

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

Council Chambers, Peoria, Illinois, December 14, 2010, a Joint City Council and Town Board 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, 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 and he asked that everyone remember the family of Mayor Tim Davlin, Mayor of Springfield, Illinois, due to his sudden death today. Then Webelos Pac #17, Den #9, from Hines School led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

BUSINESS SHOWCASE: NORTHWOODS MALL – (Postponed to a later date)

PROCLAMATION: ILLINOIS ART LEAGUE - 50TH ANNIVERSARY

PRESENTATION: SOUTHWIND RAS – (Postponed to a later date)

MINUTES

Council Member Spain moved to approve the minutes of the Regular City Council Meeting held on November 23, 2010, and the Special City Council Meetings held on December 7 and December 8, 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

(10-546) Communication from Acting City Manager Requesting Approval to HIRE HENRY HOLLING as INTERIM CITY MANAGER and Approval of an INTERIM CITY MANAGER AGREEMENT, and Requesting Authorization for the Mayor to Sign the Agreement or Take Such Other Action as the Council May Deem Appropriate Pertaining to an Interim City Manager.

Council Member Van Auken moved to approve hiring Henry Holling as Interim City Manager and to approve an Interim City Manager Agreement, and to authorize the Mayor to sign the Agreement; seconded by Council Member Riggerbach.

Council Member Gulley welcomed Mr. Holling back to the City's Administration, but he said he would vote against the approval due to his concern regarding the process. He said in the weeks to come, the Council needed to repair the process of hiring, terminating, replacing, staffing, and evaluating City Managers.

Council Member Spears expressed concern that information from the Executive Session was published in the Journal Star. He said he was opposed to rehiring Mr. Holling in Executive Session only because he felt there was a hiring freeze, due to Budget concerns, and existing Staff should be able to fill the void until a new City Manager was hired. He welcomed Mr. Holling to the position and he commended him for his performance as Interim City Manager when he served last year when the City was between permanent City Managers.

Council Member Sandberg said he felt it was time to move in another direction, so he would not be supporting the motion.

Motion to approve hiring Henry Holling as Interim City Manager and to approve an Interim City Manager Agreement, and to authorize the Mayor to sign the Agreement was approved by roll call vote.

Yeas: Irving, Montelongo, Riggenbach, Spain, Turner, Van Auken, Mayor Ardis - 7;

Nays: Gulley, Sandberg, Spears - 3.

City Clerk Mary Haynes administered the Oath of Office to Henry Holling as Interim City Manager.

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

- (10-547) NOTICE of LAWSUIT Filed on Behalf of TOMMY L. COLLINS Regarding a Claim Against the City and a Police Officer Pertaining to an Alleged Violation of Civil Rights and Wrongful Imprisonment, with Request to Receive for Information and Refer to the Legal Department.**

- (10-548) Communication from the Acting City Manager and Director of Planning and * Growth Management Requesting Approval of the Recommendation from the Human Resources Commission (HRC) to Approve EMERGENCY SHELTER GRANT FUNDING, in the Amount of \$79,800.00, to HOMELESS PROVIDER AGENCIES and to Allocate \$4,200.00 for Administration Costs Utilizing FY2011 ESG Funds from the U.S. Department of Housing and Urban Development.**

- (10-549) Communication from the Acting City Manager and Director of Inspections with Request to Receive and File the Communication Regarding an EMERGENCY DEMOLITION at 3313 S. W. ADAMS STREET by RIVER CITY DEMOLITION, in the Amount of \$15,736.00.**

- (10-550) Communication from the Acting City Manager and Corporation Counsel Requesting Approval of a SETTLEMENT of a CLAIM of DOROTHY SVETICH, in the Amount of \$79,877.59.**

- (10-551) Communication from the Acting City Manager and Director of Public Works Requesting Concurrence in the CONTRACT Award by the GREATER PEORIA SANITARY DISTRICT for the 2011 REPAIR and MODIFICATION of Various CITY-OWNED SANITARY SEWERS to J.C. DILLON, INC., in the Amount of \$96,501.95.**

- (10-552) Communication from the Acting City Manager with Recommendation from ** the Loan Review Committee to Approve a \$150,000.00 BUSINESS DEVELOPMENT FUND LOAN to AFHS PEORIA, LLC, Located at 8727 KNOXVILLE AVENUE (d/b/a Ashley Furniture Homestore), and with Request to Authorize the Acting City Manager to Execute the Necessary Documents.**

- (10-553) Communication from the Acting City Manager and Corporation Counsel Requesting Approval of RESOLUTION NO. 10-553 Releasing the MINUTES of CLOSED MEETINGS Listed on Schedule A and Finding the Need for Confidentiality Remains for Minutes Listed on Schedule B.**
- (10-554) Communication from the Acting City Manager Requesting Approval of RESOLUTION NO. 10-554 Approving and Adopting the TRI-COUNTY NATURAL HAZARDS MITIGATION PLAN for PEORIA COUNTY, WOODFORD COUNTY, TAZEWELL COUNTY, CITY OF PEORIA, and CITY OF PEKIN.**
- (10-555) Communication from the Acting City Manager Requesting Approval of RESOLUTION NO. 10-555 Calling for a PUBLIC HEARING in Connection with the PROPOSED EAST VILLAGE GROWTH CELL (EVGC) TIF to be Held on January 11, 2011, at 6:15 P.M. at City Hall, Council Chambers.**
- (10-556) *** Communication from the Acting City Manager and Director of Inspections Requesting Adoption of an ORDINANCE Amending CHAPTER 5 of the Code of the City of Peoria Pertaining to BUILDING PERMIT FEES INCREASES.**
- (10-557) Communication from the Acting City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,631 Amending the CITY OF PEORIA BUDGET for Fiscal Year 2010 Relating to the LIBRARY GRANTS, GIFTS, and MEMORIALS, in the Amount of \$29,882.00, and USE of CAPITAL DEVELOPMENT FUNDS, in the Amount of \$241,569.00.**
- (10-558) **** Communication from the Acting City Manager and Finance Director/Comptroller Requesting Adoption of an ORDINANCE Amending the CITY OF PEORIA BUDGET for Fiscal Year 2010 Relating to the AUTHORIZED PAYMENT to SPRINGDALE MANAGEMENT AUTHORITY, in the Amount of \$87,438.00, in Accordance with the Terms of the Intergovernmental Agreement.**
- (10-559) Communication from the Acting City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,632 Amending the City of Peoria Budget for Fiscal Year 2010 Relating to the ILLINOIS EMERGENCY MANAGEMENT AGENCY (IEMA) ILLINOIS CITIZEN CORPS GRANT PROGRAM for \$4,500.00; the ILLINOIS LAW ENFORCEMENT ALARM SYSTEM (ILEAS) LOCAL LAW ENFORCEMENT HOMELAND SECURITY GRANT of \$6,000.00; and a GRANT from BRADLEY UNIVERSITY for ALCOHOL ENFORCEMENT of \$18,514.00.**
- (10-560) Communication from the Acting City Manager and Director of Planning and Growth Management with Recommendation from Staff to Adopt ORDINANCE NO. 16,633 Amending Ordinance No. 16,432 Approving the PRIVATE STREET NAMES and PRIVATE STREET MAINTENANCE AGREEMENTS for Properties Located WEST of 5400 W. SIENNA LANE, Identified as Parcel ID Nos. 13-02-351-002 and 13-02-351-004.**
- (10-561) ***** Communication from the Acting City Manager and Director of Planning and Growth Management with Recommendation from the Historic Preservation Commission to Adopt an ORDINANCE Approving the DESIGNATION of 1517 W. BARKER AVENUE, as a LOCAL HISTORIC LANDMARK.**

**(10-562) Communication from the Acting City Manager and Finance

* Director/Comptroller Requesting Adoption of the Following:**

- A. ORDINANCE LEVYING a TAX for Fiscal Year 2011 for the
WEAVERRIDGE SPECIAL SERVICE AREA PARCEL A – GOLF
COURSE;**
- B. ORDINANCE LEVYING a TAX for Fiscal Year 2011 for the
WEAVERRIDGE SPECIAL SERVICE AREA PARCEL 136-B*;**
- C. ORDINANCE LEVYING a TAX for Fiscal Year 2011 for the
WEAVERRIDGE SPECIAL SERVICE AREA PARCEL D – LOT 600.**

**(10-563) Communication from the Acting City Manager and Director of Planning and
Growth Management Regarding the HARRISON SCHOOL NEIGHBORHOOD
IMPACT ZONE PLAN, with Request to Receive and File.**

**(10-564) Communication from the Acting City Manager Regarding a WRITTEN
REPORT from the EAST VILLAGE GROWTH TIF (EVGC) PUBLIC MEETING
Held on NOVEMBER 29, 2010, with Request to Receive and File.**

**(10-565) MFT AUDIT REPORT NO. 71 for the Period Beginning January 1, 2006 and
Ending December 31, 2008, from the Illinois Department of Transportation,
dated November 29, 2010, with Request to Receive and File. (On File in the
City Clerk's Office.)**

**(10-566) PEORIA PUBLIC LIBRARY FINANCIAL, LIBRARY USE INDEX, and
STATISTICAL REPORT dated October 31, 2010, 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 Van Auken requested Item No. 10-561 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested Item No. 10-548 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested Item Nos. 10-552, 10-556, and 10-558 be removed from the Consent Agenda for further discussion.

Council Member Irving requested Item No. 10-562 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 Spain.

Items No. 10-547 through 10-566 (excluding Item Nos. 10-548, 10-552, 10-556, 10-558, 10-561 and 10-562, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

- (10-548) * Communication from the Acting City Manager and Director of Planning and Growth Management Requesting Approval of the Recommendation from the Human Resources Commission (HRC) to Approve EMERGENCY SHELTER GRANT FUNDING, in the Amount of \$79,800.00, to HOMELESS PROVIDER AGENCIES and to Allocate \$4,200.00 for Administration Costs Utilizing FY2011 ESG Funds from the U.S. Department of Housing and Urban Development.**

Following a brief comment regarding several observations, Council Member Gulley moved to approve the recommendation from the Human Resources Commission (HRC) to approve Emergency Shelter Grant funding, in the amount of \$79,800.00, to Homeless Provider Agencies and to allocate \$4,200.00 for administration costs utilizing FY2011 ESG funds from the U.S. Department of Housing and Urban Development; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

- (10-552) ** Communication from the Acting City Manager with Recommendation from the Loan Review Committee to Approve a \$150,000.00 BUSINESS DEVELOPMENT FUND LOAN to AFHS PEORIA, LLC, Located at 8727 KNOXVILLE AVENUE (d/b/a Ashley Furniture Homestore), and with Request to Authorize the Acting City Manager to Execute the Necessary Documents.**

In discussion with Council Member Sandberg, Development Specialist Rachael Parker confirmed research was performed and paid for by the Petitioner and the study was submitted to the Loan Committee for their review prior to their recommendation.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to the Petitioner, Mike Bruegge.

Mike Bruegge, owner of Ashley Furniture Home Store, explained the research was conducted by Ashley Corporate to determine if another furniture store was needed in the community. He said the study covered a twelve county area, which was the Peoria trading area, and it was determined that citizens were traveling outside the area to purchase furniture.

Council Member Sandberg expressed concern that the business was dependent on a loan, in the amount of \$150,000.00, from the City, another \$150,000.00 loan from Peoria County, and a loan from SBA. He indicated he could not support a motion to approve due to the amount of financing through the public sector.

Council Member Irving spoke in support of a motion to approve the \$150,000.00 loan and he pointed out, of the \$1.3 million investment Mr. Bruegge would be making, \$725,000 would come from banks and his own equity. He pointed out the new facility would bring 32 new full time positions to the area and he commended Mr. Bruegge for choosing to locate his new store in Peoria, rather than in Bloomington.

Council Member Irving moved to concur with the Loan Review Committee to approve a \$150,000.00 Business Development to AFHS Peoria, LLC, Located at 8727 Knoxville Avenue (d/b/a Ashley Furniture Homestore) and to authorize the Interim City Manager to execute the necessary documents; seconded by Council Member Spain.

In discussion with Council Member Riggensbach, Development Specialist Parker confirmed their department had received six loan requests in the past six months.

Motion to concur with the Loan Review Committee to approve a \$150,000.00 Business Development to AFHS Peoria, LLC, Located at 8727 Knoxville Avenue (d/b/a Ashley Furniture Homestore) and to authorize the Interim City Manager to execute the necessary documents was approved by roll call vote.

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

Nays: Sandberg - 1.

**(10-556) Communication from the Acting City Manager and Director of Inspections
*** Requesting Adoption of an ORDINANCE Amending CHAPTER 5 of the Code of the City of Peoria Pertaining to BUILDING PERMIT FEE INCREASES.**

Council Member Sandberg stated he opposed the fee increases.

Council Member Spain moved to adopt the Ordinance amending Chapter 5 of the Code of the City of Peoria pertaining to Building Permit Fee increases; seconded by Council Member Van Auken.

ORDINANCE NO. 16,634 amending Chapter 5 was adopted by roll call vote.

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

Nays: Sandberg - 1.

**(10-558) Communication from the Acting City Manager and Finance
**** Director/Comptroller Requesting Adoption of an ORDINANCE Amending the CITY OF PEORIA BUDGET for Fiscal Year 2010 Relating to the AUTHORIZED PAYMENT to SPRINGDALE MANAGEMENT AUTHORITY, in the Amount of \$87,438.00, in Accordance with the Terms of the Intergovernmental Agreement.**

In discussion with Council Member Sandberg, Finance Director/Comptroller Jim Scroggins explained the information provided in the Council communication regarding "Impact if Approved" and "Impact if Denied" was incorrect and should be deleted from the communication.

Council Member Sandberg expressed concern regarding the increase in payment to Springdale Management Authority.

Council Member Riggensbach moved to adopt the Ordinance amending the City of Peoria Budget for Fiscal Year 2010 relating to the authorized payment to Springdale Management Authority, in the amount of \$87,438.00, in accordance with the terms of the Intergovernmental Agreement; seconded by Council Member Turner.

ORDINANCE NO. 16,635 was adopted by roll call vote.

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

Nays: Sandberg - 1.

(10-561) Communication from the Acting City Manager and Director of Planning and Growth Management with Recommendation from the Historic Preservation Commission to Adopt an ORDINANCE Approving the DESIGNATION of 1517 W. BARKER AVENUE, as a LOCAL HISTORIC LANDMARK.

Council Member Van Auken moved to grant Privilege of the Floor to Margaret Cousin.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Margaret Cousin.

Margaret Cousin, Vice-President of the Central Illinois Landmarks Foundation, provided a history of the property and the generous contributions made to the community by Annette Smith Clemenceau, who resided at the property in the 1950's and 1960's.

Council Member Van Auken moved to adopt the Ordinance approving the designation of 1517 W. Barker Avenue as a Local Historic Landmark; seconded by Council Member Turner.

ORDINANCE NO. 16,636 was adopted by roll call vote.

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

Nays: None.

(10-562) Communication from the Acting City Manager and Finance Director/Comptroller Requesting Adoption of the Following:

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A. ORDINANCE LEVYING a TAX for Fiscal Year 2011 for the WEAVERRIDGE SPECIAL SERVICE AREA PARCEL A – GOLF COURSE;

Finance Director/Comptroller Jim Scroggins distributed a replacement Ordinance to all members of the City Council with a revised levy amount of \$105,510.00.

Council Member Irving moved to adopt the replacement Ordinance levying a Tax for Fiscal Year 2011 for the WeaverRidge Special Service Area Parcel A – Golf Course; seconded by Council Member Spain.

ORDINANCE NO. 16,637, as amended, was adopted by roll call vote.

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

Nays: None.

B. ORDINANCE LEVYING a TAX for Fiscal Year 2011 for the WEAVERRIDGE SPECIAL SERVICE AREA PARCEL 136-B and LOT 308 (TALLGRASS CONDO)*;

*Finance Director/Comptroller Jim Scroggins distributed a replacement Ordinance to all members of the City Council with a revised title to include WeaverRidge Special Service Area Lot 308 (Tallgrass Condo) and the revised levy amounts of \$22.00 and \$2,852.00.

Council Member Irving moved to adopt the replacement Ordinance levying a Tax for Fiscal Year 2011 for the WeaverRidge Special Service Area Parcel 136-B and LOT 308 (Tallgrass Condo); seconded by Council Member Spain.

ORDINANCE NO. 16,638, as amended, was adopted by roll call vote.

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

Nays: None.

**C. ORDINANCE LEVYING a TAX for Fiscal Year 2011 for the
WEAVERRIDGE SPECIAL SERVICE AREA PARCEL D – LOT 600.**

Finance Director/Comptroller Jim Scroggins distributed a replacement Ordinance to all members of the City Council with a revised levy amount of \$3,616.00.

Council Member Irving moved to adopt the replacement Ordinance levying a Tax for Fiscal Year 2011 for the WeaverRidge Special Service Area Parcel D – Lot 600; seconded by Council Member Spain.

ORDINANCE NO. 16,639, as amended, was adopted by roll call vote.

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

Nays: None.

(10-567) Communication from the Acting City Manager and Corporation Counsel Requesting Approval of the SEVENTH ADDENDUM to the AMENDED and RESTATED RIVERFRONT VILLAGE REDEVELOPMENT AGREEMENT, and Requesting Authorization for the Acting City Manager to Execute the Document.

In discussion with Council Member Sandberg who expressed concern regarding the terms and with a suggestion this item be deferred, Council Member Turner explained the developer was requesting an extension of the time line due to the present economy.

Council Member Turner moved to approve the Seventh Addendum to the Amended and Restated Riverfront Village Redevelopment Agreement and to authorize the Interim City Manager to execute the document; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: Sandberg - 1.

(10-568) Communication from the Acting City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 27 of the Code of the City of Peoria Pertaining to GAS UTILITY TAX and GAS USE TAX.

Council Member Turner moved to adopt the Ordinance amending Chapter 27 of the Code of the City of Peoria pertaining to Gas Utility Tax and Gas Use Tax; seconded by Council Member Van Auken.

ORDINANCE NO. 16,640 was adopted by roll call vote.

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

Nays: Montelongo, Sandberg, Spears - 3.

(10-569) Communication from the Acting City Manager and Finance Director/Comptroller Requesting Approval of the RESOLUTION Adopting the 2011 BUDGET for the CITY OF PEORIA, ILLINOIS.

Council Member Van Auken moved to approve the Resolution adopting the 2011 Budget for the City of Peoria, Illinois; seconded by Council Member Turner.

Motion to approve RESOLUTION NO. 10-569 adopting the 2011 Budget for the City of Peoria, Illinois, was approved by roll call vote.

Yeas: Gulley, Irving, Riggerbach, Spain, Turner, Van Auken, Mayor Ardis - 7;

Nays: Montelongo, Sandberg, Spears - 3.

(10-570) Communication from the Acting City Manager and Finance Director/Comptroller Requesting Adoption of an ORDINANCE LEVYING the TAXES for the Fiscal Year 2011 for MUNICIPAL PURPOSES for the City of Peoria, Illinois.

Council Member Spain moved to adopt the Ordinance levying the Taxes for Fiscal Year 2011 for Municipal Purposes for the City of Peoria, Illinois; seconded by Council Member Van Auken.

ORDINANCE NO. 16,641 was adopted by roll call vote.

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

Nays: None.

(10-571) Communication from the Acting City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Authorizing FINAL DISTRIBUTION of FUNDS from the CAMPUSTOWN REDEVELOPMENT PROJECT AREA and DISSOLVING the SPECIAL TAX ALLOCATION FUND.

Council Member Van Auken moved to adopt the Ordinance authorizing final distribution of funds from the Campustown Redevelopment Project Area and dissolving the Special Tax Allocation Fund; seconded by Council Member Riggerbach.

ORDINANCE NO. 16,642 was adopted by roll call vote.

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

Nays: None.

(10-572) Communication from the Acting City Manager and Director of Planning and Growth Management with Request to Concur with Either the Recommendation from the Zoning Commission to Adopt ORDINANCES A and B Amending APPENDIX B and Amending APPENDIX C of the Code of the City of Peoria Relating to PORTABLE STORAGE DEVICES, OR to Concur with the Recommendation from Staff to Adopt ORDINANCES C and D Amending APPENDIX B and Amending APPENDIX C of the Code of the City of Peoria Relating to PORTABLE STORAGE DEVICES.

Council Member Sandberg moved to concur with the recommendation from Staff to adopt Ordinance C amending Appendix B of the Code of the City of Peoria Relating to Portable Storage Devices; seconded by Council Member Turner.

ORDINANCE NO. 16,643, amending Appendix B, was adopted by roll call vote.

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

Nays: None.

Council Member Sandberg moved to concur with the recommendation from Staff to adopt Ordinance D amending Appendix C of the Code of the City of Peoria Relating to Portable Storage Devices; seconded by Council Member Turner.

ORDINANCE NO. 16,644, amending Appendix C, was adopted by roll call vote.

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

Nays: None.

- (10-573) Communication from the Acting City Manager and Director of Planning and Growth Management with Request to Concur with the Recommendation from the Zoning Commission to Adopt ORDINANCE A or to Concur with the Recommendation from the Staff to Adopt ORDINANCE B Granting a SPECIAL USE in a Class CN (Neighborhood Commercial) District for an ASSISTED LIVING FACILITY for Property Located at 117 N. WESTERN AVENUE, with Conditions and Waivers.**

Council Member Van Auken moved to concur with the recommendation from the Zoning Commission to adopt Ordinance A granting a Special Use in a Class CN (Neighborhood Commercial) District for an Assisted Living Facility for property located at 117 N. Western Avenue, with waivers and a condition; seconded by Council Member Turner.

ORDINANCE NO. 16,645 was adopted by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

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

- (10-299) Communication from the Acting City Manager and Assistant Director of Planning and Growth Management with Request to Concur with the Recommendation from Staff to Adopt an ORDINANCE Granting a SPECIAL USE in a Class R2 (Single Family Residential) District for a SCHOOL for the ARTS for Property Located at 5211 N. BIG HOLLOW ROAD, and with No Recommendation from the Zoning Commission Due to a Tie Vote. (New Communication and New Ordinance)**

Council Member Spears moved to defer this item until the January 11, 2011, Regular City Council Meeting; seconded by Council Member Van Auken.

Motion to defer this item until January 11, 2011, was approved by roll call vote.

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

Nays: None.

- (10-489) Communication from the Acting 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, Said Amendment Pertaining to HRA TAX WITHHOLDING, with Supplemental Information. (New Agreement)**

Council Member Spain moved to approve an amendment to the 1996 Intergovernmental Agreement between the City of Peoria and the Peoria Civic Center Authority, said amendment pertaining to HRA Tax Withholding and with supplemental information; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

- (10-490) Communication from Acting City Manager and Director of Public Works Requesting Adoption of an ORDINANCE Vacating Approximately 507 Feet of the ALLEY RIGHT OF WAY on the Northern End of Said Alley Located Between SPRING STREET and CAROLINE STREET, and Between N.E. ADAMS STREET and BOND STREET. (New Communication)**

Council Member Gulley moved to adopt the Ordinance vacating approximately 507 feet of the alley Right of Way on the Northern end of said alley located between Spring Street and Caroline Street, and between N. E. Adams Street and Bond Street; seconded by Council Member Spain.

ORDINANCE NO. 16,646 was adopted by roll call vote.

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

Nays: Sandberg - 1.

NEW BUSINESS

It was determined there was no New Business.

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

- (10- 574) Communication from the Town Officials Budget Committee Requesting Adoption of an ORDINANCE Levying and Assessing TAXES for the Fiscal Year Beginning APRIL 1, 2010, and Ending MARCH 31, 2011, for the GENERAL ASSISTANCE FUND of the Town of the City of Peoria, Peoria County, and State of Illinois.**

Trustee Irving moved to adopt the Ordinance levying and assessing Taxes for the Fiscal Year beginning April 1, 2010, and ending March 31, 2011, for the General Assistance Fund of the Town of the City of Peoria, Peoria County, and State of Illinois, in the amount of \$1,530,593.00; seconded by Trustee Montelongo.

ORDINANCE NO. TO-10-02 was adopted by roll call vote.

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

Nays: None.

- (10-575) Communication from the Town Officials Budget Committee Requesting Adoption of an ORDINANCE Levying and Assessing TAXES for the Fiscal Year Beginning APRIL 1, 2010, and Ending MARCH 31, 2011, for the TOWN GENERAL FUND and I.M.R.F. FUND of the Town of the City of Peoria, Peoria County, and State of Illinois.**

Trustee Irving moved to adopt the Ordinance levying and assessing Taxes for the Fiscal Year beginning April 1, 2010, and ending March 31, 2011, for the Town General Fund and I.M.R.F. Fund of the Town of the City of Peoria, Peoria County and State of Illinois, in the amount of \$595,231.00; seconded by Trustee Montelongo.

ORDINANCE NO. TO-10-03 was adopted by roll call vote.

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

Nays: None.

CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL

There were no citizens who wished to address the City Council.

EXECUTIVE SESSION

- (10-576) 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; 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 Spain 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; 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, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None.

ADJOURNMENT

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

Approved by roll call vote.

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

Nays: None.

The meeting adjourned at 7:20 P.M.

bb

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