

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

Council Chambers, Peoria, Illinois, January 24, 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: Akesson, Gulley, Irving, Riggerbach, Sandberg, Spain, Spears (arrived at 6:25 P.M.), 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 he requested that everyone remember U. S. Senator Mark Kirk and his family following the stroke he suffered and during his recovery. Mayor Ardis then led the Pledge of Allegiance.

MINUTES

Council Member Spain moved to approve the minutes of the Regular City Council Meeting held on January 10, 2012, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

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:

- (12-018) NOTICE of LAWSUIT Filed on Behalf of MICHAEL McKINLEY Regarding a Complaint of Discriminatory Discipline in Violation of Rights under the Civil Rights Act, with Request to Receive for Information and Refer to the Legal Department.**
- (12-019) TAG DAY REQUEST from the KOREAN WAR VETERANS OF AMERICA, PEORIA CHAPTER #243, to Sell Korean War Daisies in the City of Peoria on FRIDAY, JUNE 15, and SATURDAY, JUNE 16, 2012.**
- (12-020) * Communication from the City Manager with Request to ENDORSE an EFFORT by TRI-COUNTY REGIONAL PLANNING COMMISSION to Obtain a \$600,000.00 GRANT from ARTPLACE to Improve FULTON PLAZA (Fulton between Jefferson and Adams).**

- (12-021) Communication from the City Manager and Director of Public Works Requesting the Following:
- A. Adopt ORDINANCE NO. 16,788 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2012 Relating to the Receipt and Use of the FEDEX SAFE KIDS GRANT, in the Amount of \$25,000.00;
 - B. Approve the ACCEPTANCE of a SAFE KIDS GRANT, in the Amount of \$25,000.00, from the SAFE KIDS PEORIA COALITION for Infrastructure Improvements in the Harrison Impact Zone.
- (12-022) Communication from the City Manager and Director of Public Works Requesting Approval for the PURCHASE of EIGHT (8) POLICE VEHICLES for ROUTINE FLEET REPLACEMENT, in the Amount of \$161,440.00, from GREEN CHEVROLET and DODGE in Springfield, Illinois; One (1) FORD E-250 PRISONER TRANSPORT VAN from MORROW BROS. FORD, INC. in Greenfield, Illinois, in the Amount of \$30,320.00; and Two (2) CHEVROLET TAHOES from MILES CHEVROLET in Decatur, Illinois, in the Amount of \$62,870.00, Purchased Through the State of Illinois Contract Bid Process.
- (12-023) Communication from the City Manager and Corporation Counsel Requesting Authorization to Retain the Firm of HEYL, ROYSTER to REPRESENT the CITY in the CASE of McKINLEY VS. CITY OF PEORIA, CASE NO. 11-1439, in the Central District of Illinois.
- (12-024) Communication from the City Manager and Director of Public Works Requesting Approval of a SEWER IMPROVEMENT AGREEMENT with the GREATER PEORIA SANITARY DISTRICT for the REPAIR of SEWERS as a Part of the City of Peoria's Sewer Rehabilitation (Design Area 1 Point Repairs Project 4) (GPSD Project #2172) and Concur in the Award of the CONTRACT with WIEGAND & STORRER, INC., for the Low Bid in the Amount of \$1,569,197.75.
- (12-025) Communication from the City Manager and Finance Director/Comptroller Recommending Adoption of ORDINANCE NO. 16,789 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2012 Relating to the State and Local Auto Theft Enforcement (S.L.A.T.E.) Program Funds, in the Amount of \$387,113.00, and Police Tobacco Enforcement for \$6,710.00.
- (12-026) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,790 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2012 Relating to the Illinois Department of Commerce and Economic Opportunity (DCEO) Fire Department Infrastructure Improvement Grant, in the Amount of \$25,000.00.
- (12-027) Communication from the City Manager and Acting Director of Planning and Growth Management with Request to Concur with the Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Granting a SPECIAL PERMIT in a Class C-2 (Large Scale Commercial) District for a ROOFTOP SIGN for Property Identified as Parcel Identification No. 09-29-328-002 and with a Temporary Address of 10700 N. CENTERWAY DRIVE.

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- (12-028) **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. 13,471, as Amended, for a SPECIAL USE in a Class C-2 (Large Scale Commercial) District for Shopping Center to Reduce the FRONT YARD SETBACK and Add a ROOFTOP SIGN for the Property Located at 4007 W. BARING TRACE, which is part of the Shopping Center Located at 3901 and 3915 W. BARING TRACE, and 3930 W. WAR MEMORIAL DRIVE, with Waiver.**

- (12-029) **Communication from the City Manager and Acting Director of Planning and Growth Management with Request to Receive and File the HARRISON SCHOOL NEIGHBORHOOD IMPACT ZONE REPORT up to DECEMBER 31, 2011.**

- (12-030) **APPOINTMENT by Mayor Jim Ardis to the FIRE AND POLICE COMMISSION, with Request to Concur:**

Phillip Korem (Voting) - Term Expires 6/30/2013
- (12-031) **RE-APPOINTMENT by Mayor Jim Ardis to the PEORIA CIVIC CENTER AUTHORITY, with Request to Concur:**

Sylvia Hasinger (Voting) - Term Expires 7/1/2014
- (12-032) **APPOINTMENT by Mayor Jim Ardis to the PEORIA PUBLIC LIBRARY BOARD, with Request to Concur:**

Debbie Ritschel (Voting) - Term Expires 6/30/2013

Mayor Ardis questioned if the Council wished to have any of the Consent Agenda items removed for further discussion.

Council Member Sandberg requested that Item Nos. 12-027, 12-028, and 12-031 be removed from the Consent Agenda for further discussion.

Council Member Weaver requested that Item No. 12-020 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested that Item No. 12-029 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. 12-018 through 12-032 (excluding Item Nos. 12-020, 12-027, 12-028, 12-029, and 12-031 which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

Council Member Spears arrived at 6:25 P.M.

- (12-020)** **Communication from the City Manager with Request to ENDORSE an**
* **EFFORT by TRI-COUNTY REGIONAL PLANNING COMMISSION to Obtain a**
 \$600,000.00 GRANT from ARTPLACE to Improve FULTON PLAZA (Fulton
 between Jefferson and Adams).

Council Member Weaver expressed concern regarding the amount that was spent on the Study to determine if Fulton Plaza should be a street or a plaza as opposed to making sure the money went toward the improvement. He also stated he wanted to make sure all the improvements were covered by the \$600,000.00.

City Manager Patrick Ulrich said this was primarily a Planning grant and that was the reason the money was set aside in the manner reported. He said, should the decision be made after the final report had been completed, one of the options may be to re-open the street back to traffic, which would require additional expenses and the City would be responsible to fund that portion.

Council Member Weaver moved to endorse an effort by Tri-County Regional Planning Commission to obtain a \$600,000.00 grant from ArtPlace to improve Fulton Plaza (Fulton between Jefferson and Adams); seconded by Council Member Turner.

Council Member Sandberg spoke in support of increasing the street life to Fulton Plaza regardless how it was improved. He expressed concern that none of the vested partners owned property along Fulton Plaza and he requested assurance that the property owners along Fulton Plaza would be included in the process. He also expressed concern regarding the number of one-way streets in the City and he felt City leaders needed to be sincere about reviewing the City's street system. He pointed out that Fulton Plaza used to be alive with festivals and events on weekends that have now been moved to the Riverfront.

City Manager Ulrich confirmed the Fulton Plaza property owners would be included in the process because they were clearly some of the most important stakeholders involved.

Council Member Riggerbach stated he agreed with Council Member Sandberg that the critical masses needed to be involved. He said it was important to have a connection between the Civic Center and the Riverfront. He thanked Tri-County Planning for initiating the application for the grant. He said he felt Fulton Plaza should be a street, but he would like to review the plans and designs that would be submitted for the project before making a final decision.

Approved by roll call vote.

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

Nays: None.

- (12-027)** **Communication from the City Manager and Acting Director of Planning and**
** **Growth Management with Request to Concur with the Recommendation**
 from the Zoning Commission and Staff to Adopt an ORDINANCE Granting a
 SPECIAL PERMIT in a Class C-2 (Large Scale Commercial) District for a
 ROOFTOP SIGN for Property Identified as Parcel Identification No. 09-29-
 328-002 and with a Temporary Address of 10700 N. CENTERWAY DRIVE.

Council Member Sandberg urged the Council to review the elevations and he expressed concern regarding the rooftop sign definition and process. He stated this request required a time consuming and expensive process for corporations due to the definition of rooftop signs. He said the proposed rooftop sign was considered a rooftop sign only because it was higher than the wall and not the required screening of mechanical equipment. He said these issues came up last year and he felt the process in the Ordinance should have been changed then.

Mayor Ardis said he agreed with Council Member Sandberg's comments and he requested that the Administration bring those changes forward.

Council Member Sandberg moved to concur with the Recommendation from the Zoning Commission and Staff to adopt an Ordinance granting a Special Permit in a Class C-2 (Large Scale Commercial) District for a Rooftop Sign for property identified as Parcel Identification No. 09-29-328-002 with a temporary address of 10700 N. Centerway Drive; seconded by Council Member Irving.

ORDINANCE NO. 16,791 was adopted by roll call vote.

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

Nays: None.

**(12-028) 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. 13,471, as
Amended, for a SPECIAL USE in a Class C-2 (Large Scale Commercial)
District for Shopping Center to Reduce the FRONT YARD SETBACK and
Add a ROOFTOP SIGN for the Property Located at 4007 W. BARING
TRACE, which is part of the Shopping Center Located at 3901 and 3915 W.
BARING TRACE, and 3930 W. WAR MEMORIAL DRIVE, with Waiver.**

Council Member Sandberg urged the Council to review the elevations and he expressed concern regarding the rooftop sign definition and process. He stated this request required a time consuming and expensive process for corporations due to the definition of rooftop signs. He said the proposed rooftop sign was considered a rooftop sign only because it was higher than the wall and not the required screening of mechanical equipment. He said these issues came up last year and he felt the process in the Ordinance should have been changed then.

Council Member Sandberg moved to concur with the recommendation from the Zoning Commission and Staff to adopt an Ordinance amending Ordinance No. 13,471, as amended, for a Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center to reduce the front yard setback and add a rooftop sign for property located at 4007 W. Baring Trace, which is part of the Shopping Center located at 3901 and 3915 W. Baring Trace, and 3930 W. War Memorial Drive, with waiver; seconded by Council Member Irving.

ORDINANCE NO. 16,792, amending Ordinance No. 13,471, was adopted by roll call vote.

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

Nays: None.

**(12-029) Communication from the City Manager and Acting Director of Planning and
**** Growth Management with Request to Receive and File the HARRISON
SCHOOL NEIGHBORHOOD IMPACT ZONE REPORT up to DECEMBER 31,
2011.**

Council Member Gulley urged all the Council Members to review this report and to look at the opportunities that were available. He pointed out events happening around the Harrison School Neighborhood Impact Zone and he highlighted improvements already completed and planned for the area. He said so many people do not realize the good things happening in the impact zone, but he stated there continued to be challenges. He said the community needed to make sure the programs continued.

Acting Director of Planning and Growth Management Ross Black reported clean-up efforts had been successful, but it involved citizen volunteers and the plan was to continue the efforts in 2012. He also discussed the roof repair and whole house repairs program.

Council Member Gulley moved to receive and file the Harrison School Neighborhood Impact Zone Report up to December 31, 2011; 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.

**(12-031) REAPPOINTMENT by Mayor Jim Ardis to the PEORIA CIVIC CENTER
***** AUTHORITY, with Request to Concur:**

Sylvia Hasinger (Voting) - Term Expires 7/1/2014

Council Member Sandberg expressed concern that Ms. Sylvia Hasinger lived in Morton and not in the City of Peoria. He stated he could not support the appointment.

Council Member Spain said he normally agreed with Council Member Sandberg regarding residency, but he felt this was an exception. He said the Civic Center drew people from all regions and the Civic Center had requested Caterpillar to recommend someone who had expertise in strategic planning. He said Ms. Hasinger had served the Peoria Civic Center Authority well and he encouraged the Council to concur in the appointment.

Following further discussion with Mayor Ardis, Corporation Counsel Randy Ray stated the State Statutes did not have a residency requirement so it was left to the Mayor and Council to make the decision.

Mayor Ardis stated he had been working with Springfield to change the length of terms for Civic Center Authority members from five years to three years. He said this would align with terms for other City commissions. He urged the Council to support the reappointment.

Council Member Spain moved to concur with the reappointment of Sylvia Hasinger to the Peoria Civic Center Authority; seconded by Council Member Van Auken.

In discussion with Council Member Weaver regarding the intent of the Ordinance, Corporation Counsel Ray explained the Civic Center was governed by a State Statute and virtually all Civic Center Statutes did not have residency requirements written into them. He added, in order to make it a requirement for Civic Center Authority members to live in the City of Peoria, it would require a State Statute to be amended.

Motion to concur was approved by roll call vote.

Yeas: Akeson, Irving, Riggerbach, Spain, Spears, Turner, Van Auken, Weaver,
Mayor Ardis - 9;

Nays: Gulley, Sandberg - 2.

**(12-033) Communication from the City Manager Requesting Approval of a
CONTRACT with the ECONOMIC DEVELOPMENT COUNCIL of CENTRAL
ILLINOIS for \$85,000.00 to Provide OUTREACH, BUSINESS RETENTION,
and LOAN MANAGEMENT SERVICES to the City of Peoria in 2012.**

Due to studies that were in progress, Council Member Van Auken moved to defer this item until the March 13, 2012, Regular City Council Meeting; seconded by Council Member Riggerbach.

Council Member Spain stated he would be abstaining from discussion and the vote due to the affiliation of the Economic Development Council of Central Illinois with his employer.

Council Member Turner requested quarterly updates to make sure the process was working.

Council Member Sandberg said, before quarterly updates were given, he wanted to know if the Administration was comfortable that measurable results would be available so they could be evaluated quarterly.

Motion to defer this item until March 13, 2012, was approved by roll call vote.

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

Nays: None;

Abstentions: Spain – 1.

(12-034) Communication from the City Manager Requesting Approval of the USE of AVAILABLE SOUTHTOWN TIF FUNDS in the ADJACENT HOSPITALITY IMPROVEMENT ZONE TIF for DEBT SERVICE PAYMENTS Relating to the HOTEL PERE MARQUETTE PROJECT in Lieu of Issuing Bonds with Capitalized Interest.

Council Member Van Auken moved to approve the use of available Southtown TIF funds in the adjacent Hospitality Improvement Zone TIF for debt service payments relating to the Hotel Pere Marquette Project in lieu of issuing bonds with capitalized interest; seconded by Council Member Turner.

Council Member Gulley expressed concern that the Council communication indicated there were no neighborhood concerns and he stated he disagreed, because he felt many people in his District were concerned. He said his constituents were concerned about the use of Southtown funds and development in the Southtown area. He said the only facility still in existence in Southtown compared to before Southtown was redeveloped was Carver Center.

Council Member Gulley stated he did not feel using the money from the Southtown TIF was the best use of the funds. He suggested money should be taken from other TIF's for the Hotel Pere Marquette Project needs. He said, if this money was taken from the Southtown TIF, he did not feel there would be enough money to finish Southtown TIF projects. He added money should only be removed from a TIF when it was finished. He also stated too many projects were started in Southtown and many were still not completed. He stated Seventh Street (now Martin Luther King, Jr. Drive) was supposed to have connected to Fifth Street (now Garrett Street) and then connect to the Airport. He explained Seventh Street was built and a one- or two-year temporary road was added. He said the temporary road should have been finished when there was enough money in the Southtown TIF. He stated it was now 20 or more years later with money in the TIF, but there were no plans to finish the road. He also pointed out that improvements for Fifth Street were started, but later stopped, and these were just a few examples. He said he felt this was wrong and he could not support a motion to approve with Southtown being incomplete.

City Manager Patrick Urich said, when the redevelopment agreement for the Hotel Pere Marquette was approved in November 2011, the Council discussed the financial analysis and the use of available funds in the Southtown TIF as a potential source to reduce the cost of capitalizing the interest on the project. He stated the renovations to the Hotel Pere Marquette included two years worth of time before the tax revenues would begin to come in. He said the plan for the City was to borrow \$29 million, and one of the recommendations for reducing the borrowing costs to save \$1.5 million was for the City to use funds available to cover the capitalized interest expense. He said the TIF ran through 2013, so the last year of collection of property taxes would be 2014. He added there would still be money available at the end for projects in Southtown.

Council Member Sandberg pointed out the streets that were redeveloped in Southtown really did not go anywhere and that was the reason Southtown was never successful. He said there were constant diversions during the redevelopment of Southtown and the necessary through streets were never developed toward the westerly link. He said this was bad policy.

In discussion with Council Member Weaver, City Manager Ulrich reported in the final year of the tax collection, there should be more than \$2 million available by 2013. He added there had not been a firm commitment, but there had been discussion that Warehouse District TIF funds would be used for the Tiger II Grant match, but even with these projects, there would still be funds of \$2 million or more available. He stated he planned to sell bonds within the next month. He added there were fewer dollars left in other TIF funds compared to the Southtown TIF fund and this is the reason for the recommendation.

Council Member Akeson expressed concern that there was a misconception there were no more needs in Southtown, and she said everyone knew that was not true. She expressed concern regarding the expense of the hotel project and she said the project was being subsidized by almost \$52 million, and she said she was concerned that the City may be financing more of the hotel project before this project ended. She urged citizens to participate in Council Meetings and Commission Meetings throughout the month because she felt decisions were made at the Commission levels. She stated she agreed with Council Member Gulley and she hoped the Council concurred with his concerns.

Mayor Ardis pointed out decisions for Southtown have been made over 30 years involving many different Council Members so decisions had been made by more Councils than just by the present Council.

Council Member Gulley moved to grant Privilege of the Floor to those who wished to address this issue.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those who wished to address this issue.

Rev. Rose Booker Jones, a Peoria resident and Pastor of Bethel United Methodist Church, spoke in opposition of taking funds from the Southtown TIF for the Hotel Pere Marquette project because she felt it would prevent District #1 from completing work that had been started 30 years ago. She said it was important to create jobs and invest in businesses, but she stated it was also important for the City to invest in the people and projects of Southtown. She added there should be an environment created for children to develop and learn to become future employees who would benefit the City of Peoria. She said there needed to be a reduction in crime and a safe environment for children before and after school. She said people would commit to work with Council Member Gulley to make sure Southtown projects were successful and completed.

Robin Berry, a Peoria resident, spoke on behalf of Southside Up Neighborhood Association, as well as a coalition that had formed to include Olde Towne South Neighborhood Association, Southside Pride Neighborhood Association, and Goose Lake Neighborhood Association. She explained these groups came together to voice their concerns because they were similar. She stated the groups were learning how TIF's worked and they learned there would be approximately \$6 million in the Southtown TIF at the end of the year. She said it had been proposed that \$3.5 million would be used for the Hotel Pere Marquette and some of the remaining funds may be used for the Warehouse District. She spoke in support of the Southtown TIF funds remaining in Southtown to be spent on needed projects. She pointed out some parcels in Southtown were bringing in \$120 tax revenue per year, but after developed for housing, tax revenue for the same parcels was now \$4,784.00 per year and \$4,020.00 of that amount went into the Southtown TIF. She added this money should not be transferred to a project outside of Southtown.

Marc Anthony Porch Cannon, a Peoria resident, spoke in support of Southtown and its rich history, and he discussed the \$1 million donation to O'Brien Field and the development of Fawcett Field. He spoke in support of the people of Southtown and he discussed the importance of having a plan. He discussed the plan to save Carver Center and the lack of funding for youth programs, but he said programs were provided anyway. He spoke in opposition of spending Southtown TIF funds on the Hotel Pere Marquette.

Marilyn Mosley, a Peoria resident, said residents of Spring Grove Subdivision were middle class professionals who chose to maintain their properties and they participated in their neighborhood organizations, and were positive influences in the community. She said Spring Grove needed street lights that were operational for a safer environment for the residents. She said new street lights were installed in other areas of the City, but not in Southtown. She stated funds in the Southtown TIF should be used only in Southtown.

Don Jackson, an Attorney and a Peoria resident, said no one asked anyone in Southtown how they felt the funds should be spent and he suggested this item be deferred. He said Southtown was sold to the residents as a plan to build new houses to form a community again and residents would be invited back there to live, but rather it was developed as an industrial park. He discussed other promises that had made over the years that did not come to fruition. He stated there seemed to be a great deal of community concern regarding this issue. He said discussions should be held regarding concerns of the Southtown residents so future recommendations would be more accurate.

Anthony Lipscomb, a Peoria resident, said it was obvious financial economic empowerment was needed. He stated African-American males needed jobs and roads were needed in Southtown. He proposed those roads be built by those who needed those jobs. He suggested that TIF funds be given to District #150 for education. He said African American males should be empowered to participate in their communities in a positive manner.

Pat Kenny, a Peoria area resident, spoke in support of her Southtown neighbors. She spoke in support of solving traffic issues in cooperation with the City in the Southern portion of the City. She spoke in opposition to transferring Southtown TIF money out of Southtown to the Hotel Pere Marquette project. She said the City should invest in the people of Southtown and the Council was elected to help the people. She said she felt the City owed the residents of Southtown.

Jessie Berg, a Peoria resident, urged the Council to show compassion to the people of Southtown. He expressed concern regarding the boarded-up houses in the neighborhoods and the crime. He urged the people to come together so the needs of the Southside community were known. He urged the Council to look outside themselves to become more familiar with the concerns of these residents.

LaVetta Ricca, a Peoria resident and President of Olde Towne South Neighborhood Association, spoke in support of the City assisting the Southside of Peoria with projects and bringing businesses to the area. She pointed out residents were moving away from the area and she urged the Council to retain the Southtown TIF funds in Southtown for needed projects to rebuild the Southside.

A Citizen said an initiative should be started for people to come together to do what was right and he commended the Mexican population for their investment in the Southside. He said if the City could raise the \$29 million for the hotel, the City could raise the rest of the needed funding. He requested to know how the funds from traffic court were spent.

Don Lyons, a Peoria resident and a teacher at Trewyn School, commended his mother who made sure her children had what they needed. He expressed concern that there were children in the Southtown area whose needs were not being met and he asked the City to make sure their needs were met rather than taking the Southtown TIF funds away from Southtown.

Denise Moore, a Peoria resident, said those who lived in the Spring Grove Subdivision paid the same taxes as those residents living in the northern part of the City. She said she did not mind paying her fair share, but when she built her home in Spring Grove, promises were made that were never realized. She said she and her husband made a conscientious decision to build in Spring Grove to invest in the community. She discussed incidents of crime in the neighborhood and she noted there were educated professionals who lived in Southtown who were watching the City's actions in these matters. She expressed concern that no one had contacted the residents for their input regarding the decision to remove Southtown TIF funds.

Sherry Harvey, a Peoria resident, spoke on behalf of children and the youth. She expressed concern that Carver Center closed last Spring and the impact it had on the children and the youth. She said she had been a volunteer there and Carver Center was a safe haven for children. She suggested that Southtown TIF funds be used to help the children.

Savino Sierra, a Peoria resident, spoke in opposition to taking Southtown TIF funds out of Southtown. He said the money should be used to bring viable businesses to the Southend.

Sharon Davis Kilgore, a Peoria resident, spoke in support of Carver Center and she spoke of her mother's legacy of giving to Carver Center to help people in the area. She said her mother helped to start the medical center and did everything possible to meet deadlines to ensure funding. She urged the Council to rejuvenate Carver Center.

Roger Sparks, a Peoria resident, expressed concern that it seemed the City supported big business and he hoped the decision had not already been made to send Southtown TIF funds to big business.

In discussion with Mayor Ardis regarding how the City Manager wished to proceed or if he had a plan to bring something back to the Council, if this item was not approved, City Manager Urich stated the Administration would look at other options to reduce the capitalized interest expense that the City would carry absent any other direction from the Council. He said there had been a recommendation for a bond issue at \$32.5 million or \$29 million to cover the capitalized interest. He said the Administration would certainly come back with other recommendations at the next Council meeting, if the motion failed to be successful.

Mayor Ardis said the Council was listening to the residents and he assured everyone the decision had not been pre-made prior to this Council Meeting to move forward with the use of Southtown TIF funds for the Hotel Pere Marquette project. He said he felt this process of discussion informed the Council and he appreciated the participation of so many people.

Discussion was held regarding the timing of the Bond sale and City Manager Urich stated the time line would be tighter. He said he would talk to the financial advisors and place something on the next Council Meeting Agenda or perhaps an item would be ready for the Special Meeting to hold a Policy Session on February 4, 2012.

Council Member Spain urged citizens to come forward with their requests and concerns during the City's budgeting process. He said these items could be dealt with during Council budget sessions and he said these requests regarding Carver Center, street improvements, street light installations, etc. needed to be known when capital improvements were scheduled. He said he hoped there was more participation in the future.

Motion to approve the use of available Southtown TIF funds in the adjacent Hospitality Improvement Zone TIF for debt service payments relating to the Hotel Pere Marquette Project in lieu of issuing bonds with capitalized interest was DEFEATED by roll call vote.

Yeas: None.

Nays: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Weaver, Mayor Ardis – 11.

- (12-035) Communication from the City Manager and Corporation Counsel with Request to Approve an AMENDMENT to the AMENDED and RESTATED REDEVELOPMENT AGREEMENT by and Among the City of Peoria and EM PROPERTIES, LTD. and PERE MARQUETTE HOTEL, LLC and PERE MARQUETTE TIF, INC. Extending the Closing Deadline Until FEBRUARY 29, 2012, and Authorize the City Manager to Execute the Amendment or Take such Other Action Pertaining to the Pere Marquette Agreement as Council May Deem Appropriate.**

Council Member Gulley moved to approve the amendment to the Amended and Restated Redevelopment Agreement by and among the City of Peoria and EM Properties, Ltd. and Pere Marquette Hotel, LLC and Pere Marquette TIF, Inc. extending the closing deadline until February 29, 2012, and to authorize the City Manager to execute the amendment; seconded by Council Member Turner.

City Manager Urich said the deadline for finalizing the redevelopment agreement was January 31, 2012, and he had been working with the developers, the outside legal teams, and the investors in the Federal tax credits. He stated due to the nature of having Federal Historic Tax Credits, State Historic Tax Credits, and State New Market Tax Credits involved in this, it was a complex arrangement with a number of limited liability corporations that had been established and a series of leases and master tenant agreements in place. He said there was no material change to the business deal that was agreed upon and voted on by the Council. He confirmed the redeveloper had the financing in place and was secured and documents were in place, but more time was needed to close on the redevelopment.

Corporation Counsel Randy Ray stated the involvement of the tax credits required certain structures which impacted other parts of the agreement, so the Federal Tax Credit provider was limited to 10% of the Pere Marquette itself and would not receive 10% of the Courtyard, garage, etc. He said the over-riding concern was that the second mortgage maintained its integrity, but it was a complicated transaction involving many documents and attorneys.

Motion to approve the amendment to the Amended and Restated Redevelopment Agreement by and among the City of Peoria and EM Properties, Ltd. and Pere Marquette Hotel, LLC and Pere Marquette TIF, Inc. extending the closing deadline until February 29, 2012, and to authorize the City Manager to execute the amendment was approved by roll call vote.

Yeas: Gulley, Irving, Riggerbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 8;
Nays: Akeson, Sandberg, Weaver - 3.

- (12-036) Communication from the City Manager and Corporation Counsel Requesting Approval of an AMENDMENT to the AGREEMENT Between City of Peoria and MAIN STREET LAND TRUST and PEORIA SPEAKEASY, INC. and to the PURCHASE AGREEMENT Between the City of Peoria and MAIN STREET LAND TRUST AND/OR MAIN STREET LLC, and Requesting Authorization for the City Manager to Execute the Necessary Documents.**

Corporation Counsel Randy Ray distributed a copy of an e-mail from the Attorney for the Main Street Land Trust and Peoria Speakeasy, Inc. to all members of the City Council.

Council Member Spain moved to approve an amendment to the Agreement between the City of Peoria and Main Street Land Trust and Peoria Speakeasy, Inc. and to the Purchase Agreement between the City of Peoria and Main Street Land Trust and/or Main Street LLC, and to request authorization for the City Manager to execute the necessary documents; seconded by Council Member Van Auken.

Approved by roll call vote.

Yeas: Gulley, Irving, Riggerbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 8;

Nays: Akesson, Sandberg, Weaver - 3.

- (12-037) 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 ORDINANCE "A" OR to Concur with the Recommendation from the Staff to Adopt ORDINANCE "B" Amending Ordinance No. 13,221, as Amended, for a SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER for the Development of Two Restaurants for Property Commonly Known as NORTHWOODS MALL and with an Address of 2200 W. WAR MEMORIAL DRIVE, with Waivers and Conditions.**

Acting Director of Planning and Growth Management Ross Black distributed a copy of a replacement Council communication and replacement Ordinance "A" to all members of the City Council.

Council Member Spears moved to defer this item until the first Council Meeting in February, which would be the February 14, 2012, Regular City Council Meeting; seconded by Council Member Spain.

Motion to defer this item until February 14, 2012, was approved by roll call vote.

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

Nays: None.

Clerk's Note: See Page 29929 for the reconsideration of this vote and the adoption of Ordinance "A" as amended.

UNFINISHED BUSINESS

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

- (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.**

Following a brief discussion, Council Member Sandberg expressed concern that a notification process was not followed prior to adoption of the Ordinance. He said the Ordinance needed to be kept the same or to go back and start the process over to give everyone affected notice so they could weigh in. He said he did not feel the proposed Ordinance was good public policy.

In response to Council Member Van Auken's question regarding whether or not citizens were permitted to drill wells, Corporation Counsel Randy Ray stated citizens would need to have approval from the Health Department and approval would not be forthcoming in the City of Peoria.

In discussion with Mayor Ardis, Corporation Counsel Ray stated there would be no undue delay to defer this item until the February 14th or 28th Council Meeting. He said there were approximately five property owners who would need to receive notice.

City Manager Ulrich said he would like to revisit the language in the Ordinance to require notice to adjacent property owners at the beginning of the process.

Council Member Riggerbach moved to defer this item until the February 28, 2012, Regular City Council Meeting pending notification of the adjacent property owners; seconded by Council Member Van Auken.

Motion to defer this item until the February 28, 2012, was approved by roll call vote.

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

Nays: None.

NEW BUSINESS

ANNOUNCEMENT Regarding the SOUP FOR THE SOUL FUNDRAISER on FEBRUARY 3, 2012.

Council Member Van Auken requested community support and involvement in the Soup for the Soul Fundraiser to be held on Friday, February 3, 2012, at Jonathon Romain's Art Gallery located at 1919 N. Sheridan Road. She said a soup cookoff would be judged and participants were area ministers. She said soup and snacks would be available for sale to raise funds to send inner-City children to a three-day conference held in Peoria by the Hope Renewed Youth Conference Group. She urged all citizens to participate.

CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD

(12-038) 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 the City's performance on snow removal in the past week. He especially pointed out problems with side streets in the Southend.

Clerk's Note: Citizens Opportunity to Address the City Council/Town Board is continued on Page 29931.

UNFINISHED BUSINESS

(12-037) REQUEST for RECONSIDERATION of the VOTE Regarding 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 ORDINANCE "A" OR to Concur with the Recommendation from the Staff to Adopt ORDINANCE "B" Amending Ordinance No. 13,221, as Amended, for a SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER for the Development of Two Restaurants for Property Commonly Known as NORTHWOODS MALL and with an Address of 2200 W. WAR MEMORIAL DRIVE, with Waivers and Conditions.

Kevin Barnes, representing Chipotle, requested an explanation regarding the deferral of Item No. 12-037. He stated he and Joe Vavrina, on behalf of Chick-Fil-A, were available to answer any questions the Council might have.

Council Member Spears explained he was not sure how the Petitioner wanted to proceed so the item was deferred when it came up on the Council Agenda earlier in the meeting.

Following a brief discussion regarding how to proceed, Council Member Spears moved to reconsider the vote on Item No. 12-037 that was taken previously in the meeting regarding the 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 replacement Ordinance "A" or to concur with the recommendation from the Staff to adopt Ordinance "B" amending Ordinance No. 13,221, as amended, for a Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center for the development of two restaurants for property commonly known as Northwoods Mall and with an address of 2200 W. War Memorial Drive, with waivers and conditions; seconded by Council Member Van Auken.

Motion to reconsider the vote on Item No. 12-037 was approved by roll call vote.

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

Nays: Gulley - 1.

Council Member Spears moved to concur with the Staff's recommendation to adopt Ordinance "B," amending Ordinance No. 13,221, as amended, for a Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center for the development of two restaurants for property commonly known as Northwoods Mall and with an address of 2200 W. War Memorial Drive, with waivers and conditions; seconded by Council Member Van Auken.

Acting Director of Planning and Growth Management Ross Black explained Staff's recommendation for a sidewalk connection on the northeast corner of the site and a pedestrian connection on the southwest corner that would lead to a potential future sidewalk going further south on Sterling Avenue.

Following a brief discussion regarding the differences between the two proposed Ordinances, Council Member Sandberg said he was concerned about the sidewalks in the area of Northwoods Mall. He expressed concern regarding the accessibility for wheelchairs on sidewalks as proposed by Ordinance "B." He stated sidewalks should be installed on both sides of the street.

Following a clarification by Staff and Council Member Sandberg, Council Member Spears withdrew his motion to adopt Ordinance "B." No objections were heard from the Council.

Council Member Spears moved to concur with the Zoning Commission's recommendation to adopt the replacement Ordinance "A" amending Ordinance No. 13,221, as amended, for a Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center for the development of two restaurants for property commonly known as Northwoods Mall and with an address of 2200 W. War Memorial Drive, with waivers and conditions; seconded by Council Member Van Auken.

Council Member Spears expressed concern that sidewalks around Northwoods Mall were inaccessible during the winter months due to snow being piled on them from snowplows clearing the snow from streets.

In discussion with Council Member Akeson regarding her desire to have sidewalks installed on both sides of the Street, Acting Director of Planning and Growth Management Ross Black explained the Staff attempted to install as many connections for pedestrians as possible in this plan. He said there was no sidewalk on the south side of Scenic Street and he explained the rationale for the Staff recommendation as reflected in proposed Ordinance "B."

Council Member Akeson said sidewalks needed to be installed on both sides of the street. She said she would like for the Petitioner to agree to install these sidewalks. She said she wanted to be business friendly, but she also wanted to be friendly to citizens who were pedestrians.

City Manager Ulrich stated if the Council wanted additional sidewalks included in the design, the Ordinance would need to be changed.

In discussion with Mayor Ardis regarding timing for the project, Mr. Barnes stated Chipotle needed to begin construction on March 1, 2012, and the permit process needed to be completed. He said time would be short.

Corporation Counsel Ray stated the Petitioners would be able to begin the permit process, but they would need Council approval of the Ordinance before they could finish the permit process.

Council Member Weaver said he would support the motion to adopt Ordinance "A," which would approve a project worth approximately \$3 million with additional sidewalks costing approximately \$5,000.00. He stated he felt different sidewalk plans were needed for different portions of the City because there are parts of the City where there would be no connectivity. He said topography for sidewalks was a problem in the proposed development because space was an issue.

Council Member Akeson stated Northwoods Mall had found empty parking lots to be prime locations for development, but as these areas become more densely populated with commercial properties, sidewalks were needed for those who do not drive or do not have cars. She said the need for sidewalks would only grow. She said a policy should be established that sidewalks would always be included in development to connect neighborhoods.

Council Member Spain said he was comfortable with the recommendation made by the District Council Member and he looked forward to these businesses coming to Peoria, and to the revenue that will be generated.

Motion to concur with the Zoning Commission's recommendation to adopt ORDINANCE NO. 16,793, as amended, amending Ordinance No. 13,221, as amended, for a Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center for the development of two restaurants for property commonly known as Northwoods Mall and with an address of 2200 W. War Memorial Drive, with waivers and conditions, was approved by roll call vote.

Yeas: Gulley, Irving, Riggerbach, Spain, Spears, Turner, Van Auken, Weaver,
Mayor Ardis - 9;

Nays: Akeson, Sandberg - 2.

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

**(12-038) REQUEST from CITIZENS to Address the CITY COUNCIL/TOWN BOARD
Regarding Various Items.**

Ernestine Jackson, a Peoria resident speaking on behalf of the Labor and Industry Committee of the NAACP, stated she monitored City road and sidewalk projects around the City and she expressed concern that there were almost no women or minorities working on those City projects. She stated the timeframe for the Marriott Hotel had been extended by Council and she was giving advance notice to request a meeting with the City to discuss minority and women participation in these projects.

Matthew Garrett, a Peoria resident, thanked the Council Members for their community involvement. He said he was focused on bringing the City back to its greatness. He suggested that the Arts community lead the way to economic development in the downtown area similar to other cities. He said he would be interested in talking further with the Council regarding this initiative.

Denise Moore, a Peoria resident, stated there may not be many people who attended Council Meetings in person, but she could assure the Council that citizens were watching on their television or computers, and listening on the radio. She said citizens were paying attention. She suggested building businesses on Western Avenue. She said she would be willing to provide input to the Administration and she was interested in being of service to her community.

EXECUTIVE SESSION

(12-039) Consideration of a Motion to enter into EXECUTIVE SESSION to Discuss; 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; and 2(c)21 Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

Council Member Irving moved to enter into Executive Session to discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 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, Spears, Turner,
Van Auken, Weaver, Mayor Ardis – 11;

Nays: None.

ADJOURNMENT

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

Approved by roll call vote.

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

Nays: None.

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

bb

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