

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

Council Chambers, Peoria, Illinois, June 28, 2011, a Joint City Council/Town Board Meeting was held this date at 6:17 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Chairman Pro Tem Ryan Spain presiding, and with proper notice having been posted.

ROLL CALL

Roll Call showed the following Council Members were physically present: Akeson, Gulley (arrived at 6:30 P.M.), Irving, Riggenbach, Sandberg, Spears, Turner, Van Auken, Weaver, Chairman Pro Tem Spain – 10. Absent: Mayor Ardis – 1.

INVOCATION & PLEDGE OF ALLEGIANCE

Chairman Pro Tem Spain requested a moment of silent prayer or silent reflection and then he led the Pledge of Allegiance.

MINUTES

Council Member Riggenbach moved to approve the minutes of the Special City Council Meeting held on June 12, 2011, and the Regular City Council meeting held on June 14, 2011, as printed; seconded by Council Member Van Auken.

Approved by roll call vote.

Yeas: Akeson, Irving, Riggenbach, Sandberg, Van Auken, Weaver, Chairman Pro Tem Spain - 9;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

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

- (11-262) TAG DAY REQUEST from the PEORIA DOWNTOWN KIWANIS to Hold Their ANNUAL KIWANIS PEANUT DAY on FRIDAY, SEPTEMBER 23, 2011, (Date is Open.)**
- (11-263) * Communication from the City Manager and Director of Public Works Requesting Approval of a Total of \$12,400.00 for Portions of PARCELS 13-02-100-012 AND 13-02-100-024, for the CONSTRUCTION of ORANGE PRAIRIE ROAD from U.S. ROUTE 150 (War Memorial Drive) to IL 91/ GRANGE HALL ROAD/ALTA LANE.**
- (11-264) Communication from the City Manager and Director of Planning and Growth Management Regarding PUBLIC DISCLOSURE of a POTENTIAL CONFLICT OF INTEREST Involving a HOME DOWN PAYMENT ASSISTANCE APPLICATION Received From AARON FULTON so that Such Conflict can be Submitted to HUD for an EXCEPTION DETERMINATION, with Request to Receive and File.**
- (11-265) Communication from the City Manager Requesting Approval of the REVISIONS to the FACADE IMPROVEMENT PROGRAM for the WEST MAIN STREET FACADE PROGRAM.**

- (11-266)**
****** Communication from the City Manager and Director of Public Works Requesting Approval for the IMPROVEMENT of the GLEN AVENUE and UNIVERSITY STREET INTERSECTION IMPROVEMENT PROJECT; Requesting Acceptance of the LOW BID of R. A. CULLINAN & SON, a Division of United Contractors Midwest, Inc., to AWARD the CONTRACT, in the Amount of \$1,588,998.44, with Additional Authorization of \$79,500.00 (5% for Contingencies); Reprogram State Motor Fuel Tax Funds as Outlined; and Requesting Approval of a SUPPLEMENTAL MFT RESOLUTION, in the Amount of \$139,808.40 for Constructions Costs.
- (11-267)** Communication from the City Manager and Director of Public Works with Request to Award the CONTRACT to Provide INDUCTION LAMPS AND FIXTURES for the RIVERFRONT VILLAGE PARKING STRUCTURE, as Well as EXIT LIGHTS for the REMAINING PARKING DECKS and BUILDINGS to the LOWEST BIDDERS, CRESCENT ELECTRIC SUPPLY, INC., in the Amount of \$23,315.16, and to SPRINGFIELD ELECTRIC SUPPLY COMPANY, in the Amount of \$8,866.90.
- (11-268)** Communication from the City Manager and Director of Public Works Requesting Approval of the STORM SEWER and PUBLIC RECREATIONAL TRAIL EASEMENT and RIGHT OF WAY AGREEMENT with DUNLAP COMMUNITY SCHOOL DISTRICT 323, in Conjunction with the NEW PUBLIC SCHOOL Under Construction at the SOUTHWEST CORNER of HICKORY GROVE ROAD and ALLEN ROAD. (Refer to Item No. 11-007)
- (11-269)**
******* Communication from the City Manager Requesting Approval of a BUSINESS DEVELOPMENT LOAN for P & P PRESS, in the Amount of \$150,000.00 and Requesting Authorization for the City Manager to Execute the Necessary Documents.
- (11-270)** Communication from the City Manager and Corporation Counsel Requesting Approval of RESOLUTION NO. 11-270 Releasing the MINUTES of CLOSED MEETINGS LISTED on SCHEDULE A and Finding the Need for Confidentiality Remains as to the Minutes on SCHEDULE B.
- (11-271)** Communication from the City Manager and Corporation Counsel Requesting Adoption of ORDINANCE NO. 16,707 Ascertaining the PREVAILING RATE of WAGES for LABORERS, WORKMEN and MECHANICS Employed on PUBLIC WORKS in the City of Peoria.
- (11-272)**
******** Communication from the City Manager and Director of Planning and Growth Management with Request to Concur with the Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Amending Ordinance 8,973 as Amended, an EXISTING SPECIAL USE in a Class R-2 (Single Family Residential) District for CHURCH FACILITIES to Add a DAYCARE, SENIOR MEALS PROGRAM, SOCIAL SERVICE/EDUCATIONAL PROGRAM, or Other SIMILAR USES, and to Include EXISTING CONDITIONS for Property Located at 114 W. FORREST HILL AVENUE, with Conditions.
- (11-273)** Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,708 Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the U.S. DEPARTMENT of JUSTICE COPS GRANT, in the Amount of \$650,000.00, and to the U.S. DEPARTMENT of JUSTICE EDWARD BYRNE MEMORIAL JAG GRANT, in the Amount of \$124,424.00.

- (11-274) **Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,709 Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the IDJIA DOMESTIC VIOLENCE TEAM GRANT, in the Amount of \$54,916.00.**
- (11-275) **Communication from the City Manager and Corporation Counsel
***** Requesting Approval of the SITE APPLICATION for a CLASS K (Rental Hall) with a SUBCLASS 1a (2:00 A.M. Closing) and a SUBCLASS 2 (Live Entertainment) LIQUOR LICENSE at 307 OAK STREET, with Recommendation from the Liquor Commission to Approve.**
- (11-276) **Communication from the City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS B (Restaurant/50% Food) with a SUBCLASS 2 (Live Entertainment) LIQUOR LICENSE at 1520 W. GARDEN, with Recommendation from the Liquor Commission to Approve.**
- (11-277) **APPOINTMENT by Chairman Jim Ardis to the HISTORIC PRESERVATION
***** COMMISSION, with Request to Concur:**
*
 Steve Pierz (Voting) - Term Expires 6/30/2014
- (11-278) **Communication from the City Manager and Finance Director/Comptroller Regarding the MONTHLY FINANCIAL REPORT for MAY 2011, with Request to Receive and File.**

Chairman Pro Tem Spain questioned if the Council wished to have any of the Consent Agenda items removed for further discussion.

Council Member Turner requested that Item No. 11-275 be removed from the Consent Agenda for further discussion.

Council Member Van Auken requested that Item Nos. 11-272 and 11-277 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item No. 11-269 be removed from the Consent Agenda for further discussion.

Council Member Weaver requested that Item Nos. 11-263 and 11-266 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. 11-262 through 11-278 (excluding Item Nos. 11-263, 11-266, 11-269, 11-272, 11-275, and 11-277 which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Akeson, Irving, Riggerbach, Sandberg, Spears, Turner, Van Auken, Weaver, Chairman Pro Tem Spain - 9;

Nays: None.

- (11-263) **Communication from the City Manager and Director of Public Works
* Requesting Approval of a Total of \$12,400.00 for Portions of PARCELS 13-02-100-012 AND 13-02-100-024, for the CONSTRUCTION of ORANGE PRAIRIE ROAD from U.S. ROUTE 150 (War Memorial Drive) to IL 91/ GRANGE HALL ROAD/ALTA LANE.**

Council Member Weaver said he would be abstaining from discussion and voting on this item due to his ownership of property in the area of the project.

Council Member Van Auken moved to approve a total of \$12,400.00 for portions of Parcels 13-02-100-012 and 13-02-100-024, for the construction of Orange Prairie Road from U.S. Route 150 (War Memorial Drive) to IL 91/Grange Hall Road/Alta Lane; seconded by Council Member Riggenschach.

Approved by roll call vote.

Yeas: Akeson, Irving, Riggenschach, Sandberg, Spears, Turner, Van Auken, Chairman
Pro Tem Spain – 8;

Nays: None;

Abstentions: Weaver – 1.

**(11-266) Communication from the City Manager and Director of Public Works
** Requesting Approval for the IMPROVEMENT of the GLEN AVENUE and
UNIVERSITY STREET INTERSECTION IMPROVEMENT PROJECT;
Requesting Acceptance of the LOW BID of R. A. CULLINAN & SON, a
Division of United Contractors Midwest, Inc., to AWARD the CONTRACT, in
the Amount of \$1,588,998.44, with Additional Authorization of \$79,500.00
(5% for Contingencies); Reprogram State Motor Fuel Tax Funds as
Outlined; and Requesting Approval of a SUPPLEMENTAL MFT
RESOLUTION, in the Amount of \$139,808.40 for Construction Costs.**

In discussion with Council Member Weaver, Public Works Director Dave Barber confirmed this project would overlap with existing construction projects in the area.

Council Member Weaver moved to approve the improvement of the Glen Avenue and University Street Intersection Improvement Project, and to accept the low bid of and award the contract to R.A. Cullinan & Son, in the amount of \$1,588,998.44, with additional authorization of \$79,500.00 (5% for contingencies), and to reprogram State Motor Fuel Tax Funds as outlined, and to approve a Supplemental MFT Resolution, in the amount of \$139,808.40 for construction costs; seconded by Council Member Turner.

In discussion with Council Member Riggenschach, Director Barber clarified this project would eliminate medians and move the traffic arms back to enable pedestrians to have a direct and safer route through the crosswalks.

Motion, including MFT RESOLUTION NO. 11-266, was approved as outlined by roll call vote.

Yeas: Akeson, Irving, Riggenschach, Sandberg, Spears, Turner, Van Auken, Weaver,
Chairman Pro Tem Spain – 9;

Nays: None.

**(11-269) Communication from the City Manager Requesting Approval of a
*** BUSINESS DEVELOPMENT LOAN for P & P PRESS, in the Amount of
\$150,000.00 and Requesting Authorization for the City Manager to Execute
the Necessary Documents.**

City Manager Patrick Ulrich distributed a replacement communication to members of the City Council which indicated the City was in second position, not first.

Council Member Sandberg expressed concern regarding the substantial difference between what was received on the replacement communication and the original communication. He said he had been prepared to support the loan but he felt the amended information placed the City of Peoria in of being in second position.

Council Member Gulley arrived at 6:30 P.M.

In discussion with Council Member Van Auken, City Manager Urich clarified loans through the Business Development Fund always placed the City of Peoria in a secondary position for protection if the business defaulted. He said the original intent of the Fund was to provide Gap Financing for businesses. He said the City had extended 42 loans in the history of the Fund and had only six of those fail.

Council Member Van Auken said she would support the loan but she had concerns regarding the City's position.

In discussion with Council Member Irving, City Manager Urich confirmed the money could not be utilized for other projects or services. He said the money was for revolving loans only.

Council Member Irving said he felt the loan was a good investment. He said the loan would enable a current employee of the existing company to transition into ownership. He said he felt it was important to support local businesses.

Council Member Irving moved to approve a Business Development Loan for P&P Press, in the amount of \$150,000.00 and to authorize the City Manager to execute the necessary documents; seconded by Council Member Turner.

Council Member Sandberg reiterated he had no problem supporting the concept of the Business Development Loan, but he said he felt the City should negotiate with the bank for first position if the loan was a good deal. He said the City should protect its investment of future loans to future businesses.

In discussion with Council Member Weaver, City Manager Urich confirmed the petitioner had provided a personal guarantee of equity for the loan. He said Staff could provide regular reports to the City Council, giving greater details about existing loans. He noted there was one Business Development Loan currently in queue.

Council Member Weaver requested a report back regarding how the fund was replenished and how quickly it was replenished.

Council Member Akeson questioned whether or not the Business Development Loan could be restructured.

Council Member Irving requested Privilege of the Floor for Jerry Nutt from Central Illinois Bank, who was representing P&P Press.

Hearing no objections, Chairman Pro Tem Spain granted Privilege of the Floor to Jerry Nutt from Central Illinois Bank.

Mr. Jerry Nutt, from Central Illinois Bank and representing P&P Press, noted the aggregate exposure was quite higher for the bank than it was for the City. He said the bank would not be interested in putting the City in first position.

Council Member Gulley said all loans through the Fund placed the City in the second position. He said he felt the rules should not be changed currently and the loan should move forward so as not to discourage business from operating in Peoria.

Council Member Irving said he understood the argument of position, but he said he felt Council needed to look at the entire picture. He said the business had provided a detailed outline of their plan and had followed all of the rules for loan approval. He said the company had a good track record and denying the loan was not the right thing to do.

Council Member Weaver questioned whether or not Central Illinois Bank had discussions with the seller regarding providing equity. Mr. Nutt confirmed the discussion had taken place.

Council Member Riggerbach requested regular reports be provided to the City Council regarding funding for the gap loans, including fund balances and pay-offs. He reiterated Banks were always in first position.

Council Member Spears said he felt the City had the most risk in these loans. He said the taxpayers lost if the loans were not supported. He noted the company currently employed 40 positions. He said if the company was not successful, potentially 40 persons would be unemployed.

Motion to approve a Business Development Loan for P&P Press, in the amount of \$150,000.00 and to authorize the City Manager to execute the necessary documents was approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Spears, Turner, Van Auken, Weaver,
Chairman Pro Tem Spain – 9;

Nays: Sandberg – 1.

(11-272)

Communication from the City Manager and Director of Planning and Growth Management with Request to Concur with the Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Amending Ordinance 8,973 as Amended, an EXISTING SPECIAL USE in a Class R-2 (Single Family Residential) District for CHURCH FACILITIES to Add a DAYCARE, SENIOR MEALS PROGRAM, SOCIAL SERVICE/EDUCATIONAL PROGRAM, or Other SIMILAR USES, and to Include EXISTING CONDITIONS for Property Located at 114 W. FORREST HILL AVENUE, with Conditions.

Council Member Van Auken moved to adopt an Ordinance amending Ordinance No. 8,973 as Amended, an existing Special Use in a Class R-2 (Single Family Residential) District for church facilities to add a daycare, Senior Meals Program, Social Service/Educational Program, or other similar uses, and to include existing conditions for property located at 114 W. Forrest Hill Avenue, with conditions; seconded by Council Member Gulley.

Council Member Van Auken acknowledged the good work of Pastor Hubbard and Mr. Turner from St. Paul Baptist Church. She noted the church community had always supported its neighborhood and she welcomed them and wished them every success.

In discussion with Council Member Sandberg who had expressed concern regarding the location of the outdoor play area, Director of Planning and Growth Management Pat Landes said an agreement had been made with the Petitioner to remove the temporary fence around the play area each day at the close of school. She said if the Petitioner failed to comply and the City received a complaint, the Petitioner would be contacted and warned. She added if there were repeat compliance issues, the Special Use could be taken back to the Zoning Commission for a hearing to determine whether or not the Special Use would be revoked.

Chairman Pro Tem Spain recognized Ms. Lynn Costic, District #150 School Board Member, who had been actively involved in the establishment of the Daycare aspect of the project.

ORDINANCE NO. 16,710 was adopted as outlined by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spears, Turner, Van Auken,
Weaver, Chairman Pro Tem Spain – 10;

Nays: None.

- (11-275) Communication from the City Manager and Corporation Counsel
***** Requesting Approval of the SITE APPLICATION for a CLASS K (Rental Hall)
with a SUBCLASS 1a (2:00 A.M. Closing) and a SUBCLASS 2* (Live
Entertainment) LIQUOR LICENSE at 307 OAK STREET, with
Recommendation from the Liquor Commission to Approve.**

*City Clerk Mary Haynes determined the Subclass 1 listed in the agenda was an error and should actually be a Subclass 2 for Live Entertainment.

Council Member Turner noted he had received a number of calls regarding this application and parking issues which may arise when the facility was rented for large events and he said he wanted to give anyone else who wished to speak on this an opportunity to do so.

Hearing no further comments, Council Member Turner moved to concur with the recommendation of the Liquor Commission to approve the Site Application for a Class K (Rental Hall) with a Subclass 2 (Live Entertainment) Liquor License at 307 Oak Street; seconded by Council Member Sandberg.

Approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spears, Turner, Van Auken,
Weaver, Chairman Pro Tem Spain – 10;

Nays: None.

- (11-277) APPOINTMENT by Chairman Jim Ardis to the HISTORIC PRESERVATION
***** COMMISSION, with Request to Concur:**

*

Steve Pierz (Voting) - Term Expires 6/30/2014

Following brief comments, Council Member Van Auken moved to defer this item to the July 12, 2011, Regular City Council Meeting; seconded by Council Member Turner.

In discussion Council Member Sandberg suggested this item be voted down since Mr. Pierz was not a realtor. The consensus of the Council was to defer since the Mayor was out of town and other openings were developing.

Motion to defer this item to the July 12, 2011, Regular City Council Meeting was approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Spears, Turner, Van Auken, Weaver,
Chairman Pro Tem Spain – 9;

Nays: Sandberg - 1.

- (11-279) Communication from the City Manager and Director of Public Works
Requesting Approval to SET a SPECIAL CITY COUNCIL MEETING on JULY
19, 2011, at 6:15 P.M. to Hold a POLICY SESSION to Discuss the
PRELIMINARY PLANS for IMPROVING WASHINGTON STREET from
HAMILTON BOULEVARD to EDMUND STREET and to Consider any Regular
Business that May Arise per a Listed Agenda.**

Council Member Gulley moved to set a Special City Council Meeting on July 19, 2011, at 6:15 P.M. to hold a Policy Session to discuss the preliminary plans for improving Washington Street from Hamilton Boulevard to Edmund Street and to consider any regular business that may arise per a listed agenda; seconded by Council Member Riggerbach.

Council Member Gulley requested businesses along the project area be kept informed regarding the affect of the project on their businesses as it progresses.

Motion to set a Special City Council Meeting Policy Session on July 19, 2011, and to consider any Regular Business that may arise per a listed agenda was approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spears, Turner, Van Auken, Weaver, Chairman Pro Tem Spain – 10;

Nays: None.

(11-280) Communication from the City Manager Requesting Approval of the HOSPITALITY IMPROVEMENT ZONE (HIZ) BUSINESS DEVELOPMENT DISTRICT (BDD) BUSINESS IMPROVEMENT PROGRAM.

Council Member Gulley moved to approve the Hospitality Improvement Zone (HIZ) Business Development District (BDD) Business Improvement Program; seconded by Council Member Turner.

Council Member Sandberg expressed concern regarding businesses in the Hospitality Improvement Zone being required to apply for generated funds on an annual basis. He questioned what “eligible expenditures” referred to in regard to money being placed into a fund when it is not applied for.

City Manager Ulrich noted the intent of the program was to use unclaimed money for improvements within the Hospitality Improvement Zone.

Council Member Sandberg said he felt the annual deadline for businesses applying for their own generated money was inappropriate. He said he felt this was not the original intent of the program.

In discussion with Council Member Gulley, City Manager Ulrich confirmed the specific timeline in place for the program was in correlation with collection of taxes and the State’s timeframe for disbursement of tax dollars. He said the Staff’s intent was a six-month timeframe.

Council Member Gulley noted he did not agree with the deadline issue, but he would support the motion as submitted in hopes of looking at changes in the future.

In discussion with Chairman Pro Tem Spain, City Manager Ulrich clarified businesses could do improvements larger than their allocation and then apply for money to offset costs in future years, but they could not apply for money from prior years. He added Staff could look at alternatives for setting aside funds generated by a business for that specific business.

In discussion with Council Member Weaver, Special Projects Manager Chris Setti confirmed the revision was already in the current program.

Council Member Sandberg reiterated his concern that dollars generated by a business should be available to that business to “bank” for future issues that may arise.

In discussion with Council Member Akeson, Development Specialist Bobby Gray said the program was modeled after others that existed around the State.

Corporation Counsel Randy Ray confirmed the Business Development District was originally established to support the downtown hotel project.

Motion to approve the Hospitality Improvement Zone (HIZ) Business Development District (BDD) Business Improvement Program was approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Spears, Turner, Van Auker, Weaver, Chairman Pro Tem Spain – 9;

Nays: Sandberg - 1.

- (11-281) Communication from the City Manager and Corporation Counsel Requesting ACTION on the SITE APPLICATION for a CLASS A (Tavern) with a SUBCLASS 1A (2:00 A.M. Closing) and a SUBCLASS 2 (Live Entertainment) LIQUOR LICENSE at 801-803 S. W. ADAMS STREET, with Recommendation from the Liquor Commission to DENY.**

Council Member Turner moved to concur with the recommendation from the Liquor Commission to DENY the site application for a Class A (Tavern) with a Subclass 1A (2:00 A.M. Closing) and a Subclass 2 (Live Entertainment) Liquor License at 801-803 S. W. Adams Street; seconded by Council Member Van Auker.

Council Member Turner requested Privilege of the Floor for Attorney Sam Zabek, representing the Petitioner.

Hearing no objections, Chairman Pro Tem Spain granted Privilege of the Floor to Attorney Zabek.

Sam Zabek, Attorney for the Petitioner, said his client had originally submitted a request for a Class A Tavern with a 4:00 A.M. closing and, once City Council denied that request, his client had amended the request with a 2:00 A.M. closing. He clarified the application before the Council was not an approval for a liquor license. He said it was to determine whether or not the site was appropriate to sell alcohol retail so the tenant of the building could establish a business. He noted other locations with liquor licenses in the vicinity of the address of this request, and he said he felt the site was appropriate and consistent with other uses within the Warehouse District. He added, if the site were approved, there would still be an opportunity to deny the actual liquor license if issues arose during the investigation of the applicant.

In discussion with Council Member Sandberg, Corporation Counsel Ray confirmed if the site was approved but without an actual liquor license over one year, the site would expire and the process would have to begin again. He noted the applicant did have an opportunity to apply for an extension of the site approval to the Liquor Commission if negotiations were nearing completion.

Council Member Gulley said he would not support the recommendation to deny. He said he felt the process asked for many details which could not be realistically provided until the applicant had some assurance the site would be approved. He noted this was the kind of issue which caused individuals to not want to do business in the City.

Motion to concur with the recommendation from the Liquor Commission to DENY the site application for a Class A (Tavern) with a Subclass 1A (2:00 A.M. Closing) and a Subclass 2 (Live Entertainment) Liquor License at 801-803 S. W. Adams Street was approved by roll call vote.

Yeas: Irving, Riggerbach, Spears, Turner, Van Auker, Weaver, Chairman Pro Tem Spain - 6;

Nays: Akeson, Gulley, Riggerbach, Sandberg – 4.

- (11-282) Communication from the City Manager and Director of Planning and Growth Management with Request to Concur with the Recommendation from the Zoning Commission and Staff to DENY an ORDINANCE Amending APPENDIX B Relating to TEARDROP FLAG-LIKE TEMPORARY SIGNS. (Refer to Item No. 11-169)**

Council Member Spears noted the current Sign Ordinance states there are to be no teardrop signs in the City of Peoria. He said there was no consistency with enforcement of violations. He requested the City Council revoke the current Ordinance and work to establish a better and more logical Ordinance that was more manageable, with current Staff numbers, to enforce. He said he felt a Policy Session regarding signs would be appropriate.

Council Member Spears moved to remand this item back to staff to come up with some ideas that they can control on the Sign Ordinance and come back to the City Council with a policy on what they think they can control and not control and what Council has a choice on regarding maneuvering that Ordinance; seconded by Council Member Van Auken.

In discussion with Council Member Irving, Director of Planning and Growth Management Pat Landes confirmed approximately 40 permits for special signage (mostly temporary) were issued each year. She said not everyone gets a permit and nearly 50 complaints were received annually. She said fees for the permits were recently raised from \$40.00 to \$120.00.

Council Member Akeson questioned the intent of the Policy Session and whether or not it would be related to reducing the visual clutter of the current signage.

Chairman Pro Tem Spain confirmed the intent was to work toward making the Sign Ordinance more definitive, taking into consideration the availability of resources available to enforce violations.

Council Member Spears clarified his motion to remand this item to Staff and then set a Policy Session to talk about how to simplify the Sign Ordinance. He noted it might come back that the City needs to eliminate every temporary sign and every teardrop sign in the City because maybe that is all that can be staffed, but everyone would be aware of it. He further noted the Ordinance may come back with a charge per sign and everyone would be aware there was a tag on that sign that says there is a charge for that particular sign. He said the final decision would rest with the City Council. He reiterated there is not enough Staff to police all of the current signage; therefore, Staff should bring back a Sign Ordinance that gives consistency to the ability to police sign violations.

City Manager Ulrich noted the new Ordinance would have to provide a balance between resources and what the law should require.

Motion to remand this item to Staff and then set a Policy Session to simplify the Sign Ordinance, as outlined, was approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spears, Turner, Van Auken, Weaver, Chairman Pro Tem Spain – 10;

Nays: None.

**(11-283) Communication from the City Manager and Corporation Counsel
Requesting Adoption of an ORDINANCE Amending CHAPTER 20 of the
Code of the City of Peoria ADDING SECTION 20-111 Pertaining to
POSSESSION of CANNABIS or DRUG PARAPHERNALIA.**

Council Member Weaver moved to defer this item for four weeks, until the July 26, 2011, Regular City Council Meeting to allow for the State's Attorney's Office to supplement efforts to establish this Ordinance; seconded by Council Member Van Auken.

Motion to defer this item until the July 26, 2011, Regular City Council Meeting was approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spears, Turner, Van Auken, Weaver, Chairman Pro Tem Spain – 10;

Nays: None.

- (11-284) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission to ADOPT an ORDINANCE Granting a SPECIAL USE in a Class CG (General Commercial) District for the EXPANSION of a NON-CONFORMING RESTAURANT for Properties Located at 2205 N. KNOXVILLE AVENUE and 118 W. ARCADIA AVENUE or With Recommendation from the Staff to DENY the ORDINANCE.**

Council Member Van Auken moved to concur with the recommendation of the Zoning Commission to adopt an Ordinance granting a Special Use in a Class CG (General Commercial) District for the expansion of a Non-Conforming Restaurant for properties located at 2205 N. Knoxville Avenue and 118 W. Arcadia Avenue; seconded by Council Member Gulley.

Council Member Van Auken noted the business already employed 60 persons and, with the renovations, hoped to add 10 -15 more positions. She also noted their contributions to property taxes and sales tax, as well as HRA. She further noted their support of the community. She added the owner had also communicated with neighbors to identify any potential problems ahead of being asked to do so.

Council Member Turner requested Privilege of the Floor to Peoria resident, Roger Sparks.

Hearing no objections, Chairman Pro Tem Spain granted Privilege of the Floor to Roger Sparks.

Roger Sparks, Peoria resident, expressed concern regarding the number of variances granted to the business. He noted there were 14 and he said he felt it was excessive.

Council Member Sandberg expressed concern regarding the effect of the variances on the residential part of the neighborhood. He said he felt changes to these areas needed to help bring stability to the existing neighborhoods and Petitioners needed to follow the existing rules.

Council Member Akeson noted she had spoken with Director Landes regarding the original intent of the Heart of Peoria Plan, the codifying form districts, and the Land Development Code. She said the intent of it all was to promote a good environment for all, not just for businesses coming in. She said she felt the large number of waivers illustrated the company was getting further away from the City's vision, rather than coming into compliance with existing codes because the City was not asking for this compliance. She noted the improvements on Glen had not only benefited businesses, but had provided a more pedestrian-friendly area for residents. She also noted Midtown Plaza was an example of a project that was approved with numerous waivers, but ended up further blighting the area, rather than saving it as was predicted.

Council Member Rigganbach expressed concern regarding the walkability of Knoxville. He said there were great examples of what could happen all over the City. He cited Hick'ry Stick as an example of a business that was able to recycle an old building in an existing residential area and turned it into a new prosperity. He said he felt Knoxville Avenue would not have the same new urbanism as other areas.

Council Member Turner noted the neighborhood had been in transition for a number of years and this project was another step toward that progress.

Council Member Weaver said he felt the City needed to find a way to satisfy both the business and residents, but he expressed concern about making the Petitioner wait. He said he felt the Council should properly delegate to Staff to see what they could make happen.

Council Member Gulley reminded Council the Staff had recommended denial of the project. He said he had noticed other refurbished McDonald's restaurants in other areas and they all were an improvement to the neighborhoods in comparison to what previously existed. He added all concern brought forward by citizens had been addressed and he would be supporting the motion.

Director Landes noted upon review by Urban Planner Leah Allison, it appeared the original McDonalds restaurant would not comply with current codes if applied for today.

Council Member Weaver said he felt he needed to clarify his point. He said he felt Staff was being overly cautious in anticipation of what the Council wanted. He said the Council needed to be supportive of Staff's efforts.

Chairman Pro Tem Spain said he felt Council needed to understand Staff was bringing forward what was requested. He said he felt the requested changes significantly improved the original structure.

ORDINANCE NO. 16,711 to concur with the recommendation of the Zoning Commission to grant a Special Use in a Class CG (General Commercial) District for the expansion of a Non-Conforming Restaurant for properties located at 2205 N. Knoxville Avenue and 118 W. Arcadia Avenue was adopted by roll call vote.

Yeas: Gulley, Irving, Riggerbach, Turner, Van Auken, Weaver, Chairman Pro Tem Spain – 7;

Nays: Akeson, Sandberg, Spears – 3.

UNFINISHED BUSINESS

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

- (11-183) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to DENY an ORDINANCE Amending an EXISTING SPECIAL USE, Ordinance No. 16,082 as Amended, in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER to Add a FIVE FOOT TALL, THIRTY FOUR SQUARE FOOT MONUMENT SIGN for Property Commonly Known as JUNCTION CITY SHOPPING CENTER with an Address of 5901 N. PROSPECT AVENUE with the Proposed Sign Being Located at 5832 N. KNOXVILLE AVENUE.**

Council Member Riggerbach moved to defer this item for two weeks, until the July 12, 2011, Regular City Council Meeting; seconded by Council Member Van Auken.

Council Member Spears suggested tabling the item, but Council Member Riggerbach assured the City Council the Petitioner would be prepared to move forward with this request without further delay.

Motion to defer this item until the July 12, 2011, Regular City Council Meeting was approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spears, Turner, Van Auken, Weaver, Chairman Pro Tem Spain – 10;

Nays: None.

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

- (11-285) Communication from the Town Clerk Requesting Approval of the ANNUAL TOWN FINANCIAL REPORT (April 1, 2010 - March 31, 2011) for the Town of the City of Peoria, Illinois, Request to Receive and File.**

Trustee Irving moved to approve the Annual Town Financial Report (April 1, 2010 – March 31, 2011) for the Town of the City of Peoria, Illinois, and to receive and file; seconded by Trustee Turner.

Approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spears, Turner, Van Auken, Weaver, Chairman Pro Tem Spain – 10;

Nays: None.

NEW BUSINESS**A FOND FAREWELL TO SENIOR ATTORNEY AND INTERIM HUMAN RESOURCES
DIRECTOR KIMBERLY KING**

Chairman Pro Tem Spain noted Senior Attorney and Interim Human Resources Director Kimberly King had resigned her position with the City, effective at the end of the month. He said she was relocating to Atlanta with her family after 15 years of service to the City. He expressed his thanks to her on behalf of the Council and he wished her well.

CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD**(11-286) REQUEST from CITIZENS to Address the CITY COUNCIL/TOWN BOARD
Regarding Various Items.**

Hearing no objections, Chairman Pro Tem Spain granted Privilege of the Floor to those citizens wishing to address the City Council.

Savino Sierra, Peoria resident, expressed concern regarding individuals walking in the street and he noted he had complained frequently in regard to this issue. He questioned whether or not the City had an Ordinance in place to address this and, if so, why it was not being enforced. He expressed further concern regarding cars stopping in traffic lanes to visit with pedestrians.

EXECUTIVE SESSION

It was determined an Executive Session was not needed.

ADJOURNMENT

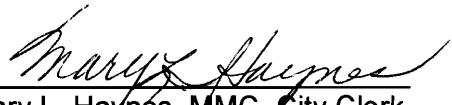
Council Member Van Auken moved to adjourn the Joint City Council/Town Board Meeting; seconded by Council Member Irving.

Approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spears, Turner, Van Auken,
Weaver, Chairman Pro Tem Spain – 10;

Nays: None.

The meeting adjourned at 8:31 P.M.


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

adh