

: OFFICIAL PROCEEDINGS :

: OF THE CITY OF PEORIA, ILLINOIS :

A Regular City Council Meeting of Peoria, Illinois was held August 26, 2014, at 6:18 P.M., at Bradley University, Westlake Hall, 810 N. Tobias Lane, Peoria, Illinois, with Mayor Ardis presiding, and with proper notice having been posted.

**APPRECIATION TO BRADLEY UNIVERSITY**

Mayor Ardis expressed his appreciation to the President of Bradley University, Joanne K. Glasser, for arranging accommodations for the City Council while the City Council Chambers were being renovated. He announced that the first Tuesday of each month the City Council would be holding meetings at the Peoria County Courthouse in the County Board Room, and the fourth Tuesday of each month the City Council would hold meetings within each of the Council Districts until renovations were completed.

Council Member Grayeb welcomed the City Council and the citizens of Peoria to the Second District. He acknowledged the attendance of Jason Blumenthal, President of the Student Body of Bradley University, Matthew Kern, Vice President of City and Local Affairs of Bradley University, Samantha Pallini, Editor-in-Chief for the Bradley Scout, and Kristin Kreher, Managing Editor for the Bradley Scout.

**RECOGNITION OF ONE WORLD CAFÉ**

Mayor Ardis announced the City Council would begin a new recognition identifying a small business at each City Council meeting for their positive impact within the community, and he introduced Council Member Grayeb and the owners of One World Café, and he provided a brief history of the restaurant along with the positive impact it had on the community.

Council Member Grayeb remarked on the positive impact One World Café had on the City and within the Second District.

**ROLL CALL**

Roll call showed the following Council Members were physically present: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggenbach, Spain, Turner, 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.

**MINUTES**

Council Member Spain moved to approve the minutes of the Regular City Council Meeting held on August 12, 2014, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggenbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA****PUBLIC HEARING**

- (14-347) PUBLIC HEARING Regarding the Proposed ANNEXATION of Property Identified as Parcel Identification Nos. 09-31-129-001 and 09-31-129-002, with an Address of 2713 W. SECOND ST. PEORIA, ILLINOIS (LAST CHANCE BAR AND GRILL).**

Council Member Spain moved to open the Public Hearing regarding the proposed annexation of property identified as Parcel Identification Nos. 09-31-129-001 and 09-31-129-002, with an address of 2713 W. Second Street, Peoria, Illinois (Last Chance Bar and Grill); seconded by Council Member Johnson.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

Public Hearing opened at 6:32 P.M.

Following a third call for comments from the public, and after determining no one wished to speak, Mayor Ardis requested the Public Hearing be closed.

Council Member Spain moved to close the Public Hearing regarding the proposed annexation of property identified as Parcel Identification Nos. 09-31-129-001 and 09-31-129-002, with an address of 2713 W. Second Street, Peoria, Illinois (Last Chance Bar and Grill); seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

Public Hearing closed at 6:33 P.M.

**REGULAR BUSINESS ITEMS, with Recommendations as Outlined:**

- (14-348) Communication from the City Manager and the Director of Community Development with a Recommendation from the Planning and Zoning Commission and Staff to Approve a RESOLUTION Approving the ANNEXATION AGREEMENT for the Property with Parcel Identification Nos. 09-31-129-001 and 09-31-129-002, with an Address of 2713 W. SECOND ST, PEORIA, ILLINOIS (LAST CHANCE BAR AND GRILL).**

Council Member Johnson moved to approve a Resolution approving the Annexation Agreement for the property with Parcel Identification Nos. 09-31-129-001 and 09-31-129-002, with an address of 2713 W. Second St., Peoria, Illinois; seconded by Council Member Turner.

RESOLUTION NO. 14-348 was approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-349) Communication from the City Manager and the Finance Director/Comptroller with a REQUEST to RECEIVE and FILE the 2013 COMPREHENSIVE ANNUAL FINANCIAL REPORT by McGladrey LLP.**

Finance Director Jim Scroggins introduced Ms. Heidi Hobkirk of McGladrey, LLP who provided a presentation regarding the 2013 Comprehensive Annual Financial Report (CAFR). Ms. Hobkirk distributed a copy of the presentation to all City Council.

Ms. Hobkirk said it was McGladrey's responsibility to conduct an audit of compliance in accordance with the generally accepted auditing standards, the standards applicable to financial audits contained in Government Auditing Standards. She said it was the opinion of McGladrey, LLP that the City complied, in all material respects, with these compliance requirements. She reviewed the auditor communications with City Officials. She said there were no disagreements with management, no significant issues discussed with management, and no difficulties encountered in performing the audit. She reported that the overall revenue of governmental funds had decreased and expenditures had increased. She reviewed the fund balance definitions and provided a chart that reflected the fund balance according to non-spendable, restricted, committed, assigned and unassigned. She remarked that as of December 31, 2013, the City had 20% of its expenditures, or approximately 75 days the City could pay expenditures out of unassigned fund balance if there was no revenue or income source. She remarked there were three significant deficiencies which related to the CDBG Grant; however the City would still receive a clean opinion

In summary, Ms. Hobkirk said she appreciated the assistance of Finance Director Jim Scroggins and the other City departments who answered her questions and cooperated fully with the audit.

Council Member Jensen moved to receive and file the 2013 Comprehensive Annual Financial Report by McGladrey LLP; seconded by Council Member Moore.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**CONSENT AGENDA ITEMS BY OMNIBUS VOTE, with Recommendations as Outlined:**

**(14-350) Communication from the City Manager and the Community Development Director with a Request to Approve a FAÇADE IMPROVEMENT PROGRAM GRANT for 432 S. WESTERN AVE., in the Amount Not to Exceed \$5,000.00.**  
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**(14-351) Communication from the City Manager and the Community Development Director with a Recommendation to Allocate \$25,000.00 from the 1st District Housing Solutions Program for an EXTERIOR PAINT PROGRAM. (District 1)**  
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**(14-352) Communication from the City Manager and Director of Public Works with a Request to Accept the LOW BID of ILLINOIS CIVIL CONTRACTORS, INC., in the Amount of \$263,882.47, with an Additional Authorization of \$29,139.83 for Contingencies, for a Total Award of \$293,022.30 for the BIKEPATHS PROJECT. (District 5)**  
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- (14-353)**  
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Communication from the City Manager and the Director of Public Works with a Request to Accept the LOW BID of MICROSURFACING CONTRACTORS, LLC and Award a Construction CONTRACT, in the Amount of \$223,907.44, for the MICRO-SURFACING CONTRACT - 2014. [All Council Districts]
- (14-354)**  
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Communication from the City Manager and the Director of Public Works with a Request to Accept the LOW BID of CORRECTIVE ASPHALT MATERIALS, LLC and Award a Construction CONTRACT, in the Amount of \$168,799.92, for the RECLAMITE/CRF RESTORATIVE SEAL CONTRACT - 2014. [All Council Districts]
- (14-355)**  
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Communication from the City Manager and the Director of Public Works with a Request to Accept the LOW BID of R.A. CULLINAN & SON, INC., a Division of UNITED CONTRACTORS MIDWEST, and Award a Construction CONTRACT, in the Amount of \$245,428.47, for the SEAL-COATING CONTRACT - 2014. [All Council Districts]
- (14-356)**  
Communication from the City Manager and Director of Public Works with a Request to Approve the PURCHASE of One (1) New LOADER-MOUNTED SNOW BLOWER from KOENIG BODY & EQUIPMENT Located in Peoria, Illinois, for the Lowest Qualified BID, in the Amount of \$81,620.00.
- (14-357)**  
Communication from the City Manager and the Director of Public Works with a Request to Approve a MASTER PROFESSIONAL SERVICES AGREEMENT with MILLENNIA PROFESSIONAL SERVICES OF ILLINOIS, LTD. in the Not-To-Exceed Amount of \$100,000.00, to Provide ENGINEERING ASSISTANCE ON VARIOUS CITY PROJECTS. [All Council Districts]
- (14-358)**  
Communication from the City Manager, Community Development Director and the Finance Director/Comptroller with a Request for the Following:
- A. APPROVE an AGREEMENT with the NEIGHBORHOOD ALLIANCE Related to the Use of Surplus Regional Neighborhood Network Funds.
  - B. ADOPT ORDINANCE NO. 17,136 Amending the City of Peoria CAPITAL FUND BUDGET for FISCAL YEAR 2014 to Recognize Excess Donations for the Regional Neighborhood Network Conference to be Used for Future REGIONAL NEIGHBORHOOD NETWORK CONFERENCES, in the Amount of \$32,256.00
- (14-359)**  
Communication from the City Manager and the Director of Community Development with a Recommendation from the Planning and Zoning Commission and Staff to ADOPT ORDINANCE NO. 17,137 Approving a SPECIAL USE in a Class I-1 (Industrial/Business Park) District for a TOWING AND IMPOUND LOT for the Property Identified as Parcel Identification Nos. 14-06-276-011 and 14-06-276-013, with a Temporary Address of 8638 N. PIONEER ROAD, Peoria, IL.

**(14-360) Communication from the City Manager and Finance Director/Comptroller with a Request to ADOPT ORDINANCE NO. 17,138 Providing for the ISSUANCE of One or More Series of GENERAL OBLIGATION REFUNDING BONDS for the Purpose of Refunding Certain Heretofore Issued and now Outstanding GENERAL OBLIGATION BONDS, SERIES 2005A, of the City of Peoria, Peoria County, Illinois, Authorizing the Execution of an Escrow Agreement and Bond Order and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal and Interest on said Bonds.**

**(14-361) REAPPOINTMENT by Mayor Ardis to the DOWNTOWN ADVISORY COMMISSION with a Request to Concur:**

**Mr. Adam Hamilton (Voting) - Term Expiration June 30, 2017**

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

Council Member Moore requested Item Nos. 14-350 and 14-351 be removed from the Consent Agenda for further discussion.

Council Member Grayeb requested Item No. 14-353 be removed from the Consent Agenda for further discussion.

Council Member Jensen requested Item Nos. 14-354 and 14-355 be removed from the Consent Agenda for further discussion.

Council Member Weaver requested Item No. 14-352 be removed from the Consent Agenda for further discussion.

Council Member Turner moved to approve the Consent Agenda items as outlined in the Council Communications; seconded by Council Member Riggerbach.

Item Nos. 14-350 through 14-361 (excluding Item Nos. 14-350, 14-351, 14-352 14-353, 14-354, and 14-355, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-350) \* Communication from the City Manager and the Community Development Director with a Request to Approve a FAÇADE IMPROVEMENT PROGRAM GRANT for 432 S. WESTERN AVE., in the Amount Not to Exceed \$5,000.00.**

Council Member Moore explained the proposed mural to be painted on the south façade of the building located at 432 South Western. She said discussions were held with a local restaurant owner who recommended a project to enhance the South Side pride. She said this would be an opportunity to have both the young and the older represent the history of the community, and she provided examples. She remarked on the importance of connecting with the younger generation. She introduced locally and nationally renowned artist Ryan Reed, who provided an explanation of the proposed artwork.

Mr. Reed expressed his appreciation to the City Council, and he remarked on the importance of this project in order to expand on the aesthetics of the City of Peoria. He provided an explanation of the overall concept of the proposed mural noting it was an inspiration of the past, present and future. He said the overall concept of the piece would be "The Concrete Rose," and would represent perseverance within the community.

Council Member Moore provided additional comments on the proposed mural, noting several African symbols along with English words would be displayed representing quality, education, faith and hope. She said Peoria School District 150 Board would select one male student and one female student to represent the community. She said LISC donated \$5,000.00 towards the project and the City would donate another \$5,000.00 to cover the rest of the costs. She expressed her appreciation to the City Council for their support in this endeavor.

Council Member Moore moved to approve the Façade Improvement Program Grant for 432 S. Western Avenue, in the amount not to exceed \$5,000.00; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Akesson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggensbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-351) Communication from the City Manager and the Community Development  
\*\* Director with a Recommendation to Allocate \$25,000.00 from the 1st  
District Housing Solutions Program for an EXTERIOR PAINT PROGRAM.  
(District 1)**

Council Member Moore moved to approve the allocation of \$25,000.00 from the 1st District Housing Solutions Program for an Exterior Paint Program; seconded by Council Member Grayeb.

Council Member Moore provided background on the Exterior Paint Program, noting the City had offered a similar program in the past. She acknowledged the efforts of Glenda Williams from the City's Code Enforcement Department in bringing forth this item to the City Council. She discussed the reason for the amount being sought for the program and the quality of paint that would be needed.

Community Development Director Ross Black said upon approval of this item, Staff would work to locate a local supplier for the paint. He provided an outline of how the program would work and what would be done to troubleshoot any issues that may arise.

Council Member Moore said she had notified the citizens within the First District that this program would be available to them.

Discussions were held as to why the program was previously discontinued and the issues the City ran into with the use of Federal Funds.

Council Member Akesson said this program was an excellent idea and that she supported improvements in Districts where needed.

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Discussions continued regarding the issues with the use of Federal Funds. Additional discussions were held regarding various restrictions on the program such as the limitation to residents within the First District and possibly opening the program to the rest of the City. Comments were made about possible restrictions on the homeowner's income level in order to participate in the program.

Director Black provided additional information as to what the Paint Program would provide, noting that the homeowner would be provided appropriate information regarding lead paint.

Discussions were held regarding the high level of need for this program within the First District.

In response to Council Member Montelongo, City Manager Urich said the funds for this program would come from the City's unrestricted capital budget. He said any funds left over from the program would carry over into the next Fiscal Year.

Council Member Montelongo recommended if funds were left over from the program by the end of the year, then the City could offer the program to additional Districts.

Council Member Moore explained that the Program needed twelve months to run its cycle to see how the funds would be used. At the end of the twelve months, she said the program could be reviewed for expansion.

Council Member Jensen said she would support this program, and she said she agreed with the need for an income limit and would like to see the program expanded throughout the City.

Council Member Moore expressed her appreciation for the concern on the need for an income limit, and she recommended discussion of the same at a Policy Session in 2015.

Mayor Ardis acknowledged there was a need throughout the City; however, he noted this program was pre-approved by the City Council.

Council Member Weaver said he was supportive of the program in the First District, but he agreed there needed some income-based need requirements.

Motion to allocate \$25,000.00 from the 1<sup>st</sup> District Housing Solutions Program for an Exterior Paint Program was approved by roll call vote.

Yeas: Akesson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-352)**      **Communication from the City Manager and Director of Public Works with a**  
**\*\*\***            **Request to Accept the LOW BID of ILLINOIS CIVIL CONTRACTORS, INC., in**  
                  **the Amount of \$263,882.47, with an Additional Authorization of \$29,139.83**  
                  **for Contingencies, for a Total Award of \$293,022.30 for the BIKEPATHS**  
                  **PROJECT. (District 5)**

Council Member Weaver said he would abstain from voting on this item due to a potential conflict of interest.

Council Member Turner moved to accept the low bid of Illinois Civil Contractors, Inc., in the amount of \$263,882.47, with an additional authorization of \$29,139.83 for contingencies, for a total award of \$293,022.30 for the Bikepaths Project; seconded by Council Member Riggerbach.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Mayor Ardis – 10;

Nays: None;

Abstention: Weaver – 1.

**(14-353)**      **Communication from the City Manager and the Director of Public Works with a Request to Accept the LOW BID of MICROSURFACING CONTRACTORS, LLC and Award a Construction CONTRACT, in the Amount of \$223,907.44, for the MICRO-SURFACING CONTRACT - 2014. [All Council Districts]**  
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Public Works Director Mike Rogers said this program had been discontinued for the last five years. He said this item, along with Item Nos. 14-354 and 14-355 were various types of road preservation programs. He provided an overview of the programs and noted the difference in each was to address the various stages of road deterioration. He said the project locations were based on the volume of service requests, inspection of the locations, and the qualification of the locations.

Council Member Montelongo expressed a concern that the focus was not City-wide, and he commented there needed to be a balance of dollars spent in various districts.

Council Member Grayeb moved to accept the low bid of Microsurfacing Contractors, LLC and award a construction contract, in the amount of \$223,907.44, for the Micro-Surfacing Contract – 2014; seconded by Council Member Johnson.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-354)**      **Communication from the City Manager and the Director of Public Works with a Request to Accept the LOW BID of CORRECTIVE ASPHALT MATERIALS, LLC and Award a Construction CONTRACT, in the Amount of \$168,799.92, for the RECLAMITE/CRF RESTORATIVE SEAL CONTRACT - 2014. [All Council Districts]**  
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Council Member Weaver said he would abstain from voting on this item due to a potential conflict of interest.

In response to Council Member Jensen, Public Works Director Mike Rogers said the areas identified were based on request and inspection.



Council Member Jensen moved to accept the low bid of Corrective Asphalt Materials, LLC and award a construction contract, in the amount of \$168,799.92, for the Reclamite/CRF Restorative Seal Contract – 2014; seconded by Council Member Spain.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Mayor Ardis – 10;

Nays: None;

Abstention: Weaver – 1.

**(14-355) Communication from the City Manager and the Director of Public Works with a Request to Accept the LOW BID of R.A. CULLINAN & SON, INC., a Division of UNITED CONTRACTORS MIDWEST, and Award a Construction CONTRACT, in the Amount of \$245,428.47, for the SEAL-COATING CONTRACT - 2014. [All Council Districts]**  
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In response to Council Member Jensen, Public Works Director Mike Rogers said the areas identified were based on request and inspection.

Council Member Jensen moved to accept the low bid of R.A. Cullinan & Son, Inc., a division of United Contractors Midwest, and award a construction contract, in the amount of \$245,428.47, for the Seal-Coating Contract – 2014; seconded by Council Member Grayeb.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

#### FIRST READINGS

**(14-362) Communication from the City Manager and the Director of Community Development with a Recommendation from the Planning and Zoning Commission and Staff for a FIRST READING Review of an ORDINANCE Amending Appendix B, the Zoning Ordinance Related to YARD REQUIREMENTS in the Class O-2 (Exclusive Office Park) District.**

Council Member Spain moved to receive and file the First Reading review of an Ordinance amending Appendix B, the Zoning Ordinance related to Yard Requirements in the Class O-2 (Exclusive Office Park) District; seconded by Council Member Johnson.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**REGULAR BUSINESS ITEMS, with Recommendations as Outlined (Continued):**

- (14-331) Communication from City Manager and Director of Public Works with a Request for the Following:**
- A. Approve a LOCAL AGENCY AGREEMENT for the JURISDICTIONAL TRANSFER of RADNOR ROAD, From 350 Feet South of ALTA LANE Northerly to WILHELM ROAD, from the County Highway System to the Municipal Street System;**
  - B. Approve a LOCAL AGENCY AGREEMENT for the JURISDICTIONAL TRANSFER of WILHELM ROAD, From RADNOR ROAD Easterly to ILLINOIS ROUTE 40 (Knoxville Avenue); and**
  - C. ADOPT an ORDINANCE Providing for the TRANSFER of a Portion of County Highway R52 (RADNOR ROAD) Between ALTA LANE and WILHELM ROAD, and for the TRANSFER of a Portion of County Highway RD31 (WILHELM ROAD) from RADNOR ROAD to Illinois Route 40 (KNOXVILLE AVENUE) from the County Highway System to the MUNICIPAL STREET SYSTEM. (DISTRICT 5)**

Council Member Johnson moved to approve a local agency agreement for the Jurisdictional Transfer of Radnor Road, from 350 feet south of Alta Lane northerly to Wilhelm Road, from the County Highway System to the Municipal Street System; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

Council Member Johnson moved to approve a local agency agreement for the Jurisdictional Transfer of Wilhelm Road, from Radnor Road easterly to Illinois Route 40 (Knoxville Avenue); seconded by Council Member Spain.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

Council Member Johnson moved to adopt an Ordinance providing for the transfer of a portion of County Highway R52 (Radnor Road) between Alta Lane and Wilhelm Road, and for the transfer of a portion of County Highway RD31 (Wilhelm Road) from Radnor Road to Illinois Route 40 (Knoxville Avenue) from the County Highway System to the Municipal Street System; seconded by Council Member Jensen.

ORDINANCE NO. 17,139 was adopted by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-217) Communication from the City Manager and the Community Development Director with a Recommendation from the Planning and Zoning Commission and Staff to ADOPT an Ordinance Amending Appendix B, the Zoning Ordinance, of the CODE of the City of Peoria Relating to Trade Schools with Heavy Equipment/Truck Operators.**

Council Member Montelongo moved to DENY the adoption of an Ordinance amending Appendix B, the Zoning Ordinance, of the Code of the City of Peoria relating to trade schools with heavy equipment/truck operators; seconded by Council Member Jensen.

Council Member Montelongo said the denial of this Ordinance would not prevent the truck driving school from utilizing Northwoods Mall for classroom classes only.

Discussions were held as to whether the truck driving school found a new location for behind-the-wheel training.

Council Member Spain expressed a concern of possibly putting this school out of business due to lack of representation or misconstrued representation. He said if there was no one present to represent the discussed trade school, then he would not support the motion to deny the Ordinance.

Council Member Turner moved to grant the Privilege of the Floor to Mr. Jeff Case, manager of Northwoods Mall.

Hearing no objection, Mayor Ardis granted Privilege of the Floor to Mr. Jeff Case.

Mr. Jeff Case, manager of Northwoods Mall, said he had spoken with the owner of the truck driving school wherein the owner indicated that behind-the-wheel training was now conducted at a location off of Plank Road. He said no behind-the-wheel training was currently occurring at the mall, only classroom training.

Council Member Riggerbach expressed a concern that, by denying the adoption of the Ordinance, the City Council would successfully drive a business out of the City of Peoria. He remarked that he was not ready to say he would not support this business in the City.

After asking Mr. Case additional questions, Council Member Moore said denying the adoption of this Ordinance would drive this business out of the City of Peoria along with the revenue it generated. She said she could not support the denial.

Council Member Jensen commented that the denial of the item would not drive this business out of the City of Peoria, and she noted that classroom classes were currently conducted at the mall.

Mayor Ardis commented that the passage of this Ordinance would bring a Special Use into a C-2 zoned district; however, he said the item would still have to come back to the City Council for a Special Use.

Community Development Director Ross Black reviewed how this Ordinance would impact the City and truck driving schools.

Council Member Riggensch said the City Council needed to allow for the opportunity for businesses to relocate within the City. He remarked on the importance of respecting business owners' investments. He said there was a process in place, and if the business owner wanted to file for a Special Use, that business owner would have to follow the process.

Discussions were held relating to the impact on other businesses with having a truck driving school at Northwoods Mall.

Council Member Weaver expressed a concern for losing a business in the City of Peoria; however, he said the malls were critical within the community.

Discussions continued as to the appropriateness of a truck driving school located at a mall within the City.

City Manager Ulrich said he believed the issue discussed was a police question. He asked whether the City Council wanted to make a determination on the standards now or at the time a Special Use was requested.

Discussions were held relating to the inclusion of trade schools – heavy equipment/truck operators as a Special Use. It was mentioned that the item could be added to the Ordinance and then go through the process in place.

Council Member Riggensch said he was supportive of the text amendment

Motion to DENY the adoption of an Ordinance amending Appendix B, the Zoning Ordinance, of the Code of the City of Peoria relating to trade schools with heavy equipment/truck operators FAILED by roll call vote.

Ayes: Akesson, Grayeb, Jenson, Montelongo, Weaver – 5;

Nays: Johnson, Moore, Riggensch, Spain, Turner, Mayor Ardis – 6.

Council Member Riggensch moved to adopt an Ordinance amending Appendix B, the Zoning Ordinance of the Code of the City of Peoria relating to trade schools with heavy equipment/truck operators; seconded by Council Member Johnson.

A brief discussion was held regarding the acreage allowed within the Ordinance.

ORDINANCE NO. 17,140 was adopted by roll call vote.

Ayes: Johnson, Moore, Riggensch, Spain, Turner, Mayor Ardis – 6;

Nays: Akesson, Grayeb, Jenson, Montelongo, Weaver - 5.

**(14-363) Communication from the City Manager and the Director of Community Development with a Recommendation to Approve Either the Recommendation from the Planning and Zoning Commission to APPROVE or the Recommendation from Staff to DENY an ORDINANCE Amending an Existing SPECIAL USE Ordinance No 15,185 for a Shopping Center, in a Class C-2 (Large Scale Commercial) District to Approve Landscape Plantings only on the Southside of the Property as an Alternative Dumpster Enclosure Screen for the Property Identified as Parcel Identification No. 14-08-226-025 with an Address of 7815 N KNOXVILLE AVENUE, Peoria, IL (District 5)**

Council Member Johnson moved to concur with the recommendation from the Planning and Zoning Commission to adopt an Ordinance amending an existing Special Use Ordinance No. 15,185 for a shopping center, in a Class C-2 (Large Scale Commercial) District to approve landscape plantings only on the south side of the property as an alternative dumpster enclosure screen for the property identified as parcel identification no. 14-08-226-025 with an address of 7815 N. Knoxville Avenue; seconded by Council Member Turner.

Community Development Director Ross Black provided background information on this item.

Council Member Akeson remarked that the City had a dumpster enclosure issue. She said when the dumpsters overflow they attracted rodents and become an issue to the neighborhood. She said she was against landscaping as a solution because it would not enclose trash.

Council Member Grayeb attributed the overflow to poor management not monitoring the garbage overflow.

Council Member Johnson moved to grant the Privilege of the Floor the Mr. Russ Waldschmidt, developer of 7815 N. Knoxville Avenue.

Hearing no objection, Mayor Ardis granted Privilege of the Floor to Mr. Russ Waldschmit.

Mr. Russ Waldschmit, developer of 7815 N. Knoxville Avenue, explained the issues that occurred at that location, noting it was mainly attributed to one business tenant. He remarked he would prefer not to enclose the dumpster, and he provided a history of the development.

ORDINANCE NO. 17,141 amending an existing Special Use Ordinance No. 15,185 for a shopping center, in a Class C-2 (Large Scale Commercial) District to approve landscape plantings only on the south side of the property as an alternative dumpster enclosure screen for the property identified as parcel identification no. 14-08-226-025 with an address of 7815 N. Knoxville Avenue was adopted by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-364) Communication from the City Manager and Corporation Counsel with a Request to Approve the SITE APPLICATION for a CLASS H (TEMPORARY OUTDOOR) Liquor License for an Event to be Held in the 500 BLOCK of SW WATER by the PEORIA FIREFIGHTERS LOCAL 50 on Saturday, September 6, 2014. (DISTRICT 1)**

Council Member Moore moved to approve the Site Application for a Class H (temporary outdoor) liquor license of an event to be held in the 500 block of SW Water by the Peoria Firefighters Local 50 on Saturday, September 6, 2014; seconded by Council Member Jensen.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

## POLICY SESSION

**(14-365) Communication from the City Manager and the Corporation Counsel with a Request to HOLD A POLICY DISCUSSION AND/OR ADOPT One of the Following Ordinances Amending Chapter 3 of the Code of the City of Peoria Regarding Liquor Regulations Relating to Proposed Establishments that Operate Primarily as a Video Gambling Café: (Refer to Item No. 14-333)**

**Option 1: An Ordinance Amending Chapter 3 of the Code of the City of Peoria for a Temporary Moratorium of Site Approval of Establishments Whose Primary Purpose is to Operate as a Video Gambling Café.**

**OR:**

**Option 2: A) An Ordinance Amending Chapter 3 of the Code of the City of Peoria Creating a Separate Class "G-V" License for Establishments Whose Primary Purpose is to Operate as a Video Gambling Café;**

**B) An Ordinance Amending Chapter 3 of the Code of the City of Peoria Creating a Separate Class "G-V" License for Establishments Whose Primary Purpose is to Operate as a Video Gambling Café and Limiting the Number of "G-V" Site Approvals to 4 Per City Council District;**

**C) An Ordinance Amending Chapter 3 of the Code of the City of Peoria Creating a Separate Class "G-V" License for Establishments Whose Primary Purpose is to Operate as a Video-Gaming Café And Requiring Minimum of 25% Net Revenue be from the Sale of Food, Drinks, and/or General Merchandise.**

Corporation Counsel Don Leist said this item was before the City Council to review. He remarked that the first option in the Council Communication provided for a moratorium until the City Council determined what to do with video gaming cafés. He said the Option 2 had three subparts, which he reviewed. He said the City Council could amend any of these items following discussion. He said if changes were made at this meeting, adoption of any change would have to occur at a later meeting.

Mayor Ardis said the Council may be able to arrive at a determination during the Policy Session and come back to a Regular Council Meeting for approval. He remarked that the Communication recommended a moratorium that would expire March 1, 2015, which would be the same time at which the annual liquor renewal needed to be completed. He said it was his desire to provide Staff with direction at this time, even if it was only to implement the moratorium.

Council Member Turner provided an overview of the item, stating that when the State Gaming Law became an issue, it had an impact on the municipality. He said while attending the National Night Out he heard from the citizens and the community that they desired not to have a gaming café in their neighborhoods. He remarked that currently existing businesses were being impacted by new gaming operations. He pointed out that video gaming was impacting the river boat casino, which has caused them to start laying off employees. He recommended developing an equitable policy that would work for this community.

In response to Council Member Grayeb, Interim Police Chief Jerry Mitchel said the Police Department did not have a stance on gaming cafes other than they supported the moratorium to determine how the City would handle this issue. He said the Police Department did not know what kind of activity to expect from gaming cafes.

Discussions were held regarding the limitation of video gaming within the City, noting that certain areas of the community expressed concern of having video gaming in their area.

Liquor Investigator Scott Jordan said there were currently two operating cafes within the City and two that had previously been deferred by the City Council.

Discussions were held regarding implementing specific guidelines to ensure there would not be a concentration of gambling cafes within one area.

Council Member Spain complimented Council Member Turner for his efforts on this matter. He said he appreciated the idea of creating a special liquor class for these types of establishments. He remarked that Option 2(c) indicated the business would need to be more than just gaming machines and a refrigerator. He expressed some concerns regarding implementing a quota per District. He said he was in favor of a moratorium, and he recommended concentrating on creating a license for late fall of 2014.

Council Member Turner expressed the need for the City Council to address this matter before it became an issue for the City. He said there were a number of businesses desiring to come to the City of Peoria to establish gaming cafes.

Council Member Riggerbach noted the importance of requiring gaming establishments to generate 25% of their net revenue from the sale of food. He continued discussion on how to limit the number of video gaming establishments. He said he would support a moratorium in order to conduct further research.

Council Member Moore said she was in favor of a moratorium. She said she saw the potential of having more than one video gaming establishment in certain areas of the City; however, she said she would not like to see them in residential areas.

After further discussion, Mayor Ardis said the City Council would be in favor of a moratorium; however, he said instead of creating another class of license, he said it was important that these businesses make some sort of investment other than just video gaming machines. He recommended keeping the current liquor license classifications, and requested additional information to see what other communities were doing to regulate video gaming. He reviewed the Council Communication noting the financial impact video gaming currently had on establishments. He recommended bringing this issue back to the City Council at the next Council meeting to adopt a moratorium and to develop a timeline to gather additional information and review this matter.

Council Member Grayeb requested information from the Police Department whether there have been indications of money laundering that has occurred or become a concern for law enforcement agencies in the State of Illinois.

Mayor Ardis said he would like to review the fees other communities were charging for video gaming.

Council Member Akeson recommended reviewing the Illinois Gaming Board website that listed whether an establishment had been approved, suspended or denied.

CLERK'S NOTE: No vote was taken. It was determined a majority of the Council supported a moratorium on video gaming cafes and an Ordinance would be brought back to the Council at the next meeting for adoption.

**(14-366) Communication from the City Manager with a Request to Provide Direction Regarding the Creation of a POLICY Governing the Establishment of SALES TAX SPECIAL SERVICE AREAS for SHOPPING CENTERS. (Refer to Item No. 14-343)**

Council Member Spain moved to defer this matter until the September 9, 2014, Regular City Council meeting; seconded by Council Member Weaver.

Motion to defer to the September 9, 2014, Regular City Council Meeting was approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None

**UNFINISHED BUSINESS (Including but not limited to motions to reconsider items, if any, from the previous Regular Meeting)**

**(14-302) Communication from the City Manager and Community Development Director with a Request to Concur with the Recommendation from the Zoning Commission and Staff to ADOPT an ORDINANCE Amending an Existing SPECIAL USE, Ordinance No. 14,483, as Amended, to Add Property at 1505 E. PARIS AVENUE to the Boundary of the Special Use and Expand Parking in a Class R-3 (Single-Family Residential District) for the Property at 1435, 1505, & 1509 E PARIS AVENUE (PIN 14-27-402-004, -010, -011, -012, & -013), Peoria, IL. Case No. PZ 14-16. (District 3)**

Council Member Riggerbach recognized Pastor Dale Higdon and his wife from Paris Avenue Church of Christ.

Council Member Riggerbach moved to concur with the recommendation from the Zoning Commission and Staff to adopt an Ordinance amending an existing Special Use, Ordinance No. 14,483, as amended, to add property at 1505 E. Paris Avenue to the boundary of the Special Use and expand parking in a Class R-3 (Single-Family Residential District) for the property at 1435, 1505 and 1509 E. Paris Avenue (PIN 14-27-402-004, -010, -011, -012, and -013), Peoria, Illinois; seconded by Council Member Akeson.



ORDINANCE NO. 17,142 amending an existing Special Use, Ordinance No. 14,483, as amended, to add property at 1505 E. Paris Avenue to the boundary of the Special Use and expand parking in a Class R-3 (Single-Family Residential District) for the property at 1435, 1505 and 1509 E. Paris Avenue (PIN 14-27-402-004, -010, -011, -012, and -013), Peoria, Illinois was adopted by roll call vote.

Yeas: Akesson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggenbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

- (14-332) Communication from the City Manager and the Community Development Director with a Request to Concur with the Recommendation from the Planning and Zoning Commission and Staff to ADOPT an ORDINANCE Establishing a Multifamily Plan in a Class R-7 (Multifamily Residential) District, at 706-716 WAYNE STREET and 804-808 NE GLENDALE AVENUE (18-04-434-001 through -009), Peoria, IL (District 1). PZ 14-14**

Community Development Director Ross Black distributed a replacement Council Communication to the City Council that recommended a deferral.

Council Member Moore moved to defer this matter until the September 9, 2014, Regular Council Meeting.

After a brief inquiry regarding the property at 706 Wayne Street, Council Member Spain seconded the motion.

Motion to defer to the September 9, 2014, Regular City Council Meeting was approved by roll call vote.

Yeas: Akesson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggenbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None

### **NEW BUSINESS**

#### **Parking Enforcement**

Council Member Moore expressed a concern that the vacant Parking Enforcement Officer position has not been filled yet. She said the position has been vacant since April, and she requested a status of the filling of that vacancy. She expressed an importance in the need for filling this position, noting that revenue from parking meters has been down since the second vacancy was listed.

Public Works Director Rogers said they had just finished negotiating terms with the Union and that the City would begin posting the vacancy immediately. He said due to the lapse in time since the initial posting, the City would have to do a new posting. He said he was looking at an additional five new positions to fill. He remarked that the Parking Enforcement Department would now be relocated to the Public Works Department. He said he anticipated working on filling these positions immediately. He said the information was currently in the Human Resource Department, and they were working to get these positions filled.

Council Member Moore said she would like a status update in 60 days to see where the process was and whether the positions were being filled.

**Curfew Enforcement Update**

In response to Council Member Grayeb, Interim Police Chief Mitchell provided an update on the curfew enforcement efforts within the City. He reported that since mid-June, the Department conducted 11 separate details for curfew violations. He said this detail consisted of adding two officers within designated areas with their focus on reducing the number of children under 17 on the streets and getting them home. He remarked that the last detail was conducted August 16, 2014. He said while conducting the detail, the Officers did not locate a large number of teenagers out past curfew. He said the main focus was on the East and West Bluff with some in the First District.

Council Member Grayeb said the City had a good summer in part due to the curfew details. He said the streets were in better shape than previous summers, and that they were currently trying to determine what to do with repeat curfew offenders and their parents.

**September Breakfast Chat**

Council Member Turner announced that Thursday, September 4, 2014, from 7:30 A.M. to 8:30 A.M., at City Hall, he and Council Member Weaver were scheduled to have their Breakfast Chat for the month of September to discuss key issues.

**Water Franchise Agreement**

In response to Council Member Akesson, City Manager Urich provided an update as to the status of the Water Franchise Agreement. He said Staff worked with outside counsel to draft an agreement that was shared with Council. He said after Staff received input, the draft agreement was shared with the water company. As of last week, he said the water company's attorneys were still reviewing the agreement and would like to sit down with the City to discuss the same in the near future. He reported that a date had not yet been finalized. He said once the agreement was completed it would come back to the City Council for their comments and discussion.

**Recognition of Glen Oak Christian Church**

Council Member Riggerbach recognized Glen Oak Christian Church, which had been a part of the East Bluff for over 90 years, for their involvement in the surrounding neighborhood assisting homeowners with simple yard work and home repairs. He thanked them for making a difference within the neighborhood.

**Jurisdictional Transfer of Radnor Road**

Council Member Riggerbach congratulated Public Works Director Mike Rogers on the finalization of the jurisdictional transfer of Radnor Road.

**Fourth District Neighborhood Breakfast**

Council Member Montelongo announced that he would be hosting his monthly breakfast on September 4, 2014, at 7:30 A.M. at Panera located at Westlake Shopping Center. He encouraged all citizens of the Fourth District to attend.

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

Hearing no objection, Mayor Ardis granted Privilege of the Floor to those citizens wishing to address the City Council/Town Board.

Mr. Savino Sierra, a Peoria resident, said the roadway on Western Avenue by Jumers to Adams needed repair. He recommended striping Griswold Street from Lincoln to Adams, noting it was a busy street.

Mr. Bob Good remarked on Black History in the City, specifically noting Juliette Whittaker and Henry Harper. He also commented on the Don't Shoot Program.

Ms. Lavetta Ricca, a Peoria resident, commented on the Paint Program. She reported that the 61605 area code located within the City of Peoria was reported as one of the poorest zip codes in the State of Illinois. She also noted that semis parked within the First District that had not been addressed by the City Council.

Mr. Greg Daniel, a Peoria resident, commented on the Paint Program and expressed concern regarding the Mayor.

Ms. April Crotts, a concerned citizen, discussed the ACLU lawsuit against the City of Peoria.

### EXECUTIVE SESSION

**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 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 an 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 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 Weaver.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None

### ADJOURNMENT

Council Member Grayeb moved to adjourn the Regular City Council Meeting; seconded by Council Member Johnson.

Approved by roll call vote.

The Regular City Council Meeting adjourned at 10:33 P.M.



Beth Ball, MMC, City Clerk  
City of Peoria, Illinois