

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

Council Chambers, Peoria, Illinois, November 23, 2010, a Regular City Council Meeting was held this date at 6:20 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, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10.
Absent: Jacob - 1.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection then he led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

BUSINESS SHOWCASE: METRO CENTRE

PROCLAMATION: PEORIA NOTRE DAME HIGH SCHOOL IHSA STATE CHAMPION BOYS SOCCER TEAM

PROCLAMATION: PEORIA NOTRE DAME HIGH SCHOOL IHSA STATE CHAMPION GIRLS CROSS COUNTRY TEAM

PROCLAMATION: THE MARK TWAIN HOTEL - 20TH ANNIVERSARY

PROCLAMATION: WORLD AIDS DAY - DECEMBER 1, 2010

ANNOUNCEMENT Regarding the ANNUAL CINDY KRIDER CHRISTMAS MEMORIAL

Mayor Ardis thanked the Christmas Elves for their efforts in decorating City Hall in honor of the Annual Cindy Krider Christmas Memorial. He said City Hall was beautifully decorated and reflected the spirit of Cindy, who was a long-time City employee, and passed away on Christmas Day 2005.

ANNOUNCEMENT Regarding DONATIONS AND THE ANNUAL SANTA PARADE

Mayor Ardis urged citizens to attend the Annual Santa Parade and to participate in Salvation Army's Coats for Kids and to donate to the food drive for the Midwest Food Bank. He said donations of coats and food items would be accepted along the parade route.

MINUTES

Council Member Spain moved to approve the minutes of the Regular Joint City Council and Town Board Meeting held on November 9, 2010, and the Special City Council Meeting held on November 16, 2010, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA**(10-519) PUBLIC HEARING Regarding the 2011 CITY OF PEORIA BUDGET.**

Council Member Spain moved to open the Public Hearing regarding the 2011 City Of Peoria Budget; seconded by Council Member Irving.

Hearing no objections, Mayor Ardis opened the Public Hearing.

The Public Hearing opened at 6:45 P.M.

Roberta Parks, President of Peoria Area Chamber of Commerce, distributed a memo to all members of the City Council. She said she contacted approximately 1,000 business owners by e-mail that were located in the City to request them to answer a questionnaire. She stated there was a lower response than what she expected. She said, out of the 1,000 contacts, there were approximately 40 respondents and their reactions and impacts were varied. She discussed comments made by those who spoke in support and those who were opposed. She said there was also a list of suggestions for balancing the 2011 City Budget attached to the memo.

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 Spain moved to close the Public Hearing regarding the 2011 City Of Peoria Budget; seconded by Council Member Irving.

Approved by roll call vote.

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

Nays: None.

The Public Hearing closed at 6:50 P.M.

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

- (10-520) NOTICE of LAWSUIT on Behalf of JAMES SPENCER SMITH Regarding a Complaint of Excessive Force During an Arrest on April 2, 2010, as Outlined, with Recommendation to Receive for Information and Refer to the Legal Department.**
- (10-521) Communication from the City Manager, Police Chief, and ECC Manager Requesting Approval of a SOLE SOURCE PURCHASE of INTEROPERABLE RADIOS and ACCESSORIES for the PEKIN POLICE DEPARTMENT and TAZEWEEL COUNTY SHERIFF'S DEPARTMENT, in the Total Amount of \$41,561.20, from Ragan Communications in the Amount of \$23,779.20 and from Moyer Electronics in the Amount of \$17,782.00, AND the City of Peoria will be Reimbursed 100% of the \$41,561.20 Purchase Price.**
- (10-522) *** Communication from the City Manager and Assistant Director of Planning and Growth Management with Request to Concur with the Recommendation from the Human Resources Commission (HRC) to Approve PUBLIC SERVICE FUNDING, as Outlined, Utilizing 2011 Community Development Block Grant (CDBG) Funds from the U.S. Department of Housing and Urban Development and Permission to Adjust Said funding, if Necessary, for Each Funded Application by the Percentage of Change in HUD's 2011 CDBG Allocation to the City of Peoria, if Said Funding is No More than 5% Above or Below the CDBG Allocation Received in 2010.

- (10-523)
** Communication from the City Manager with NOTICE that the EAST VILLAGE GROWTH CELL (EVGC) TIF REDEVELOPMENT PLAN, ELIGIBILITY STUDY and HOUSING IMPACT STUDY Will be Placed on File for PUBLIC INSPECTION in the OFFICE OF THE CITY CLERK on NOVEMBER 24, 2010, and a HOUSING IMPACT STUDY PUBLIC MEETING will be Held on NOVEMBER 29, 2010, AT 6:00 P.M. in the GLEN OAK COMMUNITY LEARNING CENTER LIBRARY.
- (10-524)
*** Communication from the City Manager Requesting Adoption of the CHARTER to REPLACE the EXISTING CHARTER Providing for the Establishment of the East Village Growth Cell (EVGC) Tax Increment Financing Economic Development Advisory Committee.
- (10-525)
**** Communication from the City Manager Requesting Approval of a RESOLUTION Calling for the CONVENING of a JOINT REVIEW BOARD MEETING in Connection with the Proposed EAST VILLAGE GROWTH CELL (EVGC) TIF on DECEMBER 10, 2010, at 3:00 P.M. at PEORIA CITY HALL, ROOM 404, for the PROPOSED DESIGNATION of the EAST VILLAGE GROWTH CELL TIF REDEVELOPMENT PROJECT AREA.
- (10-526)
***** Communication from the City Manager and Director of Public Works Requesting Adoption of an ORDINANCE Vacating Approximately 495 Feet to 577 Feet of the SOUTHWESTERN END of the GROVE STREET RIGHT OF WAY Bounded by the WEST LINE of FRACTIONAL SECTION LINE 16 and the MacARTHUR HIGHWAY CEDAR STREET BRIDGE RIGHT OF WAY.
- (10-527) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt the Following:
- A. ORDINANCE NO. 16,625 Amending APPENDIX B of the Code of the City of Peoria Relating to NONCONFORMING PARKING, YARDS, and LANDSCAPING Regarding Waivers concerning Existing Developed Property;
 - B. ORDINANCE NO. 16,626 Amending APPENDIX C of the Code of the City of Peoria Relating to NONCONFORMING PARKING, YARDS, and LANDSCAPING Regarding Waivers concerning Existing Developed Property.
- (10-528) APPOINTMENTS by Mayor Jim Ardis to the EAST VILLAGE GROWTH CELL TAX INCREMENT FINANCING ECONOMIC DEVELOPMENT ADVISORY COMMITTEE, with Request to Concur:
- Rev. Andrew Jowers (Voting)
Robert C. Wilton (Voting)
Richard Mitchell (Voting)
Bobby Gray (Voting)
Shannon Techie (Voting)
- (10-529) REAPPOINTMENT by Mayor Jim Ardis to the PEORIA HOUSING AUTHORITY, with Request to Concur:
- Glenda Johnson (Voting) - Term Expires 11/17/2013
Robert McQuirter (Voting) - Term Expires 11/17/2013

- (10-530) **Communication from the City Manager Regarding the PEORIA PARK DISTRICT SECOND and THIRD QUARTER 2010 REPORT of ACTIVITIES for the RIVERFRONT and GATEWAY BUILDING, with Request to Receive and File.**
- (10-531) **Communication from City Treasurer Patrick Nichting Regarding the REPORT of the BOARD OF TRUSTEES of the CITY OF PEORIA FIREMEN'S PENSION FUND, with Request to Receive and File.**
- (10-532) **Communication from City Treasurer Patrick Nichting Regarding the REPORT of the BOARD OF TRUSTEES of the CITY OF PEORIA POLICE PENSION FUND, with Request to Receive and File.**
- (10-533) **REPORT of the CITY TREASURER PATRICK A. NICHTING for the MONTH of OCTOBER 2010**

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

Council Member Turner requested Item No. 10-522 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested Item Nos. 10-523, 10-524, 10-525, and 10-526 be removed from the Consent Agenda for further discussion.

Council Member Van Auken moved to approve the Consent Agenda items as outlined in the Council Communications; seconded by Council Member Riggerbach.

Items No. 10-520 through 10-533 (excluding Item Nos. 10-522, 10-523, 10-524, 10-525, and 10-526, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Approved by roll call vote.

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

Nays: None.

- (10-522) **Communication from the City Manager and Assistant Director of Planning and Growth Management with Request to Concur with the Recommendation from the Human Resources Commission (HRC) to Approve PUBLIC SERVICE FUNDING, as Outlined, Utilizing 2011 Community Development Block Grant (CDBG) Funds from the U.S. Department of Housing and Urban Development and Permission to Adjust Said funding, if Necessary, for Each Funded Application by the Percentage of Change in HUD's 2011 CDBG Allocation to the City of Peoria, if Said Funding is No More than 5% Above or Below the CDBG Allocation Received in 2010.**
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In discussion with Council Member Turner regarding the reductions in rat abatement funding over the last several years and whether or not CDBG funding could be used for that program, Director of Planning and Growth Management Pat Landes said she thought CDBG funds could be used for rat abatement. She said it may be used as a program along with Code Enforcement, but she said she would need to request a ruling from HUD before moving forward. She said she would provide the information in the Issues Update for all Council Members.

Council Turner moved to concur with the Recommendation from the Human Resources Commission (HRC) to approve Public Service Funding, as outlined, utilizing 2011 Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development and to grant permission to adjust said funding, if necessary, for each funded application by the percentage of change in HUD's 2011 CDBG allocation to the City of Peoria, if said funding is no more than 5% above or below the CDBG allocation received in 2010; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

**(10-523) Communication from the City Manager with NOTICE that the EAST
** VILLAGE GROWTH CELL (EVGC) TIF REDEVELOPMENT PLAN,
 ELIGIBILITY STUDY and HOUSING IMPACT STUDY Will be Placed on File
 for PUBLIC INSPECTION in the OFFICE OF THE CITY CLERK on
 NOVEMBER 24, 2010, and a HOUSING IMPACT STUDY PUBLIC MEETING
 will be Held on NOVEMBER 29, 2010, AT 6:00 P.M. in the GLEN OAK
 COMMUNITY LEARNING CENTER LIBRARY.**

In discussion, Council Member Sandberg determined the Study was on file in the City Clerk's Office and the document would also be posted to the City's web site for public viewing.

Council Member Rigggenbach stated this was just a part of the beginning of the process, so there would be additional opportunities for the public to address this issue.

Council Member Gulley moved to approve the Notice that the East Village Growth Cell TIF Redevelopment Plan, Eligibility Study and Housing Impact Study will be placed on file for public inspection in the Office of the City Clerk on November 24, 2010, and a Housing Impact Study Public Meeting would be held on November 29, 2010, at 6:00 P.M. in the Glen Oak Community Learning Center Library; seconded by Council Member Rigggenbach.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Rigggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: Sandberg - 1.

**(10-524) Communication from the City Manager Requesting Adoption of the
*** CHARTER to REPLACE the EXISTING CHARTER Providing for the
 Establishment of the East Village Growth Cell (EVGC) Tax Increment
 Financing Economic Development Advisory Committee.**

Council Member Sandberg expressed concern regarding the process.

Council Member Gulley moved to adopt the Charter to replace the existing Charter providing for the establishment of the East Village Growth Cell (EVGC) Tax Increment Financing Economic Development Advisory Committee; seconded by Council Member Van Auken.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Rigggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: Sandberg - 1.

- (10-525)**

Communication from the City Manager Requesting Approval of a RESOLUTION Calling for the CONVENING of a JOINT REVIEW BOARD MEETING in Connection with the Proposed EAST VILLAGE GROWTH CELL (EVGC) TIF on DECEMBER 10, 2010, at 3:00 P.M. at PEORIA CITY HALL, ROOM 404, for the PROPOSED DESIGNATION of the EAST VILLAGE GROWTH CELL TIF REDEVELOPMENT PROJECT AREA.

Council Member Sandberg expressed concern regarding the process.

Council Member Gulley moved to approve the Resolution calling for the convening of a Joint Review Board Meeting in connection with the proposed East Village Growth Cell (EVGC) TIF on December 10, 2010, at 3:00 P.M. at Peoria City Hall, Room 404, for the proposed designation of the East Village Growth Cell TIF Redevelopment Project Area; seconded by Council Member Riggenbach.

RESOLUTION NO. 10-525 was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: Sandberg - 1.

- (10-526)**

Communication from the City Manager and Director of Public Works Requesting Adoption of an ORDINANCE Vacating Approximately 495 Feet to 577 Feet of the SOUTHWESTERN END of the GROVE STREET RIGHT OF WAY Bounded by the WEST LINE of FRACTIONAL SECTION LINE 16 and the MacARTHUR HIGHWAY CEDAR STREET BRIDGE RIGHT OF WAY.

In discussion with Council Member Sandberg, Director of Public Works Dave Barber confirmed that there would be no compromise to the character of Washington Street.

Council Member Sandberg said based on the confirmation that this would not limit any opportunities for success in ingress and egress from ADM and that the City would not buy it back, he moved to adopt the Ordinance vacating approximately 495 feet to 577 feet of the Southwestern end of the Grove Street Right of Way bounded by the West line of Fractional Section Line 16 and the MacArthur Highway Cedar Street Bridge Right of Way; seconded by Council Member Gulley.

ORDINANCE NO. 16,627 was adopted by roll call vote.

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

Nays: None.

- (10-534)**
Communication from the City Manager and Corporation Counsel Requesting Authorization for the City Manager to Extend the FRANCHISE AGREEMENT with COMCAST of ILLINOIS/INDIANA/OHIO LLC Until Sixty Days After the Audit Approved by Council is Completed.

Corporation Counsel Randy Ray distributed a supplemental communication to all members of the City Council.

Council Member Turner moved to authorize the City Manager to extend the Franchise Agreement with Comcast of Illinois/Indiana/Ohio LLC until sixty days after the Audit approved by Council is completed; seconded by Council Member Gulley.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: Sandberg - 1.

(10-535) Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Repealing Ordinance No. 14,981 Pertaining to the HISTORIC LANDMARK DESIGNATION of 1319 N. HAMILTON BOULEVARD.

Mayor Ardis welcomed former City Council Member Jim Bateman to the Council Meeting.

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

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

Jim Bateman, President of the Central Illinois Landmarks Foundation, explained the two issues before the Council, which were connected with this proposal. He said one question was whether or not the Church should be allowed to demolish the structure, and if so, what would be the best way to do it. He said no historic building should be demolished and he discussed the process that had been followed over the years regarding this property. He added he felt it was inevitable the building would be demolished. He said the Historic Preservation Commission would hold a meeting tomorrow and it was likely they would send a recommendation to the Council that Certificate of Appropriateness for demolitions be appealable to the City Council. He said this option was not presently available and he supported the change.

Les Kenyon, member of the Central Illinois Landmarks Foundation, gave a PowerPoint presentation of historic buildings in the City and he discussed their value.

Council Member Van Auken expressed concern that the owner of the property on Hamilton was not notified that the property was to be landmarked prior to inception. She also expressed concern that historic preservation was not used in many cases as it was intended to be used. She urged the Council to vote in favor of the proposed Ordinance.

Council Member Van Auken moved to adopt the Ordinance repealing Ordinance No. 14,981 pertaining to the Historic Landmark Designation of 1319 N. Hamilton Boulevard; seconded by Council Member Turner.

Mayor Ardis questioned if some of the materials from the building at 1319 N. Hamilton Boulevard could be used in other historic buildings in the City. He and Council Member Van Auken urged the members of Trinity Lutheran Church to save the maximum amount of materials from the building for reuse.

Following further comments, Council Member Turner expressed concern regarding the costs associated with restoration and he stated the Church did not realistically have that kind of money.

Motion to adopt ORDINANCE NO. 16,628 repealing Ordinance No. 14,981 regarding Historic Landmark Designation of 1319 N. Hamilton Boulevard was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: Sandberg - 1.

(10-536) Communication from the City Manager and Director of Planning and Growth Management Requesting the Following:

- A. ADOPT an ORDINANCE LEVYING a TAX for FISCAL YEAR 2011 for the EAST BLUFF NEIGHBORHOOD HOUSING SERVICES SPECIAL SERVICE AREA and Direct the City Clerk to File a Certified Copy of the Ordinance with the County Clerk to Allow this Tax to be Extended as Provided by Law;**

Council Member Riggenbach moved to adopt the Ordinance Levying a Tax for fiscal year 2011 for the East Bluff Neighborhood Housing Services Special Service Area and to direct the City Clerk to file a Certified Copy of the Ordinance with the County Clerk to allow this Tax to be extended as provided by law; seconded by Council Member Turner.

Council Member Riggenbach commended the progress that had been made by the Board of Directors. He moved to grant Privilege of the Floor to Rev. Simon Holly, who was President of the EBNHS Board.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Rev. Simon Holly.

Rev. Simon Holly, Pastor of Prince of Peace Missionary Baptist Church and President of the EBNHS Board of Directors, discussed the progress that had been made by the Board. He said the Annual Report reflected that the Board had met and had exceeded expectations by the City Council. He thanked Community Development Manager Leslie McKnight, Council Member Riggenbach, and all of the Council for their support and direction.

Council Member Riggenbach pointed out all Board positions were filled and eight of the thirteen positions were filled by East Bluff residents. He also stated annual audits were taking place by an outside firm and financial accounting had been increased, and the loan fund was coming back. He discussed other services the Housing Service planned to provide and he urged the Council to vote in favor of the motion.

Council Member Montelongo urged the Board to follow the auditor's recommendations.

In discussion with Council Member Sandberg regarding the completion of 719 E. Illinois, Rev. Holly explained there were some unexpected difficulties and the anticipated date of completion was changed to the end of December 2010. He said the Board would like this property to be completed so an Open House could be held and the property could be placed on the market for a Spring sale. He added, to his knowledge, all permits had been taken out as required, but he was not aware of the results of City inspections.

In discussion with Council Member Sandberg regarding required permits or inspections for property located at 719 E. Illinois, Director of Inspections John Kunski said he would report back regarding the information.

Council Member Sandberg expressed concern that a Budget was not included in the Council communication. He said he felt there were still too many unanswered questions.

Council Member Spain said he had conversations with leaders in the neighborhood and they had found it difficult to obtain information about the Illinois Street property. He requested a report back in an Issues Update regarding the progress of the rehabilitation of the property located at 719 E. Illinois and associated rehabilitation costs. He also noted the contractor had some changes and he requested a report back regarding how the work was moving forward now with different ownership characteristics.

Motion to adopt ORDINANCE NO. 16,629 Levying a Tax for fiscal year 2011 for the East Bluff Neighborhood Housing Services Special Service Area and to direct the City Clerk to file a Certified Copy of the Ordinance with the County Clerk to allow this Tax to be extended as provided by law was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggenbach, Spain, Spears, Turner, Van Auken,
Mayor Ardis - 9;

Nays: Sandberg - 1.

B. EXTEND the EBNHS SPECIAL SERVICE DISTRICT CONTRACT through FY 2011; and

Council Member Riggensch moved to extend the EBNHS Special Service District Contract through FY2011; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggensch, Spain, Spears, Turner, Van Auker,
Mayor Ardis - 9;

Nays: Sandberg - 1.

C. RECEIVE and FILE a Copy of the EAST BLUFF NEIGHBORHOOD HOUSING SERVICES ANNUAL REPORT.

Council Member Riggensch moved to receive and file a copy of the East Bluff Neighborhood Housing Services Annual Report; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggensch, Spain, Spears, Turner, Van Auker,
Mayor Ardis - 9;

Nays: Sandberg - 1.

(10-537) Communication from the City Manager and Director of Planning and Growth Management with Request to SET ASIDE \$10,000.00 from the City of Peoria's DOWN PAYMENT ASSISTANCE PROGRAM for an EAST BLUFF NEIGHBORHOOD HOUSING SERVICES HOUSING REHABILITATION and SALE PROJECT Located at 719 E. ILLINOIS STREET.

Council Member Riggensch moved to set aside \$10,000.00 from the City of Peoria's Down Payment Assistance Program for an East Bluff Neighborhood Housing Services Housing Rehabilitation and Sale Project located at 719 E. Illinois Street; seconded by Council Member Gulley.

Council Member Sandberg said he saw no need to take action on this item at this meeting. He moved for a substitute motion to defer this item for one month so he could review the report back coming from the Inspections Department regarding permits and inspections and to determine if they were consistent with the laws; seconded by Council Member Riggensch.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Rev. Simon Holly.

Rev. Simon Holly, Pastor of Prince of Peace Missionary Baptist Church and President of the EBNHS Board of Directors, explained the \$10,000.00 also included a partnership for educational classes for first time home buyers. He said these classes could still be held prior to the completion of the renovation on the property on Illinois.

Community Development Manager Leslie McKnight confirmed there was still approximately \$50,000.00 available in the 2010 Budget for down payment assistance.

In discussion, the substitute motion to defer was clarified to reflect December 7, 2010, as the date of deferral, due to the schedule of Council Meetings during the holidays. Mayor Ardis confirmed that a Special Meeting would be called for December 7, 2010.

Council Member Sandberg requested the report back include information regarding the veneer work on the brick that had not been anticipated. He said he would also like some information regarding the location of the low bidder because it was his understanding, the bidder had relocated to Colorado.

Substitute Motion to defer this item until the December 7, 2010, Special City Council that would be called by the Mayor was approved by roll call vote.

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

Nays: None.

(10-538) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to DENY a REQUEST to AMEND APPENDIX B and APPENDIX C Relating to DONATION and RECYCLING BINS.

Council Member Irving moved to concur with the recommendation from the Zoning Commission and Staff to deny a request to amend Appendix B and Appendix C relating to donation and recycling bins; seconded by Council Member Van Auken.

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

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

John Lucas, a Peoria resident, expressed concern that these bins were mistaken for donation to charity-type bins, but in fact were bins to collect clothing, etc. to be sold by a profit-making organization. He said the owners of the bins should be held accountable for the misrepresentation.

Michael Toska, owner of F.T.Z., LLC and the petitioner of a text amendment to allow for donation and recycling bins as permitted uses, explained his company was a for-profit organization, but should not be confused with other companies who had misrepresented themselves. He said he had no association with them. He said his company had followed the City's zoning and inspection regulations.

Council Member Sandberg spoke in favor of setting standards for these bins.

Council Member Van Auken expressed concern regarding how enforcement would be handled, since Budget concerns had reduced Staffing.

Motion to concur with the recommendation from the Zoning Commission and Staff to DENY a request to amend Appendix B and Appendix C relating to donation and recycling bins was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Rigggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: Sandberg - 1.

UNFINISHED BUSINESS

**(INCLUDING BUT NOT LIMITED TO MOTIONS TO RECONSIDER ITEMS, IF ANY,
FROM THE PREVIOUS REGULAR MEETING)**

- (10-068) Communication from the City Manager and Acting Director of Human Resources Requesting Authorization for the City Manager to Enter into an AGREEMENT Between the City of Peoria and ALL EMPLOYEE BARGAINING UNITS to EXTEND the JOINT LABOR/MANAGEMENT HEALTH CARE COMMITTEE for ONE (1) YEAR, Effective January 1, 2011, through December 31, 2011. (Revised Communication)**

Council Member Spain moved to authorize the City Manager to enter into an Agreement between the City of Peoria and All Employee Bargaining Units to extend the Joint Labor/Management Health Care Committee for one (1) year, effective January 1, 2011, through December 31, 2011; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

- (10-490) Communication from the City Manager and Director of Public Works Requesting a DEFERRAL of the Proposed ORDINANCE Vacating a Portion of the ALLEY RIGHT OF WAY on the NORTHERN END Located Between SPRING STREET and CAROLINE STREET, and Between N.E. ADAMS STREET and BOND STREET Until December 14, 2010.**

Council Member Sandberg moved to defer this item until the December 14, 2010, Regular City Council Meeting; seconded by Council Member Gulley.

Motion to defer this item until December 14, 2010, was approved by roll call vote.

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

Nays: None.

- (10-464) Communication from the City Manager Requesting for the City Council to Provide Direction to the Administration on the PRELIMINARY FY 2011 OPERATING BUDGET.**

Mayor Ardis provided an overview of past discussion regarding a revenue stream of a gas utility tax and he said he recently learned the impact to some of the larger businesses in the community would be significant. He said it was definitely concluded that more information was needed regarding what the potential impact would be for large users prior to moving forward with this proposal. He suggested it may be possible to create a hybrid model to assess large volume users and smaller residential users, and then to understand what that impact would be on the Budget. He added the last thing the Council would want to do was to create a revenue stream that could possibly jeopardize the ability of a business to perform its business.

Mayor Ardis said this possible revenue stream would impact the Budget, so further Council discussion at this time would be limited. He stated the Council had hoped to adopt the 2011 Budget on December 7, 2010, but discussion would need to continue. He said he had conveyed this information to the Council prior to this meeting and suggested that further discussions could continue at a December 7, 2010, Special City Council Meeting.

Following further discussion, Council Member Van Auken moved to defer this item and hold a Budget Meeting on December 7, 2010, to discuss revenue options, operating expense proposals, EDC, EEO, and to hold other discussion relating to the 2011 City of Peoria Budget, to include any items which were deferred; seconded by Council Member Spain.

Council Member Spears requested a report back regarding therms used at Fire House #17, which may have a gas leak, and to include therms used at Central Fire House.

Motion to defer this item and hold a Budget Meeting on December 7, 2010, to discuss revenue options, operating expense proposals, EDC, EEO, and other discussion relating to the 2011 City of Peoria Budget, to include any items which were deferred was approved by roll call vote.

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

Nays: None.

Council Member Van Auken moved to set a Special Council Meeting to hold a 2011 Budget discussion at 5:00 P.M. on Tuesday, December 7, 2010; seconded by Council Member Spain.

Motion to set a Special Council Meeting at 5:00 P.M. on December 7, 2010, was approved by roll call vote.

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

Nays: None.

PUBLIC COMMENTS Regarding the FY2011 CITY OF PEORIA BUDGET.

Mayor Ardis determined there was no one who wished to address the Council regarding the FY2011 City of Peoria Budget at this time.

(10-515) Motion to Reconsider the Vote on an ORDINANCE Amending CHAPTER 3 of the Code of the City of Peoria Pertaining to LIQUOR LICENSE FEE INCREASES.

Council Member Gulley moved to reconsider the vote regarding an Ordinance amending Chapter 3 of the Code of the City of Peoria pertaining to Liquor License Fee increase.

Council Member Sandberg requested a Point of Order and, following discussion, Corporation Counsel Randy Ray cited the State Statute and determined that Council Member Gulley could not make a motion to reconsider this item because he was not on the affirmative side.

Council Member Van Auken moved to reconsider the vote taken at the November 16, 2010, Special City Council Meeting regarding an Ordinance amending Chapter 3 of the Code of the City of Peoria pertaining to Liquor License Fee increases; seconded by Council Member Turner.

Motion to reconsider the vote on Item No. 10-515 regarding an Ordinance amending Chapter 3 was approved by roll call vote.

Yeas: Irving, Riggensbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 7;

Nays: Gulley, Montelongo, Sandberg - 3.

MOTION ON THE FLOOR: To adopt an Ordinance amending Chapter 3 of the Code of the City of Peoria pertaining to Liquor License Fee increases.

Council Member Van Auken moved to amend the original motion by changing the Class C5 annual fee from \$1,800.00 to \$1,700.00 to be the same annual fee as the Class C1 and Class C3 licenses; seconded by Council Member Turner.

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

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

Larry McEnroe, owner of Katie McButt's Tavern, said he held a Class A (Tavern) license and taverns were the smallest of small business. He expressed concern that the proposed Ordinance would raise the fee for Class A Liquor License by \$160.00 per year plus costs for subclasses. He said he did not understand why package liquor store fees were increased by a lesser amount. He said there needed to be a better balance between the increase in fees, if the fees were going to be increased.

Mary Motteler, owner of Joseph's Recovery Room, stated small businesses were struggling and she urged the Council not to raise fees.

Motion to amend the original motion by changing the Class C5 annual fee from \$1,800.00 to \$1,700.00 to be the same annual fee as the Class C1 and Class C3 licenses was DEFEATED by roll call vote.

Yeas: Spain, Van Auken, Mayor Ardis - 3;

Nays: Gulley, Irving, Montelongo, Riggensbach, Sandberg, Spears, Turner - 7.

Motion to adopt an Ordinance amending Chapter 3 of the Code of the City of Peoria pertaining to Liquor License Fee increases was DEFEATED by roll call vote.

Yeas: Spain, Van Auken, Mayor Ardis - 3;

Nays: Gulley, Irving, Montelongo, Riggensbach, Sandberg, Spears, Turner - 7.

NEW BUSINESS

It was determined there was no New Business to come before the City Council at this time.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(10-539) 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.

Dave Henderson, a Peoria resident, expressed concern regarding the City proposing to increase taxes. He said he was a retired person and could not afford any increases. He discussed other taxes in the community that were also being increased.

Savino Sierra, Peoria resident, said he would make comments at the next meeting.

Lavetta Ricca, President of Olde Towne South Neighborhood Association, expressed concern regarding the for-profit recycling bins that posed as bins for non-profit organizations.

John Lucas, a Peoria resident, provided additional information to the Council regarding Mr. Toska and the bins he was promoting.

EXECUTIVE SESSION

- (10-540) Consideration of a Motion to enter 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)(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 Van Auken moved to enter 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)(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 Turner.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;
Nays: None.

ADJOURNMENT

Council Member Irving moved to adjourn the Regular City Council Meeting; seconded by Council Member Riggerbach.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;
Nays: None.

The meeting adjourned at 9:02 P.M.

bb

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