.

ORDINANCE NO. 16,518 was adopted by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

- (09-551) Communication from the City Manager and Director of Inspections with REPORT BACK Regarding the STATUS of the RENTAL REGISTRATION PROGRAM, with Request to Receive and File. (New Communication)**

Council Member Jacob explained the purpose behind the Rental Registration Program was to develop a data base for landlords and to use it as a tool to work with landlords and tenants toward neighborhood stabilization.

Director of Inspections John Kunski provided a brief overview of the Council communication. He pointed out, as of December 28, 2009, 6,100 properties were registered, generating approximately \$150,000 in registration fees. He said there were approximately 1,500 to 2,000 properties that were not registered in 2009 and those properties were being identified to pursue compliance. He also pointed out the on-line registration and the e-pay program was convenient for customers, but it did not create any organizational efficiencies for the City.

Discussion was held regarding the process and how the information was being entered into the data base.

In discussion with Council Member Spain regarding the efficiencies of on-line and e-pay, Director Kunski explained the system and stated the system did not create any staff efficiencies and probably added to Staff workload.

Council Member Spain expressed concern because the on-line registration and e-pay should create efficiencies in Staff time and save money. He urged City Manager Scott Moore and Director Kunski to investigate some other types of applications which created efficiencies for the City in addition to being a convenience for citizens.

Information Systems Director Cathy Roger said there were applications that connected with the Sungard applications, but the system was costly and there would be additional costs for the system to be tailor-made to register multiple properties and some other applications.

Council Member Spain said he would like a report back regarding the costs on some of the customized solutions to be included in a City Manager's Issues Update.

Council Member Van Auken said desk top scanners for employees were also needed to maximize efficiencies. She said she was interested in learning more about a package that would interface with the data base.

Council Member Montelongo moved to receive and file the report back regarding the status of the Rental Registration Program; seconded by Council Member Riggenbach.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(09-566) Communication from the City Manager and Corporation Counsel
Requesting Adoption of ORDINANCE "A" Amending CHAPTERS 18 and 27
of the Code of the City of Peoria Pertaining to BUSINESS LICENSES or
ORDINANCE "B" Amending CHAPTER 27 of the Code of the City of Peoria
Pertaining to BUSINESS LICENSES. (New Communication and Ordinances)
(Refer to Item No. 09-277)**

Council Member Turner said the purpose of the proposed Ordinance was to serve as a mechanism to collect revenues owed to the City that had already been collected by businesses. He expressed concern regarding the number of restaurants that go out of business and still owe the City thousands of dollars. He urged the Council to support the proposed Ordinance with or without the requirement of a bond.

In discussion, Corporation Counsel Randy Ray said some start-up operations could have a problem getting a bond. He suggested trying it without a bond for several months.

Council Member Turner suggested adopting Ordinance "A" and then having a review whether or not a bond was needed after 60 days or at a later date. He requested input from the Council regarding this issue.

Council Member Van Auken moved to adopt Ordinance "A" amending Chapters 18 and 27 of the Code of the City of Peoria pertaining to Business Licenses; seconded by Council Member Turner.

Council Member Gulley said he was not in favor of demanding a bond. He said he felt there were other ways to obtain coverage without a bond.

Council Member Gulley spoke in support of Ordinance "B" with an option of a cash bond so the City was still covered. He said this would assist new business owners in starting new businesses.

Council Member Sandberg said he would not support the proposed Ordinance because he felt the system that was already in place should be held accountable. He added that businesses who did not pay their fees should have their business licenses removed.

Council Member Van Auken amended her motion to adopt Ordinance "A" amending Chapters 18 and 27 of the Code of the City of Peoria pertaining to Business Licenses by adding that the business owner would be required to have a surety bond or a cash bond in the amount of \$10,000.00. The seconder agreed.

ORDINANCE NO. 16,519, as amended, was adopted by roll call vote.

Yeas: Gulley, Montelongo, Riggerbach, Turner, Van Auken, Mayor Ardis - 6;

Nays: Irving, Jacob, Sandberg, Spain, Spears - 5.

(09-613) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Planning Commission to Approve a RESOLUTION Amending the COMPREHENSIVE PLAN, and the FUTURE LAND USE MAP for a MAP AMENDMENT to Modify the WEST MAIN FORM DISTRICT by Changing the Frontage Designation Along Ellis Street; Garfield Avenue; Frink Street; Bourland Avenue; and Underhill Street from WM (West Main) Form District Local Frontage to WM (West Main) Form District Neighborhood (R4) Frontage for the Properties Located at 1025 N. ELLIS STREET; 842, 920, 1002, and 1018 W. RUSSELL STREET; 1029 N. GARFIELD AVENUE; 1027 N. BOURLAND AVENUE; and 1026 and 1027 N. UNDERHILL STREET and Identify Street Section Types; and Identify Edge of Pavement for the Prospect Road Form District and the Sheridan Triangle Form District.

Council Member Van Auken moved to approve the Resolution amending the Comprehensive Plan, and the Future Land Use Map for a Map Amendment to modify the West Main Form District by changing the frontage designation along Ellis Street; Garfield Avenue; Frink Street; Bourland Avenue; and Underhill Street from WM (West Main) Form District local frontage to WM (West Main) Form District Neighborhood (R4) frontage for the properties located at 1025 N. Ellis Street; 842 , 920, 1002, and 1018 W. Russell Street; 1029 N. Garfield Avenue; 1027 N. Bourland Avenue; and 1026 and 1027 N. Underhill Street and identify street section types; and identify edge of pavement for the Prospect Road Form District and the Sheridan Triangle Form District; seconded by Council Member Turner.

RESOLUTION NO. 09-613, amending the Comprehensive Plan, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

(09-614) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission to Adopt an ORDINANCE Modifying EXISTING REGULATING PLANS Pursuant to the Provisions of APPENDIX C, the Land Development Code of the Code of the City of Peoria.

Council Member Van Auken moved to adopt the Ordinance modifying Existing Regulating Plans pursuant to the provisions of Appendix C, the Land Development Code of the Code of the City of Peoria; seconded by Council Member Turner.

ORDINANCE NO. 16,520 was adopted by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

(09-615) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission to Adopt an ORDINANCE Amending APPENDIX C of the Code of the City of Peoria Regarding VARIOUS TEXT ADJUSTMENTS Relating to COMMERCIAL and FORM DISTRICTS.

Council Member Van Auken moved to adopt the Ordinance amending Appendix C of the Code of the City of Peoria regarding various text adjustments relating to commercial and form districts; seconded by Council Member Turner.

In discussion with Council Member Jacob, Director of Planning and Growth Management Pat Landes explained some of the changes proposed.

Several Council Members indicated that the change of use could be a problem in older neighborhoods.

Motion to adopt ORDINANCE NO. 16,521 was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: Jacob - 1.

NEW BUSINESS

ANNOUNCEMENT Regarding a MEETING with the BOARD MEMBERS of the EAST BLUFF NEIGHBORHOOD HOUSING SERVICE to Discuss the Future of the East Bluff Neighborhood

Council Member Riggenbach announced members of the Council would be attending a meeting with Board Members of the East Bluff Neighborhood Housing Service to discuss what role the EBNHS would be playing in the future development of the East Bluff Neighborhood on Thursday, January 14, 2010, beginning at 6:30 P.M. at Prince of Peace Church located at 711 E. Arcadia Avenue. He said former Council Member Bob Manning would be the facilitator and the public was invited.

ANNOUNCEMENT Regarding SCHOOL DISTRICT #150's PLAN for a CHARTER SCHOOL

Council Member Van Auken congratulated Board Members of School District #150 for their adoption of a Charter School, which she felt was critical to the community. She urged citizens to contact the City Staff or her to obtain information or to contribute to the cause.

COMMENTS Regarding the 2010 CITY CENSUS

Council Member Spain urged citizens to participate in the 2010 census and he stressed the importance of everyone participating. He said the mailings would begin in sixty days and he urged citizens to fill out the forms. He also encouraged all citizens to spread the word to others.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(10-012) 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.

Charles Williams, a Peoria resident, expressed concern that traffic enforcement was needed on Alta Road on Sundays due to church attendees in the area, that the City needed to clean the snow from sidewalks for safety reasons, and he said he felt reverse 911 should be used more efficiently by the City.

Lavetta Ricca, a Peoria resident, expressed concern about the continued deterioration of the Southside of Peoria. She discussed the reasons people could not live on the southside and urged the City to improve the area.

Dave Henderson, a Peoria resident, expressed concern regarding roads that needed repairs, such as: Pioneer Parkway at the railroad crossing, a sinkhole near Menard's, the intersections of Willow Knolls and Allen Road, Glen Avenue and University Street, and University Street between Glen and War Memorial Drive.

Savino Sierra, a Peoria resident, expressed concern that School District #150 would implement a charter school in this economy. He urged the City to enforce Ordinances relating to litter, loud music and people walking in the street when there were sidewalks available.

Frank Rezac, a Peoria resident, expressed concern that Public Works employees trimmed trees on Richwoods Boulevard in a damaging manner. He explained that each neighbor financially supported the maintenance of these trees and the trees were cherished by those in the neighborhood as a quality of life issue. He said there had been no reason to trim these trees, which ruined the beauty of the street and neighborhood.

Mayor Ardis requested that City Manager Scott Moore and Director of Public Works Dave Barber meet with Mr. Rezac and report back regarding this issue.

EXECUTIVE SESSION

(10-013) Consideration of a Motion 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)(6) The setting of a price for sale or lease of property owned by the public body; 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; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

Council Member Spears moved 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)(6) The setting of a price for sale or lease of property owned by the public body; 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; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; seconded by Council Member Gulley.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The meeting adjourned at 8:30 P.M.

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

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