

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

Council Chambers, Peoria, Illinois, July 12, 2011, a Regular City Council 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: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Weaver, Mayor Ardis - 11.  
Absent: None.

**INVOCATION & PLEDGE OF ALLEGIANCE**

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

**PROCLAMATIONS, COMMENDATIONS, ETC.**

PROCLAMATION: Chief Deputy City Clerk Beth Ball – Recognition for Achieving Master Municipal Clerk Certification

**MINUTES**

Council Member Spain moved to approve the minutes of the Joint City Council & Town Board Meeting held on June 28, 2011, and the Special City Council Meeting held on July 6, 2011, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

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:**

- (11-288)      Communication from the City Manager and Director of Public Works  
\*      Requesting Approval of the LOW BID of ORDAZ CONSTRUCTION, in the Amount of \$204,435.40, with Authorization Up To \$224,878.94, (Additional 10% for Contingencies) for SINR CONTRACT #38 for SIDEWALK REPLACEMENT on VIRGINIA, GIFT, and HANSSLER from University to Sheridan.
- (11-289)      Communication from the City Manager and Inspections Director  
Requesting Approval to Execute a TWO-YEAR CONTRACT to the LOWEST BIDDER, SHERWIN WILLIAMS, in an Amount Not to Exceed \$15,000.00, for the 2011 PAINT PROGRAM.
- (11-290)      Communication from the City Manager and Director of Public Works  
Requesting Approval to REPLACE SEVEN STREET LIGHTS on COOPER STREET at an Estimated Cost of \$24,510.00, Using City Funds and Grant Funds from the Neighborhood Association.

- (11-291)  
\*\* Communication from the City Manager and Director of Public Works Requesting Approval of a Total of \$46,377.50 for Both Right-of-Way ACQUISITION and TEMPORARY CONSTRUCTION EASEMENT of Portions of Parcel 13-02-100-005, for the Construction of ORANGE PRAIRIE ROAD from US Route 150 (War Memorial Drive) to Illinois 91/Grange Hall Road/Alta Lane.
- (11-292) Communication from the City Manager, Police Chief and Finance Director/Comptroller Requesting the Following:
- A. Adoption of ORDINANCE NO. 16,712 Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the U.S. DEPARTMENT of JUSTICE EDWARD BYRNE MEMORIAL JAG GRANT, in the Amount of \$118,416.00; And
  - B. Approval and Authorization for the City Manager to Execute an INTERGOVERNMENTAL AGREEMENT Between the CITY OF PEORIA and the COUNTY OF PEORIA Under the EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM Fiscal Year 2011 LOCAL SOLICITATION, in the Amount of \$118,416.00.
- (11-293) Communication from the City Manager, Information Systems Director and Finance Director/Comptroller Requesting to DISPOSE of EXCESS COMPUTERS, MONITORS, PRINTERS, COPIERS and RELATED ITEMS Through State of Illinois Registered Collectors, Recyclers, and Refurbishers of ELECTRONIC WASTE.
- (11-294)  
\*\*\* APPOINTMENTS by Mayor Jim Ardis to the WORKFORCE DEVELOPMENT BOARD, with Request to Concur:
- Vickie Clark (Voting) - Term Expires 10/1/2012\*  
Patrick Urich (Voting) - Term Expires 10/1/2013\*
- (11-295) REPORT of the CITY TREASURER PATRICK A. NICHTING for the MONTH of MAY 2011, 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 Akeson requested that Item No. 11-288 be removed from the Consent Agenda for further discussion.

Council Member Weaver requested that Item No. 11-291 be removed from the Consent Agenda for further discussion.

Council Member Spain requested that Item No. 11-294 be removed from the Consent Agenda for further discussion.

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

Items No. 11-288 through 11-295 (excluding Item Nos. 11-288, 11-291, and 11-294 which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

- (11-288)      Communication from the City Manager and Director of Public Works  
\*              Requesting Approval of the LOW BID of ORDAZ CONSTRUCTION, in the  
                 Amount of \$204,435.40, with Authorization Up To \$224,878.94, (Additional  
                 10% for Contingencies) for SINR CONTRACT #38 for SIDEWALK  
                 REPLACEMENT on VIRGINIA, GIFT, and HANSSLER from University to  
                 Sheridan.**

Council Member Akeson said she was in favor of sidewalk repair, but the system currently used was subjective in nature. She said she had researched the process regarding how sidewalks were evaluated and how it was brought forward to the Council when the Budget allowed. She said she learned that GIS information was needed to assess the sidewalks in need of repair and to determine the number of miles of sidewalks, which needed maintenance, for ranking purposes. She stated she would like to know more about what it would take to support the GIS initiative, which would provide the needed information technology.

Director of Public Works Dave Barber stated he would provide a report back at the next Council Meeting to provide information regarding needed GIS technology for sidewalks.

In discussion with Council Member Turner, Director Barber stated the report back would address needed staffing issues also.

Council Member Van Auken said she agreed with the comments, with the exception that these decisions were made subjectively. She said it was her understanding that professionals evaluated sidewalks and prioritized the projects. She said she agreed Staff should use the advantages of technology available as resources allowed.

Council Member Sandberg recalled that a periodic report used to be received by the Council regarding the SINR program and he felt that reporting system should be reinstated. He said it was his understanding the SINR program was to address sidewalks in the worst condition first and he expressed concern the proposed sidewalks were not the worst of the worst. He stated the sidewalks most in need of repair were located in the First District. He requested a more clear understanding of how the process was implemented. He expressed further concern regarding liability because sidewalks in need of repair had not been funded in a comprehensive fashion in the recent past.

Council Member Gulley expressed concern regarding pedestrian safety in areas of heavy traffic, such as University Street, where sidewalks were in need of repair and could not be used. He said he felt policies and priorities should be reviewed. He questioned how much was left in the sidewalk program after the proposed expenditure was approved and what the plan was for the remainder of the funding in the sidewalk program.

Director Barber reported, after the proposed expenditure, there would be approximately \$75,000 remaining. He stated he would provide information regarding the plan for the sidewalk program in the report back.

Council Member Gulley moved to defer this item for two weeks until the July 26, 2011, Regular City Council Meeting.

Council Member Van Auken expressed concern regarding a deferral due to timing for the construction season.

Director Barber said two weeks would not make a difference unless this money needed to be reprogrammed. He said there may not be enough time to develop a program to spend the money if the proposed expenditure did not move forward. He said his report back would address the specific questions brought forward by Council at this meeting. He said one of the items on his action plan was to come back to Council to discuss the entire sidewalk program in a formal discussion regarding all sidewalk programs.

City Manager Patrick Urich pointed out Staff had been operating under the current guidelines for the SINR program and had been using the portion of the CIP which was budgeted for this program. He said Staff could come back to Council and revisit the previous report and review which areas of the City had been updated, and then come back with revisions. He said the report back should be completed by the next meeting and then Council could hold a comprehensive policy discussion on the bigger issue of the SINR program and the other sidewalk programs.

Mayor Ardis said the proposed project fit the criteria for the SINR program. He stated there was no argument that the proposed area was not the worst area regarding sidewalk conditions. He said he would support a motion to defer this item for two weeks in addition to a request for a report back. He said there may be a strategy to come forward to address sidewalks that were in the worst condition in the proposed area and still make an allocation toward other areas, if it could be completed this year. He said he did not see a need to spend more than \$200,000 just because it was budgeted, if it was needed in another area.

In discussion with Council Member Weaver regarding his question pertaining to what the qualitative process was to determine areas for the SINR program, Director Barber explained the Public Works Staff worked with the Planning Staff to find areas to address defects and fix several sections of a sidewalk to stabilize neighborhoods. He further stated a review was conducted regarding historical significance, environmental, etc. He explained, if a different neighborhood was chosen, the process had to begin fresh and it would not be completed until later this year.

In discussion with Council Member Spears regarding his request for information that could be provided pertaining to the increase of home values in an area where sidewalks had been replaced, Director Barber said he would ask the Assessor if it made a difference regarding how values were calculated and its impact.

Council Member Spears pointed out, if home values were not increased by the program, repair should be done for safety reasons. Director Barber stated he would see if there was a basis, but it was really a safety program. Council Member Spears stated this could provide a road map regarding where money should be spent.

Council Member Van Auken suggested looking at the Heart of Peoria Neighborhood Association area where new sidewalks and street lights were installed. She also pointed out the first property owners to sign up for the Columbia Terrace sidewalk/street light program were the landlords because it enhanced their properties.

Council Member Akeson seconded the motion to defer this item until the July 26, 2011, Regular City Council Meeting.

Motion to defer this item until the July 26, 2011, Regular City Council Meeting, so the Council could be provided with the information requested, was approved by roll call vote.

Yeas: Akeson, Guley, Irving, Sandberg, Spain, Spears, Turner, Weaver, Mayor Ardis - 9;

Nays: Riggensbach, Van Auken - 2.

**(11-291)**  
**\*\***  
**Communication from the City Manager and Director of Public Works**  
**Requesting Approval of a Total of \$46,377.50 for Both Right-of-Way**  
**ACQUISITION and TEMPORARY CONSTRUCTION EASEMENT of Portions**  
**of Parcel 13-02-100-005, for the Construction of ORANGE PRAIRIE ROAD**  
**from US Route 150 (War Memorial Drive) to Illinois 91/Grange Hall**  
**Road/Alta Lane.**

Council Member Weaver requested Staff think about the policy regarding how citizens were approached on temporary easements. He said when a road was installed up to someone's property, he did not feel the City should pay them for a temporary easement when they would be gaining value. He said he would like this reviewed in the future. He added, if some of the citizen's property was damaged in the process of road installation, then the citizen should be paid for that portion.

Council Member Weaver moved to approve a total of \$46,377.50 for both right-of-way acquisition and temporary construction easement of portions of parcel 13-02-100-005, for the construction of Orange Prairie Road from US Route 150 (War Memorial Drive) to Illinois 91/Grange Hall Road/Alta Lane; seconded by Council Member Irving.

Approved by roll call vote.

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

Nays: None.

**(11-294) APPOINTMENTS by Mayor Jim Ardis to the WORKFORCE DEVELOPMENT BOARD, with Request to Concur:**

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**Vickie Clark (Voting) - Term Expires 10/1/2012\***

**Patrick Urich (Voting) - Term Expires 10/1/2013\***

\*Mayor Ardis distributed a replacement communication to all members of the Council changing the term expirations dates for both appointees.

Council Member Spain moved to concur with the appointments of Vickie Clark and Patrick Urich to the Workforce Development Board, as amended, to reflect new term expiration dates; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

**(11-296) Communication from the City Manager Requesting to Approve the CHARTER of the METROPOLITAN POLICY COMMITTEE (MPC) and to Concur with the Mayor's Recommendation that the City Appointees to the Committee be Councilman Bill Spears, Councilman Tim Riggerbach and Councilman Ryan Spain.**

Council Member Spears moved to approve the Charter of the Metropolitan Policy Committee (MPC) and to concur with the Mayor's recommendation that the City appointees to the Committee be Council Member Bill Spears, Council Member Riggerbach and Council Member Ryan Spain; seconded by Council Member Spain.

Council Member Spain said shared services and opportunities to advance the City and County relationship had been discussed and now there was a process in place. He said everyone on the Committee was excited to work toward developing efficiencies that would benefit the taxpayers.

Council Member Riggerbach pointed out, when the City/County Intergovernmental Communications Ad Hoc Committee was initially formed, he and City Manager Patrick Urich were both associated with the County at that time, which exemplified the ongoing process. He said having a matrix that was measurable and objective would be powerful as the Committee continued to meet to bring items forward to the City Council and County Board.

Motion to approve the Charter of the Metropolitan Policy Committee (MPC) and to concur with the Mayor's recommendation that the City appointees to the Committee be Council Member Bill Spears, Council Member Riggerbach and Council Member Ryan Spain was approved by roll call vote.

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

Nays: None.

Clerk's Note: The City/County Intergovernmental Communications Ad Hoc Committee, formerly known informally as the City/County Shared Services Committee, will both be known as the Metropolitan Policy Committee (MPC).

**(11-297) Communication from the City Manager and Corporation Counsel  
Requesting Adoption of an ORDINANCE Amending CHAPTER 5 of the Code  
of the City of Peoria Pertaining to DANGEROUS BUILDINGS, Adding a  
Definition of Dangerous Buildings.**

Council Member Van Auken explained this was a difficult issue for older portions of the City. She discussed the impact of deteriorating buildings on neighborhoods, but she said there was value with looking into this further. She said it could be worthwhile if owners could be found to rehab properties or for a property that may have historic value. She said she saw a need to move quickly on boarded up properties, but there was also a need to salvage those properties that were salvageable. She stated she wanted to make sure the City would not unintentionally encourage people to allow their properties to deteriorate for whatever reason.

Council Member Van Auken moved to grant Privilege of the Floor to Mr. James Bateman.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. James Bateman.

James Bateman, former Council Member and President of the Central Illinois Landmarks Foundation, said he understood the Council's concern regarding problem properties. He said his concern regarded historic properties and how the proposed Ordinance could impact those properties. He said demolition because of neglect could be encouraged by those who do not have the best interest of the City at heart. He suggested exceptions could be made for historic properties. He provided examples of buildings in the City that were currently in use, which could have been lost if the proposed Ordinance was in place in the past.

In discussion with Council Member Sandberg regarding definitions for dangerous buildings and that three minor violations could push a property into demolition court according to the definition in the proposed Ordinance, Corporation Counsel Randy Ray stated this was a tool the City could use, but needed to be used with discretion.

Mayor Ardis suggested an amendment to allow for historic designation.

Council Member Spain pointed out that neighborhood discussions always included problem properties and how to address these issues. He said it was difficult to move properties to the demolition process and many neighborhood leaders were desperate for an Ordinance addressing these kinds of issues. He said hot spots for crime could then be removed from these neighborhoods. He said he felt the proposed Ordinance was needed even though he understood the concerns regarding historic properties and loss of properties through neglect. He said he would be supportive of including some language for exceptions to stabilize neighborhoods.

In discussion with Council Member Akeson regarding if adoption of the proposed Ordinance would be enough to solve the demolition process problems, Director of Inspections John Kunski explained adoption of the proposed Ordinance would provide one more tool to expedite the process. He said this Ordinance would assist in closing a loop to a problem in the Hearing

Officer process. He explained there were some houses that had violations, but did not meet the criteria for a dangerous building. He added this Ordinance would remove these problem properties from the Hearing Officer process and move them into the Demolition Court process.

In discussion with Council Member Gulley who questioned if there were remedies other than demolition of dangerous buildings, Corporation Council Ray stated eminent domain would be an extreme remedy and it would be difficult. He said to take property from one private owner and give it to another private owner could cause complications and was a longer process. He stated it was possible the Court had other remedies at their discretion for repeat offenders and could order repairs to be made within certain time frames.

Council Member Gulley suggested a deferral due to all the questions posed.

In discussion with Council Member Weaver regarding his question pertaining to how often Demolition Court drove an irresponsible homeowner to action, Director Kunski said approximately 150 notices for dangerous buildings had been sent out this year. He said this was the first step and failure for the owner to obtain either a repair permit or a demo permit would begin the process for a Court-ordered demolition. He said his department averaged 50 to 55 Court-ordered demolitions per year. He added approximately 200 demolition permits were issued per year, but some were from the owners. He said, by the time a property entered Court-ordered demolition, there was not much resistance by the owners.

In further discussion with Council Member Weaver regarding funding for demolitions, Director Kunski said funding was just about at its limit for this year. He said there were several demolitions pending and those needed funds would be shifted from commercial funds to residential funds.

Council Member Weaver said he felt a goal should be to get ahead of these problem properties before they moved to the demolition process. He requested a report back regarding the process used by Flint, Michigan, or Genesee, Michigan, to gain control of problem properties in a quicker manner. He said he had discussions with State Representatives in the last few weeks and it may take State action to gain more leverage because Peoria was not the only City to have problem properties in their inner city.

Mayor Ardis said the requested report back could be included in the next City Manager Issues Update.

Council Member Akeson referred to repossession and resale and she said both demolition and eminent domain were extreme measures. She stated she would rather save structures and she suggested crafting a document that would satisfy all concerns.

In discussion, Council Member Sandberg expressed concern that the proposed Ordinance was too broad and allowed for too much discretion.

Council Member Van Auken moved to defer this item for two weeks until the July 26, 2011, Regular City Council Meeting, with the understanding that the City Manager would request both Corporation Counsel Randy Ray and Director of Inspections John Kunski to provide information regarding whether or not the Court could direct a property owner to donate a property to Habitat for Humanity, for example, to eliminate the fines and she further requested that information be provided regarding how historic structures in a historic district, those properties already landmarked, and those properties, which were landmark quality, could be protected; seconded by Council Member Spain.

Council Member Weaver said, if there were certain code violations that would be elevated to a level similar to Council Member Sandberg's concerns, maybe this would be a way to dial in on types of code violations that could get the City into the process quicker. He suggested there could be other portions of the Code that would benefit from the three violation criteria, such as tall grass issues.

Director Kunki explained, with the limited resources his department faced, Inspectors used a common sense approach and dealt with the worst of the worst first. He said this same approach was used by the Hearing Officer. He stated the criteria used must be sufficient to convince a Judge to grant an order for demolition and the system should work well enough that an order for demolition would not be granted for minor infractions.

Motion to defer this item for two weeks until the July 26, 2011, Regular City Council Meeting, with the understanding that the City Manager would request both Corporation Counsel Randy Ray and Director of Inspections John Kunki to provide information regarding whether or not the Court could direct a property owner to donate a property to Habitat for Humanity, for example, to eliminate the fines and that information be provided regarding how historic structures in a historic district, those properties already landmarked, and those properties which were landmark quality, could be protected was approved by roll call vote.

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

Nays: None.

**(11-298) 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 the Following:**

- A. ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to FRONT YARD FENCES;**
- B. ORDINANCE Amending APPENDIX C of the Code of the City of Peoria Relating to FRONT YARD FENCES.**

Director of Planning and Growth Management Pat Landes distributed supplemental information to all members of the Council that Staff had received an additional response indicating that Wardcliffe Neighborhood Association opposed front yard fences.

Council Member Van Auken moved to defer this item until the October 11, 2011, Regular City Council Meeting with the understanding many neighborhood associations, although they have been notified, were not meeting or were not active during the summer and have not had an opportunity to provide input regarding their sense of this issue, and that the City Manager would coordinate a forum for public comment in the middle of September so citizens would have an opportunity to weigh in on this issue; seconded by Council Member Riggerbach.

Council Member Sandberg said, if this item was to be deferred, he felt the Council needed to know how many of the provisions were in the Ordinance. He expressed concern that, if this Ordinance was adopted, a citizen who wanted to invest in their property would be forced to notify neighbors and, if there were any negative comments, the citizen would have to attend a hearing. He expressed further concern that citizens were installing fences without permits and the only citizens having problems were the ones following the process. He suggested tailoring fencing regulations to different characteristics for zoning classifications. He said fences were necessary and provided stability for the neighborhood.



Council Member Riggensbach said he heard from citizens regarding concerns about the way the proposed Ordinance was structured. He expressed concern regarding the inconsistency with the way fencing had been handled in the past. He said he looked forward to more discussion on this topic.

Council Member Gulley requested that Staff review Item No. 4 in the Council communication regarding the limitation on materials. He questioned if Dryvit and concrete, which were new masonry material products, would be allowed.

Council Member Akeson suggested the proposed Ordinance be written with some flexibility of fence heights. She said there were a variety of fence heights, textures, and materials which were respective of architecture. She said she would not want to disturb the historic character of many of the City's neighborhoods.

Council Member Gulley pointed out, under the proposed Ordinance, a stone fence would not be able to be constructed.

Motion to defer this item until the October 11, 2011, Regular City Council Meeting with the understanding many neighborhood associations, although they have been notified, were not meeting or were not active during the summer and have not had an opportunity to provide input regarding their sense of this issue and that the City Manager would coordinate a forum for public comment in the middle of September so citizens would have an opportunity to weigh in on this issue was approved by roll call vote.

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

Nays: None.

**(11-299) Communication from the City Manager and Director of Planning and Growth Management with Request to Receive and File GROWTH CELL STRATEGY REPORT 1996 - 2010.**

Director of Planning and Growth Management Pat Landes distributed supplemental information to all members of the Council.

City Manager Patrick Urich explained Staff would provide a presentation regarding the City's Growth Cell Strategy and the report from 1996 through 2010 and the investment that had been made. He said this presentation originated from Council discussion in the first meeting in May 2011. He said, at that point in time, discussion regarded the collective wisdom of expansion of Orange Prairie Road and Pioneer Parkway extended.

Director of Planning and Growth Management Pat Landes provided a PowerPoint presentation regarding detailed information for all the growth cells, with Growth Cell No. 1 being created in 1996.

Council Member Akeson stated she appreciated the time and effort Staff put into the report. She said she reviewed the report extensively and she had questions regarding the assumptions. She questioned the mathematical equation regarding acres and the assignment of equal value to all acres regardless how the acres were developed. She stated, rather than debating this now, she recommended that the report deserved some scrutiny by experts in the field of mathematics and economics. She added unintended costs of the growth needed to be taken into consideration. She stated she supported smart growth and she referred to the book "Cities without Suburbs" by David Rusk and his subsequent work, which she recommended other Council Members to read. She stated the elasticity issues could not be picked out without taking into consideration all the other strategies for which Mr. Rusk advocates.

Council Member Akeson stated it was obvious there were more residential and commercial developments than were in the Growth Cells before, but as the City moved forward, she questioned if the City could afford this type of growth. She said, if it was found the City could not afford this type of growth, the City should develop growth that was a revenue generator. She suggested enlisting the services of Bradley University, with perhaps Professor Goitein weighing in. She referred to tax numbers and was unsure if that information was available or not and, beyond that, recoup of costs were needed because a Sanitary Sewer District report showed the City had recovered 54% of the costs of their capital improvement. She said there were many unanswered questions and estimates. She suggested a report with more specific and accurate data was needed.

Council Member Weaver requested a copy of the Greater Peoria Sanitary District information.

Council Member Sandberg said he also had reservations regarding some of the gross numbers and the make-up of the gross numbers in this report. He said he did not know what was included in the \$42 million number, such as the Wilhem bridge that was being constructed. He said he felt the report was narrow in perspective and it did not take taxpayers into consideration. He provided some examples regarding utility taxes and energy usage comparisons, which he said could impact revenue generation. He added the report did not recognize possible shifting of revenue pertaining to the Walmart and Menards developments. He said this report should not be used as a template for the future because of dangerous assumptions, which diminished and warped the value of new growth areas, as those assumptions would not hold true in practicality.

Council Member Turner commended Staff for their work and he said he did not feel there would be mathematician or economist volunteers who would second guess the work performed by Staff. He pointed out, without the vision and implementation of the Growth Cell Strategy in 1996, there would be much less residential and commercial development, and substantially less tax revenue, than the City had now. He said people relocated to the City of Peoria due to the Growth Cell Strategy. He said his former occupation entailed bringing people to Peoria to relocate from all over the world and the results of the Growth Cell Strategy changed peoples' minds to choose Peoria over other areas in which they could live. He said it made a difference in this community. He said opposing this type of growth strategy would kill a City, because a City had to have growth to survive.

Council Member Akeson quoted a person from the Federal Reserve Bank and she said, if the Growth Cell Strategy was to be continued, she felt there was evidence the Planning Department understood commercial development was needed along with residential development. She said she felt it would be in the City's best interest to work with someone who could review this report, as the mathematics were not accurate and these numbers should not be used for future decision making.

Council Member Irving pointed out his house was in Growth Cell One and he assured the Council that if the Growth Cell had not been developed, he would not live in Peoria. He said the Growth Cell area met the needs of his family and were the same things other families looked for in a community. He discussed the increase in EAV and annual revenues and he said that Growth Cell revenue funded projects all over the City. He questioned where the City would be today without the revenue from the Growth Cells. He said he had no concerns about reviewing the report further, but it defied logic to say the Growth Cells were not working.

Council Member Irving moved to receive and file the Growth Cell Strategy Report 1996 – 2010; seconded by Council Member Turner.

Council Member Weaver said this was an important topic during the recent campaign for the At-Large City Council Member election because there are many citizens who do not believe the Growth Cells were working for the benefit of the City. He said he dealt with facts, and as he reviewed the report he felt everyone would be taking these numbers into consideration over the next few years when these topics were discussed. He said the numbers he would remember were that 7% of the population lived in the Growth Cell areas and 10% of the acres were located in this area, and the Growth Cell generated 14% of the revenue. He added there was \$14 million in revenues with \$8 million in expenditures, which he indicated showed profit.

Council Member Van Auken said she supported a community which had many choices. She stated some of the realities were that she represented one of the most densely populated Districts in the City and in her block, there were 16 properties and 16 households, which were served by City services versus, in the newer areas, there may only be two households served in one block. She pointed out taxes for each block were approximately the same, but were divided differently and her District received more Public Safety services, street and curb repairs, etc. than an area in the newer section of the City. She said there were trade-offs and it was wrong to pit areas of the City against one another.

Mayor Ardis said he felt these were legitimate questions regarding this report. He commended Staff for their work on this report because the report was one of the most comprehensive analyses he had seen. He said the questions needed to be acknowledged and fine tuned. He said he was sure the City Manager would assist with focusing on this initiative and he felt it was always good to use the expertise of Bradley University and other assistance available in the community, as the City Staff did not have the time or resources. He stated this was a good starting point and he pointed out the net revenue was positive and he clearly felt the strategy had been successful, but there was always room for improvement. He said he felt the Council would have more input regarding assumptions when the next report came forward.

Council Member Spears recalled back to 1996 when someone suggested the City could expand by providing sewer services rather than purchasing the water company. He said the highest tax rate in the City was passed during that time also to assist in funding the Growth Cell area. He questioned what the on-going maintenance would be for this area. He stated he felt the Growth Cell development was needed for many reasons, but as this moved forward, the Council needed to find ways to encourage people to move back into the City. He questioned the \$35 million in operation costs and what that included. He said maintenance costs and the return on investment needed to be considered long term. He said these details should be addressed in the next report.

Council Member Riggerbach thanked Director Landes and her Staff for the volume of information provided in such a short time. He said it was important to remember that reports like these began with assumptions and this was acknowledged at the beginning of the presentation. He discussed the success of the Growth Cell areas and the need for this strategy. He said he supported smart growth and he said the City, County, and Sanitary Sewer District were involved in this initiative for smart growth. He said methodical growth of subdivisions was healthy for the community, but the City was almost at the end of the time when the City could grow through annexation. He encouraged Council to maintain the same kind of vision for future infill development as was evident when the Growth Cells were established.

In discussion with Council Member Weaver regarding how to proceed, Mayor Ardis stated Council had identified different ways to measure the Growth Cell information and Council Members should provide input to the City Manager. He added he was sure the City Manager was made aware of the Council's questions and suggestions. He stated he would expect additional reports from Staff would be fine tuned.

Motion to receive and file the Growth Cell Strategy Report 1996 – 2010 was approved by roll call vote.

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

Nays: Sandberg - 1.

### **UNFINISHED BUSINESS**

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

- (11-030) Communication from the City Manager and Director of Planning and Growth Management with Recommendation to Concur with Either the Recommendation from the Historic Preservation Commission to Adopt ORDINANCE "A" OR to Adopt ORDINANCE "B" Amending CHAPTER 16 of the Code of the City of Peoria Relating to CERTIFICATE OF APPROPRIATENESS FEES, and Receive and File the Supplemental Information. (Refer to 10-465)**

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

Motion to Table this item was approved by roll call vote.

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

Nays: None.

- (11-038) Communication from the City Manager and Director of Planning and Growth Management with Request to Concur with the Recommendation from the Historic Preservation Commission to Adopt ORDINANCE "A" OR ORDINANCE "B" OR ORDINANCE "C" Amending CHAPTER 16 of the Code of the City of Peoria Relating to DESIGNATION FEES, and to Receive and File the Supplemental Information.**

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

Motion to Table this item was approved by roll call vote.

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

Nays: None.

- (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; AND WITH**

**SUPPLEMENTAL COMMUNICATION AND REPLACEMENT ORDINANCE from the City Manager and Director of Planning and Growth Management with Recommendation from Staff to Adopt a REPLACEMENT 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 25.5 SQUARE FOOT SIGN to the Existing MULTI-TENANT FREESTANDING SIGN for the JUNCTION CITY SHOPPING CENTER Located at 5901 N. PROSPECT ROAD.**

Following a brief comment, Council Member Riggerbach moved to receive and file the Supplemental Communication and to concur with the recommendation from the Staff to adopt the replacement Ordinance amending an Existing Special Use, Ordinance No. 16,082, as amended, in a Class C2 (Large Scale Commercial) District for a Shopping Center to add a 25.5 square foot sign to the existing Multi-Tenant Freestanding Sign for the Junction City Shopping Center located at 5901 N. Prospect Road; seconded by Council Member Spain.

Motion to receive and file the Supplemental Communication and to adopt the ORDINANCE NO. 16,713 amending an Existing Special Use, Ordinance No. 16,082, was approved by roll call vote.

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

Nays: Sandberg - 1.

**(11-235) Communication from the City Manager and Communications Manager Regarding REPORT BACK on QUESTIONS Raised Concerning CATERING at the GATEWAY BUILDING with Request to Approve ONE of the Proposed Recommendations And Request to Receive and File the Report Back. (New Communication)**

Council Member Spain moved to receive and file the Report Back regarding questions raised concerning catering at the Gateway Building and to adopt Staff option No. 1, which was to request Staff to advertise a Request for Proposals to fill the remaining two caterer openings at the Gateway Building, requiring an annual fee of no less than \$300.00 and 16% of gross sales for caterers in the City of Peoria, and 20% gross sales for caterers outside the City of Peoria; seconded by Council Member Turner.

Council Member Sandberg stated he preferred Option 2 because it offered the same ability to allow more people at the same rate, but it would not limit it to two additional caterers. He said he felt as many caterers should use the public building as possible.

Council Member Weaver moved to grant Privilege of the Floor to Mr. James Barrack and anyone else who wished to address the Council.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. James Barrack and anyone else who wished to address the Council.

James Barrack, President of Barrack's Cater Inn, said he had been using the Gateway Building since it was built and they catered approximately 60 events at the facility in a year. He said he was the only caterer who held a liquor license and he explained the facility's challenges of not having a full kitchen. He said anyone who caters there needed experience in keeping foods at the correct temperatures and he discussed his investment of \$15,000 to \$20,000 for an ice machine, dishwasher, plumbing, a water heater, additional cooler space, and supplies. He said there was six to eight weeks to return the bid to the City and he complied with that requirement, as well as one other caterer. He stated increasing the number of caterers would not necessarily mean increased revenue for the Gateway Building because it would only cause more problems for the Park District.

In discussion with Council Member Akeson regarding Mr. Barrack's investment in a public building and her question if there was any return on his investment from other caterers, Mr. Barrack explained clients booked the Gateway Building through the Park District and they charge a rental fee for the room. He said his investment was for his Staff and to provide a better service to his clients.

Council Member Weaver said Mr. Barrack probably knew the Gateway Building better than anyone and he recommended using Mr. Barrack's experience and knowledge to assist in marketing the building properly.

Mayor Ardis stated the Council had held two previous discussions regarding the Gateway Building and the City Manager would be working on a better process. He said he felt the facility needed some basic essentials for food preparation, etc., which would be reviewed also.

In discussion with Council Member Sandberg regarding a breakdown of percentages for various caterers, Superintendent of the Riverfront Division for the Peoria Park District Bill Roeder explained he provided a monthly report to the City's Finance Department with that information. City Manager Ulrich indicated he would provide the information to the Council.

Council Member Irving expressed concern regarding consistencies in being fair to the two caterers who followed the process. He said he would not support Option No. 1.

Andrew Speck, owner of Haddad's Downtown, said he owned a new restaurant and he had not received a bid to be a part of the process. He said he answered the call to bid and he felt he should be given an opportunity to provide a bid for the Gateway Building, which was publically funded.

Motion to receive and file the Report Back regarding questions raised concern catering at the Gateway Building and to adopt Staff option No. 1, which was to request Staff to advertise a Request for Proposals to fill the remaining two caterer openings at the Gateway Building, requiring an annual fee of no less than \$300.00 and 16% of gross sales for caterers in the City of Peoria, and 20% gross sales for caterers outside the City of Peoria, was approved by roll call vote.

Yeas: Gulley, Riggerbach, Spain, Spears, Turner, Van Auken, Weaver - 7;

Nays: Akeson, Irving, Sandberg, Mayor Ardis - 4.

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

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

Council Member Irving moved to concur with the appointment by Mayor Jim Ardis of Steve Pierz to the Historic Preservation Commission, as outlined; seconded by Council Member Spears.

Approved by roll call vote.

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

Nays: Sandberg - 1.

**(11-281) Communication from Mayor Ardis Requesting to Reconsider and Place Item No. 11-281, the SITE APPLICATION at 801 - 803 S.W. ADAMS on the Council Agenda for July 12, 2011, And, if Reconsideration Passes, Requesting Action be Taken on the Following:**

**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 reconsider the vote taken on Item No. 11-281 at the June 23, 2011, Joint City Council and Town Board Meeting, 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; seconded by Council Member Spain.

Motion to reconsider the vote on Item No. 11-281 to deny a Site Application for 801 – 803 S. W. Adams was approved by roll call vote.

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

Nays: None.

Mayor Ardis thanked the Council for their vote for reconsideration. He said discussion had been held with Corporation Counsel Ray and he clarified there would be stipulations regarding adult use at this location and how it pertained to the location. He said he talked with the owner of the Ball Stadium and they understood an adult use establishment would not be located next to the Ball Stadium and it would fit in the atmosphere they wanted to enhance.

Council Member Turner moved for a substitute motion to approve 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, with the conditions that the adult use license be surrendered before a Liquor License was granted and the property would not be eligible for an adult use license as long as the Liquor License was in place; seconded by Council Member Irving.

In discussion with Council Member Sandberg, Corporation Counsel Randy Ray stated the conditions would take precedence if the laws changed regarding adult use and the liquor license.

Council Member Sandberg point out it was illegal now for a liquor establishment to have an adult use license at the same location so he felt if that law changed, then the condition should be eliminated.

In further discussion, Corporation Counsel Ray stated the Council could always remove a condition, but by granting this Site Approval with conditions, they would have to come back before Council if the owner wanted to become an adult cabaret.

Substitute motion to approve 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, with the conditions that the adult use license be surrendered before a Liquor License was granted and the property would not be eligible for an adult use license as long as the Liquor License was in place was approved by roll call vote.

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

Nays: None.

### **NEW BUSINESS**

**(11-300) REQUEST by COUNCIL MEMBER AKESON to Hold FURTHER DISCUSSION to CRAFT a new HISTORIC PRESERVATION ORDINANCE and Possibly Expand the Group that had been Established for this Purpose.**

Council Member Akeson requested that the Council consider a joint venture between the Central Illinois Landmarks Foundation, the Historic Preservation Commission, the Historic Heritage Neighborhoods, and any other concerned groups who had an interest in historic preservation to come together to work out a strategy and to create an Historic Preservation Ordinance for all concerned and to advance the concept of historic preservation and to work to

educate the community regarding the benefits of historic preservation. She said she felt it would only be effective if the Mayor and Council work in conjunction with these groups so everyone felt they had a partnership in the evolution of an Ordinance. She said she understood there was already a group that was established, but she would like to expand that group.

Mayor Ardis suggested that Council Member Akeson hold a discussion with the group that was already established and report back regarding their status. He stated he felt there needed to be a tighter focus and then be brought back for discussion.

Council Member Akeson agreed.

Council Member Van Auken said she felt it was important for the Council to send a message to the community under the leadership of Mayor Ardis that this was serious and was important to the Council.

Council Member Van Auken moved to grant Privilege of the Floor to Mr. James Bateman.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. James Bateman.

James Bateman, former Council Member and President of the Central Illinois Landmarks Foundation, welcomed any offers of support or exchange with City Council Members. He expressed concern there were times when the preservation community felt the Council was against them. He said the Foundation would like to work with the Council and the Historic Preservation Commission on education. He said other communities used historic preservation as a tourism generator and an economic tool. He said he looked forward to further discussions.

Council Member Van Auken said Chairman Powers was gathering information for the committee started by Mayor Ardis for the next meeting. She requested direction regarding who should be included in that meeting.

Mayor Ardis stated, since Council Member Weaver and Council Member Akeson had requested to be included, he requested that Council Member Van Auken work to coordinate that. He said he would like some recommendations regarding education and also suggestions for crafting a historic ordinance.

**COMMENTS Regarding ROAD REPAIRS at the INTERSECTION OF UNIVERSITY and GLEN AVENUE During the HEART OF ILLINOIS FAIR**

Council Member Sandberg expressed his concern, as well as expressing concern for citizens who had contacted him, regarding the road repairs at the intersection of University and Glen Avenue during the Heart of Illinois Fair, which was located nearby. He stated there would be more traffic and lane reductions that would negatively impact travel in the area.

**ANNOUNCEMENT Regarding a NEIGHBORHOOD CLEANUP at ST. BERNARD'S SCHOOL on SATURDAY, JULY 16, 2011**

Council Member Spain invited Council and citizens to attend a Neighborhood Cleanup that would begin at St. Bernard's School at 9:00 A.M. on Saturday, July 16, 2011. He said this would engage over one hundred kids who participated in the Youth Basketball League during the summer and they were going to give back to the community.



**ANNOUNCEMENT Regarding FAMILY FUN FEST on SATURDAY, JULY 23, 2011, at the NEW GLEN OAK SCHOOL**

Council Member Riggenbach announced a Family Fun Fest Day on Saturday, July 23, 2011, at the new Glen Oak School from 11:00 A.M. until 3:00 P.M. He said this was the second in a series and was a collaboration between several churches and several businesses to provide a good and wholesome atmosphere. He invited the Council and citizens to attend.

**REQUEST for SANGER STREET to be Included in the CIP for Review**

Council Member Weaver requested that Sanger Street be included in the CIP. He said he had received several complaints.

**INTRODUCTION of COUNCIL MEMBER RIGGENBACH'S DAUGHTER**

Council Member Riggenbach introduced his daughter, Amanda Riggenbach, who was a 7<sup>th</sup> Grade Student at VonSteuben Middle School. He said she had great interest in the City Council Meeting. Mayor Ardis and the Council welcomed her.

**CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD****(11-301) 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, a Peoria resident, expressed concern regarding citizens who used illegal fireworks to celebrate the 4<sup>th</sup> of July holiday.

Lavetta Ricca, a Peoria resident, expressed concern regarding the condition of sidewalks in the Southside. She said some of the deplorable sidewalks were in the areas of schools, which resulted in children walking in the streets. She also expressed concern regarding boarded up housing in her area and that, due to no floor drains in these older homes, dangerous conditions like mold developed. She urged the Council to work toward removing these dangerous situations from neighborhoods.

**EXECUTIVE SESSION****(11-302) Consideration of a Motion to enter into EXECUTIVE SESSION to Discuss 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 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 Spain moved to enter into Executive Session to discuss 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 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: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spain, Spears, Turner,  
Van Auken, Weaver, Mayor Ardis - 11;

Nays: None.

### **ADJOURNMENT**

Council Member Weaver moved to adjourn the Regular City Council Meeting; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

The meeting adjourned at 9:20 P.M.

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