

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

Council Chambers, Peoria, Illinois, January 11, 2011, 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 (arrived at 6:22 P.M.), 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 then he led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

BUSINESS SHOWCASE: NORTHWOODS MALL

PROCLAMATION: MARTIN LUTHER KING, JR. DAY OF SERVICE

REQUEST TO MOVE AGENDA ITEM

Mayor Ardis requested that the Presentation regarding the Litter Campaign be moved forward to be heard at this time. The Council had no objections, so the Presentation was moved forward on the Agenda.

PRESENTATION

(11-001) PRESENTATION by DIANA HALL Regarding LITTER CAMPAIGN.

Diana Hall, appointed by Mayor Ardis to serve as Chairman of the Litter Campaign, invited the public to attend a meeting on Saturday, January 22, 2011, regarding "Talking Trash" to be held at City Hall, Council Chambers, from 9:00 A.M. until 11:00 A.M. She said discussion would include strategies to move the program forward. She stated new ideas and volunteers were needed and she wanted to involve businesses, schools, neighborhoods, etc.

MINUTES

Council Member Spain moved to approve the minutes of the Joint City Council and Town Board Meeting held on December 14, 2010, and the Special City Council Meeting held on December 20, 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

(11-002) PUBLIC HEARING Regarding the PROPOSED DESIGNATION of the EAST VILLAGE GROWTH CELL (EVGC) TIF REDEVELOPMENT PROJECT AREA.

Council Member Spain moved to open the Public Hearing regarding the proposed designation of the East Village Growth Cell (EVGC) TIF Redevelopment Project Area; seconded by Council Member Riegenbach.

Approved by roll call vote.

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

Nays: None.

The Public Hearing opened at 6:33 P.M.

Four letters from concerned citizens were distributed to all members of the City Council.

Mike Hoffman, representing Teska Associates, Inc., explained the project area was bounded by Adams Street, I-74, Knoxville, McClure, Prospect, and Glen Oak Streets and included 653 acres and 2,532 properties. He summarized the eligibility criteria, redevelopment plan, and housing study, which was distributed to the City Council.

In discussion with Council Member Sandberg, Mayor Ardis assured everyone this Public Hearing would not be the last opportunity for the public to address this issue and ask questions. He said notification of additional meetings would be sent out at the appropriate times.

Dave Kinney, Interim Comptroller/Treasurer for Peoria School District #150, discussed property tax rates, assumptions, and possible EAV percent changes. He said he felt there would be a 2% average growth change in the EAV for District #150 over the next 23 years and he provided the rationale. He estimated that School District #150 would lose approximately \$7 million over the next 23 years. He asked the City to consider the possibility of returning 20% of the true increment back to Peoria School District #150 to be used for vocational education.

Dr. Grenita Lathan, Peoria School District #150 Superintendent, discussed the importance of a strong School District and she urged the Council to consider their proposal outlined by Mr. Kinney. She said the School District would give accountability for providing for their 14,000 students.

Debbie Ritschel, General Manager of the Peoria Civic Center and representing the Joint Review Board, said she learned while walking neighborhoods for the Glen Oak Impact Zone that area residents were proud of improved streets, sidewalks, and lighting. She urged the Council to move forward to pass the proposed TIF to improve additional areas around the Impact Zone.

Frederick Smith, East Bluff resident, expressed concern the language in the proposed plan was too broad and should be more specific so residents would have a better understanding. He said he wanted to know how the City planned to spend the money and there should be accountability.

Richard Mitchell, East Bluff resident, spoke in support of the proposed TIF District for residential areas. He said he felt neighborhood improvements would enhance business growth and encourage residents to invest in the neighborhoods. He said he had questions, but he would get them answered in later meetings. He said he felt the Public Hearing was a good start.

Sarah Partridge, East Bluff resident, expressed concern regarding crime in the East Bluff and she said many of the young families in the neighborhood had moved to other areas of the City because of the crime. She commended the Police for their efforts, but she felt the crime needed to be addressed further. She also expressed concern that some leadership groups in the neighborhood had excluded many of the residents when decisions were made that impacted the surrounding neighborhoods.

Mike Chihoski, representing OSF St. Francis Medical Center, spoke in support of the proposed TIF. He said OSF employed 6,000 people and they had invested heavily in the area, and they wanted to encourage others to also invest in the area.

Carl Reardon, former City Attorney for East Peoria and the Village of North Pekin, and a property owner of several properties in the East Bluff, spoke in support of a TIF for residents in the East Bluff. He said the area needed remediation for new growth and he stressed the importance of retaining people in the East Bluff neighborhoods. He said he purchased properties in the East Bluff, rehabbed the properties, and then sold the homes. He also stated residents needed to be encouraged with homeownership programs.

Jessie McGown, Jr., East Bluff resident, requested more specific information so East Bluff residents would better understand how a TIF would impact their properties. He also said residents should be included in the notification process when additional meetings were held.

Malita King, East Bluff resident, expressed concern that young families had moved out of the East Bluff area. She said, as an East Bluff resident, she was already paying higher taxes for the TIF area that included the former Cub Food Store and she did not want to pay for another TIF that may not be successful. She said she could not see any improvement in the neighborhood due to improvements made to the Glen Oak School. She expressed concern regarding the City Budget and the loss of Police Officer positions and how that reduction would impact the East Bluff area. She requested that the City provide full transparency regarding how the TIF money would be spent and used. She said she would rather see the money used to fund additional Police Officer positions.

Robert Wallenfang, East Bluff resident, expressed concern regarding parking in the East Bluff, people not using sidewalks, people who gave up their homes for the former Cub Foods Store, the City's and State's financial condition, and crime in the area. He said he felt the new TIF would raise residents' taxes, but no improvements would happen.

Don Holly, East Bluff resident and owner of several properties in the East Bluff, expressed concern regarding the tax increases on his properties over the years. He explained the impact this has had on his life and he stated the City needed to concentrate on quality of life issues in the neighborhood.

Dave Seghetti, owner of Red Carpet Cash Wash, spoke in support of the proposed TIF.

Ron Johnson, owner of several properties in the East Bluff, expressed concern that the City was proposing a new TIF when the TIF involving the former Cub Food Store did not succeed.

Mary Clark, an East Bluff resident, expressed concern that the proposed TIF program would be another program that would not succeed.

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 proposed designation of the East Village Growth Cell (EVGC) TIF Redevelopment Project Area; seconded by Council Member Montelongo.

Approved by roll call vote.

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

Nays: None.

The Public Hearing closed at 7:40 P.M.

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

- (11-003) NOTICE OF LAWSUIT Filed on Behalf of OSF HEALTHCARE SYSTEM, an Illinois Not For Profit Corporation, d/b/a SAINT FRANCIS MEDICAL CENTER Regarding a Complaint Against DAVID P. BROWN, JR., the City of Peoria, and Peoria County Claiming Between December 1, 2009, through December 4, 2009, with Request to Receive for Information and Refer to the Legal Department.**
- (11-004) Communication from the Interim City Manager and Inspections Director Requesting Acceptance of the BID for DEMOLITION of 2204 S.W. ADAMS STREET from the LOWEST BIDDER, RIVER CITY DEMOLITION, in the Amount of \$49,850.00.**
- (11-005) Communication from the Interim City Manager and Director of Public
* Works Requesting Approval of an EMERGENCY REPAIR to a 1998 CATERPILLAR 938G END LOADER (Unit #228) by ALTORFER CATERPILLAR, INC., in an Amount Not to Exceed \$22,889.84.**
- (11-006) Communication from the Interim City Manager and Director of Public
** Works Requesting Approval of the 2011 ENGINEERING SERVICES CONTRACT with FOTH INFRASTRUCTURE & ENVIRONMENT, LLC for the PEORIA CITY/COUNTY LANDFILL, in the Amount of \$369,000.00, as Recommended by the Peoria City/County Landfill Committee.**
- (11-007) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an INTERGOVERNMENTAL AGREEMENT Between the CITY OF PEORIA, DUNLAP COMMUNITY UNIT SCHOOL DISTRICT NO. 323, and RB INVESTMENTS I, LLC, and Requesting Authorization for the Interim City Manager to Execute the Documents.**
- (11-008) Communication from the Interim City Manager and Director of Planning and Growth Management with Request to Concur with the Recommendation from the Planning Commission and Staff to Adopt ORDINANCE NO. 16,647 Approving the MULTI-FAMILY PLAN for Property Addressed as 2604, 2605, 2626 and 2629 N. LAVALLE COURT; 3604 and 3630 W. MARENGO DRIVE; and 3620 W. VERONA COURT, with Conditions.**
- (11-009) Communication from the Interim City Manager and Corporation Counsel
*** Requesting Adoption of an ORDINANCE Amending CHAPTER 3 of the Code of the City of Peoria Pertaining to Site Approval Application Filing Fee, Amending CHAPTER 5 of the Code of the City of Peoria Pertaining to a Fee for Filing a Petition for Rehearing, and Amending CHAPTER 13 of the Code of the City of Peoria Pertaining to Fees for Filing Liens and an Increase in the Costs to Settle Violations for Littering.**

- (11-010) **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS G (Restaurant, Beer & Wine Only) LIQUOR LICENSE at 1219 WEST MAIN STREET, with Recommendation from the Liquor Commission to Approve.**
- (11-011) **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of SITE APPLICATIONS for CLASS C-1 (Packaged Liquor) LIQUOR LICENSES at 2515 N. KNOXVILLE and 3524 N. UNIVERSITY, with Recommendation from the Liquor Commission to Approve.**
- (11-012) **Communication from the Interim City Manager Requesting to Receive and File a WRITTEN REPORT Passed by the Joint Review Board on December 27, 2010, Agreeing that the EAST VILLAGE GROWTH CELL (EVGC) TIF REDEVELOPMENT PROJECT AREA Satisfies the ELIGIBILITY CRITERIA for a "BLIGHTED AREA."**

- (11-013) **REPORT of the CITY TREASURER PATRICK A. NICHTING for the MONTH of NOVEMBER 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 Sandberg requested Item Nos. 11-006, 11-009, and 11-012 be removed from the Consent Agenda for further discussion.

Council Member Irving requested Item No. 11-005 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 Turner.

Items No. 11-003 through 11-013 (excluding Item Nos. 11-005, 11-006, 11-009, and 11-012, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

- (11-005) **Communication from the Interim City Manager and Director of Public Works Requesting Approval of an EMERGENCY REPAIR to a 1998 CATERPILLAR 938G END LOADER (Unit #228) by ALTORFER CATERPILLAR, INC., in an Amount Not to Exceed \$22,889.84.**
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Following a brief clarification regarding leasing equipment, Council Member Irving moved to approve an emergency repair to a 1998 Caterpillar 938G End Loader (Unit #228) by Altorfer Caterpillar, Inc., in an amount not to exceed \$22,889.84; 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.

**(11-006) Communication from the Interim City Manager and Director of Public
** Works Requesting Approval of the 2011 ENGINEERING SERVICES
 CONTRACT with FOTH INFRASTRUCTURE & ENVIRONMENT, LLC for the
 PEORIA CITY/COUNTY LANDFILL, in the Amount of \$369,000.00, as
 Recommended by the Peoria City/County Landfill Committee.**

In discussion with Council Member Sandberg regarding the last time proposals for consultants for this project had been sent out, City Engineer Jeff Smith said the consultant had been working on this project for a number of years, but he was uncertain when the business relationship began.

Council Member Sandberg stated it was good public policy to go out for proposals to make sure the City was getting a good value for their dollar.

Council Member Spain explained the Peoria City/County Landfill Committee was in the middle of a process of expansion for Landfill #3 and the current service provider was the City's agent that should continue with the process at this time. He said Council Member Sandberg's point was well taken, but the Committee's position was to focus on these important activities and the current relationship with the Engineer was appropriate for that work.

Council Member Spain moved to concur with the recommendation of the Peoria City/County Landfill Committee to approve the 2011 Engineering Services Contract with Foth Infrastructure & Environment, LLC for the Peoria City/County Landfill, in the amount of \$369,000.00; seconded by Council Member Irving.

Approved by roll call vote.

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

Nays: Sandberg - 1.

**(11-009) Communication from the Interim City Manager and Corporation Counsel
*** Requesting Adoption of an ORDINANCE Amending CHAPTER 3 of the Code
 of the City of Peoria Pertaining to Site Approval Application Filing Fee,
 Amending CHAPTER 5 of the Code of the City of Peoria Pertaining to a Fee
 for Filing a Petition for Rehearing, and Amending CHAPTER 13 of the Code
 of the City of Peoria Pertaining to Fees for Filing Liens and an Increase in
 the Costs to Settle Violations for Littering.**

Council Member Sandberg expressed concern regarding the proposed fee increases for Chapter 3 and Chapter 5 of the Peoria City Code and he said he would be voting in opposition.

Council Member Turner moved to adopt the Ordinance amending Chapter 3 of the Code of the City of Peoria pertaining to Site Approval Application filing fee, amending Chapter 5 of the Code of the City of Peoria pertaining to a fee for filing a Petition for Rehearing, and amending Chapter 13 of the Code of the City of Peoria pertaining to fees for filing liens and an increase in the costs to settle violations for littering; seconded by Council Member Van Auken..

ORDINANCE NO. 16,648 was adopted by roll call vote.

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

Nays: Sandberg - 1.

- (11-012) Communication from the Interim City Manager Requesting to Receive and
**** File a WRITTEN REPORT Passed by the Joint Review Board on December
27, 2010, Agreeing that the EAST VILLAGE GROWTH CELL (EVGC) TIF
REDEVELOPMENT PROJECT AREA Satisfies the ELIGIBILITY CRITERIA for
a "BLIGHTED AREA."**

Council Member Sandberg expressed concern regarding the procedure outlined in the report.

Following discussion, Mike Hoffman of Teska Associates, Inc. explained the State Statute was clear in that a Joint Review Board did not operate like a Planning Commission or City Council. He said a quorum for a Joint Review Board Meeting was a majority of the members present at that meeting.

Council Member Sandberg also expressed concern regarding the process used to determine the "blighted area." He stated he felt there had been no independent assessment.

Council Member Riggerbach moved to receive and file the written report passed by the Joint Review Board on December 27, 2010, agreeing that the East Village Growth Cell (EVGC) TIF Redevelopment Project Area satisfies the eligibility criteria for a "blighted area;" seconded by Council Member Van Auker.

Approved by roll call vote.

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

Nays: Sandberg - 1.

- (11-014) Communication from the Interim City Manager and Corporation Counsel
Requesting Council to Take Action Pertaining to a SITE APPLICATION for a
CLASS C (Packaged Liquor Store) LIQUOR LICENSE at 9915 N.
KNOXVILLE, SUITES I & J, with Recommendation from the Liquor
Commission to DENY.**

Council Member Irving stated the Petitioner had requested this item be withdrawn from the City Council Agenda. No objections were heard.

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.**

Council Member Spears distributed to all members of the City Council a copy of a revised Attachment A, which was a drawing, to be included with the proposed Ordinance.

Council Member Spears explained the neighbors were opposed to the property being rezoned for commercial use, but they did not want the Petitioner to leave the neighborhood. He said a compromise was agreed upon that the building could be set back on the property along with several other stipulations.

Council Member Spears said if the use of this building ever changed, the property owner would need to come back before the Council to seek approval.

Council Member Sandberg expressed concern regarding the impact this Special Use would have on the surrounding neighborhood.

Council Member Spears moved to concur with the recommendation from Staff to adopt the Ordinance, as amended with a revised Attachment A, 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; seconded by Council Member Van Auken.

ORDINANCE NO. 16,649, as amended with a revised Attachment A, was adopted by roll call vote.

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

Nays: Sandberg - 1.

NEW BUSINESS

(11-015) REQUEST for REPORT BACK Regarding the PROCESS NEW BUSINESSES WOULD FOLLOW TO PROMOTE and HOLD A GRAND OPENING.

Council Member Irving requested a report back with an explanation of the process that owners of new businesses needed to follow to hold a grand opening and how they should promote their grand opening. He said this report back could be listed in the City Manager's Issues Update.

(11-016) REQUEST for STAFF to Address CODE VIOLATIONS at TWO PROPERTIES in OLDER NEIGHBORHOODS.

Council Member Turner expressed concern regarding two properties that were currently violating the City's Code. He said there had been numerous complaints regarding abandoned vehicles parked around a property and a garage being used as an auto body shop and cars in disrepair were parked on the street. He requested that Staff find a way to address these situations and support the older neighborhoods in enhancing their quality of life issues.

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

(11-017) Communication from the Town Attorney Requesting Adoption of a RESOLUTION that Creates the Right of Any Person to ADDRESS the TOWN BOARD of TRUSTEES at any MEETING of the TOWN BOARD of TRUSTEES of the Town of the City of Peoria Consistent with the State Statute and Adopting RULES Consistent with Those Previously Adopted by the City Council.

Trustee Irving moved to approve the Resolution that creates the right of any person to address the Town Board of Trustees at any meeting of the Town Board of Trustees of the Town of the City of Peoria consistent with the State Statute and adopting rules consistent with those previously adopted by the City Council; seconded by Trustee Spain.

TOWN RESOLUTION NO. 11-017 was approved 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/TOWN BOARD

(11-018) REQUEST from CITIZENS to Address the CITY COUNCIL /TOWN BOARD Regarding Various Items.

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

Savino Sierra, Peoria resident, expressed concern that the City seemed to neglect the Southside of Peoria, which had caused residents to move out of that area. He expressed concern there were so many vacant lots and unsightly businesses. He said the Southside needed a good restaurant and he was concerned for the safety of people walking in the streets.

Lavetta Ricca, President of Olde Towne South Neighborhood Association, expressed concern that a Petitioner for a Liquor License, who was denied, blamed his situation on the Southside. She spoke in support of the Southside neighborhoods and urged business owners to take pride in their properties.

Jessie McGown, Jr., a Peoria resident, requested that the Council Agenda be changed to list Citizens' Opportunity to Address the City Council before New Business.

EXECUTIVE SESSION

(11-019) 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 Irving 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 Van Auken.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

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

Approved by roll call vote.

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

Nays: None.

The meeting adjourned at 8:32 P.M.

bb

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