

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

Council Chambers, Peoria, Illinois, January 10, 2012, 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 (arrived at 6:40 P.M.), Irving, Riggerbach, Sandberg, Spain, Turner, Van Auken, Weaver, Mayor Ardis - 10. Absent: Spears - 1.

**INVOCATION & PLEDGE OF ALLEGIANCE**

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

**MINUTES**

Council Member Spain moved to approve the minutes of the Regular City Council Meeting held on December 13, 2011, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Akeson, Irving, Riggerbach, Sandberg, Spain, Turner, Van Auken, Weaver, Mayor Ardis - 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:**

- (12-001)      Communication from the City Clerk and the City Manager Requesting Approval of a SOLE SOURCE PURCHASE from QUESTYS SOLUTIONS, in the Amount of \$35,229.00, for TECHNOLOGY UPGRADE to the PAPERLESS AGENDA PROCESS and IMPLEMENTATION OF RECORDS 24/7 in the Office of the City Clerk.**
- (12-002)      Communication from the City Manager Requesting Approval of a FACADE IMPROVEMENT GRANT, in the Amount of \$17,911.50 for Property at 1245 W. MAIN STREET (\$17,911.50 Project Applicant's Share and \$17,911.50 City Facade Grant) as Stipulated by the WEST MAIN STREET FACADE IMPROVEMENT PROGRAM.**
- (12-003)      Communication from the City Manager Requesting Approval of a FACADE IMPROVEMENT GRANT, in the Amount of \$18,312.00, for Property at 1229-1231 W. MAIN STREET (\$18,313.00 Project Applicant's Share and \$18,312.00 City Facade Grant) as Stipulated by the WEST MAIN STREET FACADE IMPROVEMENT PROGRAM.**
- (12-004)      Communication from the City Manager and Corporation Counsel  
\*              Requesting Approval of a CITY OF PEORIA MODEL LEASE.**

- (12-005) Communication from the City Manager and Corporation Counsel Requesting Authorization to Retain the Firm of QUINN, JOHNSTON, HENDERSON and PRETORIOUS to Represent the City and Its Police Officers in the Case of WASHINGTON V. CITY OF PEORIA, ET AL, CASE NO. 09-L-188.
- (12-006) Communication from the City Manager and Corporation Counsel Requesting Approval of RESOLUTION NO. 12-006 Releasing the MINUTES of CLOSED MEETINGS LISTED on SCHEDULE A and Finding the Need for Confidentiality Remains as to the Minutes of Schedule B.
- (12-007)  
\*\* Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 31, SCHEDULE A, of the Code of the City of Peoria Prohibiting the Use of Groundwater as a Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by Any Other Method.
- (12-008)  
\*\*\* Communication from the City Manager and Acting Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Amending Ordinance No. 15,584, an EXISTING SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER to Add a SPORTS FIELD for Properties Located at 7618 - 7810 N. IL ROUTE 91, with Conditions.
- (12-009) Communication from the City Manager and Acting Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt ORDINANCE NO. 16,784 Amending APPENDIX C of the Code of the City of Peoria to Add a SPECIAL USE APPROVAL PROCESS for EXISTING DEVELOPMENT in a FORM DISTRICT Requesting Waivers Subject to FORM DISTRICT REGULATIONS.
- (12-010) REPORT of the CITY TREASURER PATRICK A. NICHTING for the Month of NOVEMBER 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 Members Sandberg requested that Item Nos. 12-004, 12-007, and 12-008 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 Weaver.

Items No. 12-001 through 12-010 (excluding Item Nos. 12-004, 12-007, and 12-008 which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Akeson, Irving, Riggenbach, Sandberg, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 9;

Nays: None.

**(12-004)      Communication from the City Manager and Corporation Counsel  
\*              Requesting Approval of a CITY OF PEORIA MODEL LEASE.**

Council Member Sandberg expressed concern regarding language in the lease pertaining to the number of occupants permitted and the assignment of responsibilities for snow removal from driveways, parking areas, and sidewalks. He questioned if this would place a burden on tenant or investment property owners that would not exist for homeowners in the City.

Corporation Counsel Randy Ray stated the lease was proposed for a landlord and the lease did not indicate the City would prosecute in any way if the sidewalk or driveway was not cleared. He said the City would not be directly involved in this.

Following further discussion, Council Member Spain moved to approve the City of Peoria model lease; seconded by Council Member Van Auken.

In discussion with Council Member Van Auken, Corporation Counsel Ray confirmed the lease was reviewed and approved by landlords and the Prairie State Legal Services firm, who often assisted tenants with legal matters. He further confirmed the use of the proposed lease was not mandatory.

Motion to approve the City of Peoria model lease was approved by roll call vote.

Yeas: Akesson, Irving, Riggerbach, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 8;

Nays: Sandberg - 1.

**(12-007)      Communication from the City Manager and Corporation Counsel  
\*\*              Requesting Adoption of an ORDINANCE Amending CHAPTER 31,  
                 SCHEDULE A, of the Code of the City of Peoria Prohibiting the Use of  
                 Groundwater as a Potable Water Supply by the Installation or Use of  
                 Potable Water Supply Wells or by Any Other Method.**

Council Member Sandberg moved to defer this item for two weeks until the January 24, 2012, Regular City Council Meeting so it could be determined what kind of notice was given to affected property owners; seconded by Council Member Spain.

Motion to defer this item until January 24, 2012, was approved by roll call vote.

Yeas: Akesson, Irving, Riggerbach, Sandberg, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 9;

Nays: None.

**WELCOME to DIGNITARY IN ATTENDANCE**

Mayor Ardis noted former Mayor Dave Ransburg was in attendance at the Council Meeting and he welcomed him and thanked him for attending.

**(12-008)      Communication from the City Manager and Acting Director of Planning and  
\*\*\*              Growth Management with Recommendation from the Zoning Commission  
                 and Staff to Adopt an ORDINANCE Amending Ordinance No. 15,584, an  
                 EXISTING SPECIAL USE in a Class C-2 (Large Scale Commercial) District  
                 for a SHOPPING CENTER to Add a SPORTS FIELD for Properties Located  
                 at 7618 - 7810 N. IL ROUTE 91, with Conditions.**

Council Member Sandberg referred to the Site Plan and expressed concern regarding the three foot width of the sidewalk from the parking lot through the site. He pointed out people using wheelchairs would have difficulty navigating the length of the proposed sidewalk to the ball field, which was several hundred feet long.

Acting Director of Planning and Growth Management Ross Black explained the Illinois Accessibility Code required 36 inches for a sidewalk. He said he learned, after talking with the engineer, there was room to expand the sidewalk to four feet to allow for more maneuverability.

Council Member Sandberg moved to adopt the Ordinance amending Ordinance No. 15,584, an Existing Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center to add a Sports Field for properties located at 7618 – 7810 N. IL Route 91, with conditions, as amended to modify the requirement to a four foot wide sidewalk; seconded by Council Member Akeson.

In discussion with Council Member Irving who explained this would be a private ball field and would not have an excessive amount of traffic in the area, Acting Director Ross Black explained this could potentially be considered a private club under ADA and Illinois Accessibility standards, and would not have to meet any of the accessibility standards. He stated he would not make a recommendation regarding that issue. He further confirmed the proposed project met the 36 inch sidewalk requirement as presented.

Council Member Irving moved to amend the motion by removing Condition #1) Rooftop mechanical equipment on the Tilted Kilt building must be screened, and removing Condition #2) Written approval or no objection from IDOT must be submitted to the Planning & Growth Management Department, from the Ordinance; seconded by Council Member Turner.

Council Member Gulley arrived at 6:40 P.M.

Amendment to the motion removing Condition #1) Rooftop mechanical equipment on the Tilted Kilt building must be screened, and removing Condition #2) Written approval or no objection from IDOT must be submitted to the Planning & Growth Management Department, from the Ordinance, was approved by roll call vote.

Yeas: Gulley, Irving, Riggerbach, Sandberg, Spain, Turner, Van Auken, Weaver,  
Mayor Ardis – 9;

Nays: Akeson - 1.

Council Member Irving urged the Council not to support the expanded sidewalks to four feet because this ball field would be private and there would not be a great deal of public traffic.

Motion to adopt the Ordinance amending Ordinance No. 15,584, an Existing Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center to add a Sports Field for properties located at 7618 – 7810 N. IL Route 91, with conditions, and removing Condition #1) Rooftop mechanical equipment on the Tilted Kilt building must be screened, and removing Condition #2) Written approval or no objection from IDOT must be submitted to the Planning & Growth Management Department, from the Ordinance, and as amended to modify the requirement to a four foot wide sidewalk was DEFEATED by roll call vote.

Yeas: Akeson, Gulley, Riggerbach, Sandberg, Spain - 5;

Nays: Irving, Turner, Van Auken, Weaver, Mayor Ardis - 5.

Council Member Irving moved to adopt the Ordinance amending Ordinance No. 15,584, an Existing Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center to add a Sports Field for properties located at 7618 – 7810 N. IL Route 91, with conditions, as amended by removing Condition #1) Rooftop mechanical equipment on the Tilted Kilt building must be screened, and removing Condition #2) Written approval or no objection from IDOT must be submitted to the Planning & Growth Management Department from the Ordinance; seconded by Council Member Turner.

ORDINANCE NO. 16,785, as amended, and amending Ordinance No. 15,584 was adopted by roll call vote.

Yeas: Gulley, Irving, Riggerbach, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 8;

Nays: Akeson, Sandberg - 2.

**(12-011) Communication from the City Manager and Director of Public Works  
Requesting Approval of a PLAN to IMPROVE WASHINGTON STREET from  
HARRISON STREET to MAIN STREET.**

Council Member Spain moved to approve the plan to improve Washington Street from Harrison Street to Main Street; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

**(12-012) Communication from the City Manager and Director of Public Works  
Requesting Approval of an AGREEMENT for ENGINEERING SERVICES with  
HANSON PROFESSIONAL SERVICES, INC., in an Amount Not to Exceed  
\$490,000.00, for the PHASE II DESIGN of WASHINGTON STREET from  
HARRISON STREET to HAMILTON BOULEVARD.**

Council Member Gulley moved to approve an Agreement for engineering services with Hanson Professional Services, Inc., in an amount not to exceed \$490,000.00, for the Phase II Design of Washington Street from Harrison Street to Hamilton Boulevard; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

**(12-013) Communication from the City Manager and Corporation Counsel  
Requesting Approval of the REDEVELOPMENT AGREEMENT Between the  
City of Peoria and OSF FINANCE COMPANY, LLC.**

Corporation Counsel Randy Ray distributed a copy of a memo outlining a proposed amendment to Section 1.2 of the proposed Agreement pertaining to Street Vacation.

Council Member Akeson stated she would be abstaining from the discussion and voting due to a family member being a member of the Executive Board of Directors for OSF Medical Center.

Council Member Riggerbach moved to approve the Redevelopment Agreement between the City of Peoria and OSF Finance Company, LLC, as amended to include the addition of a sentence at the end of Section 1.2 that would read "The City agrees to provide snow removal for vacated Missouri Avenue and Armstrong Streets for a period of five (5) years after the date of vacation at no charge to the Master Redeveloper."; seconded by Council Member Van Auker.

In discussion with Council Member Riggerbach, City Manager Patrick Ulrich provided an overview of the Council communication and the proposed Redevelopment Agreement. He explained the area encompassed from Knoxville and Illinois Street to the north to Perry Street to Wayne Street and along Pennsylvania Avenue. He said this was generally the OSF institutional footprint as well as a couple of additional blocks.

City Manager Patrick Ulrich outlined points of the Agreement and he explained OSF was trying to develop additional taxable investment into the area. He said all the property tax revenue generated in the area of the new increment would be staying within the area for the next 23 years or the life of the TIF. He stated the intent was for OSF to invest in this area to encourage growth and utilize the additional tax proceeds, which would be generated. He added, with the simulation training center, this would be an approximate \$52 million project.

In further discussion, City Manager Ulrich stated the proposed agreement would be consistent with the Institutional Plan adopted by Council in 2009. After outlining all the reasons, he urged the Council to vote in favor of the agreement because it was an opportunity for the City to work with one of their largest employers who would be making a significant investment in the East Bluff neighborhood. He said he felt strongly this was something the City Council should support.

Council Member Riggerbach said this project would jump start residential redevelopment as well. He urged the Council to support the proposed agreement.

In discussion with Council Member Sandberg, City Manager Ulrich clarified that within the master redevelopment area surrounding OSF's institutional footprint, the EAV in 2010 was \$4,422,000.

Council Member Sandberg expressed concern that the agreement indicated 90% was going back to the developer and only 10% would be going toward the public infrastructure. He pointed out the master developer, at their sole discretion, could decide whether or not they wanted to do any of the public improvements. He said he felt this would be a good incentive for the developer, but would be an unfunded liability in the future for the public sector. He said the developer would receive 90% of their taxes back for 23 years and the City would not receive their \$40 million.

City Manager Ulrich commended OSF for their proposed investment in this area. He pointed out OSF had invested more in this area than anyone. He said he felt they would continue to provide that type of investment in the area. He agreed it was at their sole discretion regarding whether or not they would invest in public improvements, but in order to capture \$95 million worth of eligible redevelopment expenses, OSF would have to invest in public improvements on their institutional footprint. He added the City would be vacating Armstrong Avenue and a portion of Missouri Avenue and both streets would be improved.

Council Member Sandberg moved to grant Privilege of the Floor to Mr. Roger Sparks.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. Roger Sparks.

Roger Sparks, a Peoria resident and Member of the Mayor's Advisory Commission for the Disabled, discussed areas of the redevelopment area that needed special attention due to their danger to pedestrians and those using wheelchairs. He said the northeast corner of Peoria Street and Pennsylvania sidewalk was dangerous and there was no warning there were stairs involved. He said there were no curb cuts on Pennsylvania and Missouri Streets and there was a steep slope, which was on a bus route. He also pointed out the intersection of Pennsylvania and California included steps with no railing. He said these were areas that needed attention due to public safety concerns.

Mayor Ardis said he understood Council Member Sandberg's concerns and he admitted the proposed agreement was not perfect, but he discussed the lack of investment in the area in the recent past. He said OSF could have built this development on their property on Route 91, but the City was fortunate the redevelopment was happening to maintain strength in the urban core. He said he felt this would attract residential development in the area. He added he could provide information regarding the millions of dollars OSF writes off every year to provide healthcare for those who could not pay.

Motion to approve the Redevelopment Agreement between the City of Peoria and OSF Finance Company, LLC, as amended to include the addition of a sentence at the end of Section 1.2 that would read "The City agrees to provide snow removal for vacated Missouri Avenue and Armstrong Streets for a period of five (5) years after the date of vacation at no charge to the Master Redeveloper." was approved by roll call vote.

Yeas: Gulley, Irving, Riggerbach, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 8;

Nays: Sandberg – 1;

Abstention: Akeson - 1.

**(12-014) Communication from the City Manager and Acting Director of Planning and Growth Management with Request to Concur with the Recommendation from the Zoning Commission to ADOPT OR with the Recommendation from Staff to DENY an ORDINANCE Rezoning Properties Located at 7417 and 7425 N. KNOXVILLE AVENUE from the Present Class R-2 (Single Family Residential) District to a Class O-1 (Arterial Office) District.**

Council Member Irving moved to concur with the recommendation from the Zoning Commission to adopt Ordinance "A" rezoning properties located at 7417 and 7425 N. Knoxville Avenue from the present Class R-2 (Single Family Residential) District to a Class O-1 (Arterial Office) District; seconded by Council Member Turner.

Council Member Sandberg expressed concern regarding development trends in the area and the density, which had evolved over time. He said there was a residential community abutting this site and there were residents concerned about this situation. He said he would only support the Staff's recommendation to deny.

ORDINANCE NO. 16,786 was adopted by roll call vote.

Yeas: Gulley, Irving, Riggerbach, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 8;

Nays: Akeson, Sandberg - 2.

- (12-015) **Communication from the City Manager and Acting Director of Planning and Growth Department with Request to Concur with the Recommendation from the Zoning Commission to Adopt ORDINANCE "A" OR to Concur with the Recommendation from Staff to Adopt ORDINANCE "B" Amending Ordinance 13,391, an EXISTING SPECIAL USE as Amended, in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER Commonly Known as WESTLAKE SHOPPING CENTER and Includes Addresses of 2515, 2601, and 2701 W. LAKE STREET and 4221 N. STERLING AVENUE to:**
- A. Obtain Approval for a BUILDING ADDITION to the South End of the Main Shopping Center Building with an Address of 2601 W. LAKE STREET, with a Waiver for Front Yard Setback;**
  - B. Revise the EXISTING FREESTANDING SIGN to Reconfigure certain Design Elements;**
  - C. Revise the LANDSCAPE PLAN for the Front Yards and Parking Lots of the Shopping Center;**
  - D. Revise the NORTH PARKING LOT to Reconfigure Parking Spaces and Driving Aisles; and**
  - E. Obtain Approval to Add THREE FREESTANDING SIGNS and PLACE BANNERS on Parking Lot Light Poles.**

On behalf of Council Member Spears who was absent, Council Member Weaver moved to adopt Ordinance "A" amending Ordinance 13,391, an Existing Special Use as amended, in a Class C-2 (Large Scale Commercial) District for a Shopping Center commonly known as WestLake Shopping Center and includes addresses of 2515, 2601, and 2701 W. Lake Street and 4221 N. Sterling Avenue to obtain approval for a building addition to the south end of the main Shopping Center Building with an address of 2601 W. Lake Street, with a waiver for front yard setback; revise the Existing Freestanding Sign to reconfigure certain design elements; revise the Landscape Plan for the front yards and parking lots of the shopping center; revise the north parking lot to reconfigure parking spaces and driving aisles; and obtain approval to add three freestanding signs and place banners on parking lot light poles; seconded by Council Member Van Auken.

Council Member Sandberg stated the Zoning Commission minutes indicated there were neighborhood concerns regarding sidewalks and landscaping. He expressed concern that the developer had not followed what was approved for a previous Special Use regarding the sign.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Attorney Bob Hall.

Bob Hall, Attorney for the Petitioner, explained the challenges faced regarding landscaping and sidewalks. He said the shopping center was built at a time when sidewalks or setbacks were not required so the parking lot was against the right-of-way. He referred to green spaces that were available and he pointed out much of the green space was not wide enough to install sidewalks. He also referred to the location where Ruby Tuesday was located and pointed out the grade differential, which was higher than the pavement where the street was located and the building was located next to the right-of-way, which left no room for a sidewalk. He said knowing the sidewalk policy for the City, other solutions were recommended. He said there was no room for sidewalks along Rockwood or West Lake streets without removing all the trees and landscaping. He said the Zoning Commission voted to support their recommendations.

ORDINANCE NO. 16,787, as outlined, was adopted by roll call vote.

Yeas: Gulley, Irving, Riggerbach, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 8;

Nays: Akesson, Sandberg - 2.



**UNFINISHED BUSINESS**

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

- (11-561) Communication from the City Manager and Corporation Counsel Regarding a SITE APPLICATION for a CLASS A (Tavern) with a Subclass 1 (4:00 A.M. Closing) and a SUBCLASS 2 (Live Entertainment) LIQUOR LICENSE at 815 S. W. ADAMS STREET, 2ND FLOOR, with Recommendation from the Liquor Commission to DENY, and with Request to Receive and File the REPORT BACK.**

**MOTION ON THE FLOOR:** To Approve the Site Application for a Class A (Tavern) with a Subclass 1 (4:00 A.M. Closing) and a Subclass 2 (Live Entertainment) Liquor License at 815 S. W. Adams Street, 2nd Floor.

Mayor Ardis stated he would not support the motion to approve because he was concerned from a safety standpoint. He referred to the re-evaluation of the building by the Police Chief, Fire Chief and the Director of Inspections and their listed safety concerns in the Council communication. He said he visited the location and he was very concerned for anyone who would need to leave the second floor in an emergency situation and the serious dangers they would face. He said he felt it would be a situation he would not want to pursue.

Council Member Sandberg pointed out that a petitioner for a liquor license would still have to follow building code and fire code regulations. He said the site approval process for a 4:00 A.M. liquor license was about the location and not about the details of how the building would eventually be occupied. He said the Council should review the site application on the merits regarding whether or not it was consistent with the Comprehensive Plan and the plan for the area.

Council Member Gulley suggested that the process be reviewed. He said he agreed with Staff's comments regarding the safety issues which existed, but he urged the Council to approve the Site Application and then allow the Petitioner to decide how to proceed in meeting the building code and fire code regulations. He added if the Council approved the site, it would not mean the Petitioner would open an unsafe facility.

Council Member Turner spoke against the motion to approve the site because he said someone needed to care about the citizens who may frequent the establishment. He pointed out the concerns expressed by the Police and Fire Departments.

Council Member Akeson expressed concern regarding the conditions in the facility which currently existed. She said a business owner should not subject anyone to conditions she viewed on the video. She expressed concern regarding the lack of policies in place to address situations such as these and that this facility had operated as a teen club just two years ago. She said this may be the only way to prevent this business from moving forward. She said many of the City's processes need to be changed, but she stated the City Manager needed to be given time to work through these processes because she felt he understood the need. She said there were some serious issues with what was allowed, standards, and expectations. She said she agreed with Council Member Gulley that this was not the proper process, but she would be voting against approval of the site.

In further discussion, Council Member Sandberg agreed the process needed to be better, but the decision whether or not to move forward with a project should be left to the private sector. He said the City Staff needed to make sure standards were met. He stated granting a site application would not automatically grant a variance from meeting codes.

Corporation Counsel Randy Ray pointed out site approval was not premised on simply meeting the minimum of separation from churches, schools, and residential areas. He said the decision was committed to the Council's discretion and the standard for the Council was for them to review the public interest and public welfare in general.

Motion to approve the Site Application for a Class A (Tavern) with a Subclass 1 (4:00 A.M. Closing) and a Subclass 2 (Live Entertainment) Liquor License at 815 S. W. Adams Street, 2nd Floor was DEFEATED by roll call vote.

Yeas: Gulley, Sandberg – 2;

Nays: Akeson, Irving, Riggerbach, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 8.

### **NEW BUSINESS**

There was no New Business to come before the Council.

### **CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD**

#### **(12-016) 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.

Steve Bray, a Dunlap resident representing Occupy Peoria in solidarity of the Occupy Wall Street Movement, urged the Council to support a Resolution to support Occupy Peoria. He discussed the Supreme Court ruling on the Citizens United case where the Constitution established that a corporation was a person and money was free speech. He provided information regarding their movement .

Dan Pioletti, an East Peoria resident, spoke in support of a Resolution stating that corporations were not people and money was not speech. He provided information regarding other communities that had adopted similar resolutions. He indicated corporations could not feel the emotional pain of people and he felt corporations were destroying democracy. He said a corporation should not have the same rights as a human being, but the Supreme Court ruled differently.

William Crowder, a Peoria resident, explained he had been working on his property to bring it up to code. He said he was trained in electrical and plumbing work, but he was disabled and could not work on his home. He said he was notified his home would be demolished the second week of January. He expressed concern and urged the City to assist him.

Savino Sierra, a Peoria resident, said he agreed with the Council's denial of the site application on Southwest Adams Street. He also urged the Council to assist businesses to develop in the South side. He also urged the Council to establish a neighborhood association on the South side.

### **EXECUTIVE SESSION**

#### **(12-017) Consideration of a Motion to enter into EXECUTIVE SESSION to Discuss 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 an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting; and 2(c)21 Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.**

Council Member Van Auken moved to enter into Executive Session to discuss 2(c)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 an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting; and 2(c)21 Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

### **ADJOURNMENT**

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

Approved by roll call vote.

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

Nays: None.

The Regular City Council Meeting adjourned at 8:07 P.M.

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