

: OFFICIAL PROCEEDINGS :

: OF THE CITY OF PEORIA, ILLINOIS :

A Regular City Council Meeting was held August 12, 2014, at 6:15 P.M., at Peoria County Courthouse, County Board Room 403, 324 Main Street, with Mayor Ardis presiding, and with proper notice having been posted.

ROLL CALL

Roll Call showed the following Council Members were physically present: Akeson (Arrived at 6:21 P.M.), Grayeb, Jensen, Johnson, Montelongo, Moore, Riggensbach, 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 he requested that former Council Member George Jacobs' family be remembered with the recent passing of his father. He then led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

GOOD NEIGHBOR AWARD - ARCHIE & MARCIA HARRIS

IRIS AWARD PRESENTATION BY SUE BLANTON WITH KEEP PEORIA BEAUTIFUL

MINUTES

Council Member Spain moved to approve the minutes of the Joint City Council & Town Board Meeting held on July 22, 2014, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

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

(14-322) **Communication from City Manager and the Corporation Counsel with a Request to Receive for information and to Refer to the Legal Department the NOTICE OF LAWSUIT Filed on Behalf of RSB PETRO, INC.**

(14-323) **Communication from the City Manager and Director of Public Works with Request to Approve a SOLE SOURCE PURCHASE from CONFERENCE TECHNOLOGIES, INC., in the Amount of \$99,793.72, for the AUDIO & VIDEO SYSTEM UPGRADE of CITY HALL COUNCIL CHAMBERS.**

- (14-324) **Communication from the City Manager and Director of Public Works with a Request to Accept the LOW BID of R.A. CULLINAN & SON and Award a Construction CONTRACT, in an Amount Not to Exceed \$150,000.00 from the Base Bid of \$60,470.35 for the HMA (Hot Mix Asphalt) REPAIRS CONTRACT 2014. [All Council Districts]**
- (14-325) **Communication from the City Manager and Director of Public Works with a Request to Accept the Low Bid of HOROWITZ CONCRETE CO. and Award a Construction CONTRACT, in an Amount Not to Exceed \$150,000.00, from the Base Bid of \$26,837.50 for the CONCRETE REPAIRS CONTRACT 2014. (All Council Districts)**
- (14-326) *** Communication from the City Manager and Director of Public Works with a Request to Accept the LOW BID of ILLINOIS CIVIL CONTRACTORS, Inc. and AWARD the CONSTRUCTION CONTRACT for the ADA RAMP INSTALLATION REPLACEMENT PROGRAM-2014, in a Not-to-Exceed Amount of \$125,285.00. (City-Wide)**
- (14-327) **** Communication from the City Manager with a Request to Approve an AGREEMENT between the CITY OF PEORIA, ILLINOIS VALLEY PUBLIC TELECOMMUNICATIONS CORPORATION, and the ROSZELL-SEALTEST BUILDING CONDOMINIUM ASSOCIATION, as Successor in Interest to JP RIVERFRONT DEVELOPMENT COMPANIES, INC. Concerning COMMERCIAL STREET.**
- (14-328) **Communication from the City Manager and the Director of Public Works with a Request to APPROVE a LOCAL AGENCY AGREEMENT FOR FEDERAL PARTICIPATION with the ILLINOIS DEPARTMENT OF TRANSPORTATION for the Highway Safety Improvement Program FLASHING YELLOW ARROW IMPROVEMENT with Federal Participation of \$540,000.00.**
- (14-329) ***** Communication from the City Manager and the Corporation Counsel for RATIFICATION of the July 31, 2014, AGREEMENT Entered into Between the WESTLAKE LIMITED PARTNERSHIP, MORTON COMMUNITY BANK and the CITY OF PEORIA.**
- (14-330) ****** Communication from the City Manager and the Corporation Counsel with a Request to Approve an INTERGOVERNMENTAL AGREEMENT Between the CITY OF PEORIA and PEORIA PUBLIC SCHOOLS DISTRICT 150 and to Authorize the City to Apply for the Addition of Five Officer Positions in the Next COPS GRANT Funding Period.**
- (14-314) **Communication from the City Manager and Interim Chief of Police with a Request to Adopt ORDINANCE NO. 17,129 Amending Chapter 18 of the Code of the City of Peoria Regarding the Regulation of RECYCLABLE METALS DEALERS.**
- (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

- (14-333) **Communication from the City Manager and the Corporation Counsel with a Request to HOLD A POLICY DISCUSSION at the City Council Meeting on August 26, 2014, Regarding LIQUOR REGULATIONS Relating to Proposed Establishments that Operate Primarily for the Purpose of VIDEO-GAMING.**
- (14-334) **Communication from the City Manager and the Corporation Counsel with a Request to Approve the SITE APPLICATION for a Class H (TEMPORARY OUTDOOR) Liquor License for an Event to be held at 1601 W. NORTHMOOR (EXPO GARDENS) by EXPOSITION GARDENS, INC. on September 5,6, & 7, 2014. (DISTRICT 4)**
- (14-335) **Communication from the City Manager and the Corporation Counsel with a Request to Approve the SITE APPLICATION for a Class G-A (Beer & Wine Only**

* **Tavern) Liquor License with On-Site Consumption and Retail Sale of Alcohol at ANNIE'S, 6926-F N. UNIVERSITY, with a Recommendation from the Liquor Commission to Approve. (DISTRICT 5)**
- (14-336) **Communication from the City Manager and the Corporation Counsel with a Request to Approve the SITE APPLICATION for a Class G-A (Beer & Wine Only**

** **Tavern) Liquor License with On-Site Consumption and Retail Sale of Alcohol at ANNIE'S, 8414-A N. KNOXVILLE, with a Recommendation from the Liquor Commission to Approve. (DISTRICT 5)**
- (14-337) **Communication from the City Manager and the Corporation Counsel with a Request to Approve the SITE APPLICATION to add a Subclass 1A (2:00 A.M. Closing Hours) to an existing Class A (Tavern) Liquor License with On-Site Consumption and Retail Sale of Alcohol at SPARKY'S RINGSIDE BAR & GRILLE, 1916 N. Wisconsin, with a Recommendation from the Liquor Commission to Approve, with the stipulation that the following Community Development Department concerns must be addressed: 1)The Parking lot must be hard-surfaced and striped per the Land Development Code; 2) Dumpster and grease container must be screened; 3) Tent in front of the building within Beer Garden area does not meet the Land Development Code requirements and must be removed; 4) Temporary Banners placed on the fence in front of the building must have a valid Zoning Certificate and cannot be in place for more than 30 days; 5) A full review through the Site Plan Review Board and issuance of all applicable permits and certificates is required. (DISTRICT 3)**

- (14-338) **Communication from the City Manager and the Corporation Counsel with a Request to Approve the SITE APPLICATION for a Class C-G (Gas Station/Convenience Store) Liquor License with Retail Sale of Alcohol at HY-VEE C-STORE #2, 5421 W. WAR MEMORIAL, with a Recommendation from the Liquor Commission to Approve, with the stipulation that the**

applicant must adhere to the Community Development Department requirements of Zoning Certificate No. 14-30 and all applicable Building Permits. (DISTRICT 5)

- (14-339) Communication from the City Manager and the Corporation Counsel with a Request to Approve the SITE APPLICATION for a Class G-A (Beer & Wine Only

**** Tavern) Liquor License with On-Site Consumption and Retail Sale of Alcohol at THE COFFEE BAR, 3110 N. Gale, with a Recommendation from the Liquor Commission to Approve, subject to compliance with all other City Codes. (DISTRICT 2)
- (14-340) APPOINTMENT by Mayor Ardis to the PEORIA HOUSING AUTHORITY with a Request to Concur:

Ms. Thea Robinson (Voting)-Term Expiration June 30, 2016

- (14-341) Communication from the City Manager and the Community Development Director with a Request to RECEIVE and FILE an Adjustment to an Interim Step Regarding the OFFICIAL DEVELOPMENT PLAN, Ordinance No. 13,168, as Amended, in the N-1 (Institutional) District for a Medical Center and Associated Uses to 1) Construct a Temporary Entrance and 2) Allow an Interim Helipad, Properties are Commonly known as UNITYPOINT HEALTH-METHODIST HOSPITAL Located at 221 NE GLEN OAK AVENUE, Peoria, Illinois.
- (14-342) REPORT from the CITY TREASURER PATRICK A. NICHTING for the MONTH of JUNE 2014, with Request to Receive and File.

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

Council Member Turner requested Item Nos. 14-327, 14-335 and 14-336 be removed from the Consent Agenda for further discussion.

Council Member Moore requested Item No. 14-332 be removed from the Consent Agenda for further discussion.

Council Member Grayeb requested Item Nos. 14-330 and 14-339 be removed from the Consent Agenda for further discussion.

Council Member Weaver requested Item No. 14-326 be removed from the Consent Agenda for further discussion.

Council Member Spain requested Item No. 14-329 be removed from the Consent Agenda for further discussion.

Council Member Riggerbach requested Item No. 14-337 be removed from the Consent Agenda for further discussion.

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

Item Nos. 14-314 and 14-322 through 14-342 (excluding Item Nos. 14-326, 14-327, 14-329, 14-330, 14-332, 14-335, 14-336, 14,337 and 14-339, 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.

(14-326) **Communication from the City Manager and Director of Public Works with a Request to Accept the LOW BID of ILLINOIS CIVIL CONTRACTORS, Inc. and AWARD the CONSTRUCTION CONTRACT for the ADA RAMP INSTALLATION REPLACEMENT PROGRAM-2014, in a Not-to-Exceed Amount of \$125,285.00. (City-Wide)**

Public Works Director Mike Rogers responded to Council Member Weaver's question about the engineering cost for this project wherein he indicated that some of the program management cost had been higher, so the City was looking at reducing costs. He indicated that this was a program management issue rather than a project management issue. Director Rogers continued to explain that because of the matching of grades on some projects, it would require special specifications to be completed at a higher cost.

Council Member Moore spoke about her concerns with the sidewalks on Western Avenue and the need for ADA compliance. She inquired as to how an area could be placed on the list for ADA improvement projects.

Public Works Director Mike Rogers indicated that the Public Works Department collected data about improvements and his department also received service requests for projects involving ADA compliance.

Council Member Grayeb moved to approve the low bid of Illinois Civil Contractors, Inc. and award the Construction Contract for the ADA Ramp Installation/Replacement Program-2014, in an amount not to exceed \$125,285.00; seconded by Council Member Johnson.

Approved by roll call vote.

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

Nays: Weaver – 1.

(14-327) **Communication from the City Manager with a Request to Approve an AGREEMENT between the CITY OF PEORIA, ILLINOIS VALLEY PUBLIC TELECOMMUNICATIONS CORPORATION, and the ROSZELL-SEALTEST BUILDING CONDOMINIUM ASSOCIATION, as Successor in Interest to JP RIVERFRONT DEVELOPMENT COMPANIES, INC. Concerning COMMERCIAL STREET.**

Council Member Turner said he would abstain from voting on this matter due to being on the WTVP Board.

Council Member Akeson moved to approve the Agreement between the City of Peoria, Illinois Valley Public Telecommunications Corporation and the Roszell-Sealtest Building Condominium Association, as successor in interest to JP Riverfront Development Companies, Inc. concerning Commercial Street; seconded by Council Member Jensen.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggenschach, Spain, Weaver, Mayor Ardis – 10;

Nays: None;

Abstentions: Turner – 1.

**(14-329) Communication from the City Manager and the Corporation Counsel for
*** RATIFICATION of the July 31, 2014 AGREEMENT Entered into Between the
WESTLAKE LIMITED PARTNERSHIP, MORTON COMMUNITY BANK and the
CITY OF PEORIA.**

City Manager Patrick Urich reminded the Council that this agreement was voted on at a previous meeting, and he said this action was to clarify the legal entity responsible for collecting the taxes.

Council Member Montelongo moved to approve the ratification of the July 31, 2014, Agreement entered into between Westlake Limited Partnership, Morton Community Bank and the City of Peoria; seconded by Council Member Jensen.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Riggenschach, Turner, Weaver, Mayor Ardis – 9;

Nays: Moore, Spain – 2.

**(14-330) Communication from the City Manager and the Corporation Counsel with a
**** Request to Approve an INTERGOVERNMENTAL AGREEMENT Between the
CITY OF PEORIA and PEORIA PUBLIC SCHOOLS DISTRICT 150 and to
Authorize the City to Apply for the Addition of Five Officer Positions in the
Next COPS GRANT Funding Period.**

In response to Council Member Grayeb's request, Interim Police Chief Jerry Mitchell briefed the Council on this agreement with Peoria District 150, which would utilize Peoria Police Officers inside the four public high schools. He indicated that this year the Police Officers' assignments would be permanent, not temporary like last school year, and he further explained that the City was applying for the COPS Grant, which would provide additional Police Officers.

Council Member Jensen complimented Peoria School District 150 for working with the City on this program. She praised the collaboration between the City of Peoria and Peoria District 150.

Council Member Moore voiced her support for this program, and she commended Peoria Police Officer Duncan and the Peoria Police Explorers for their work in the community.

Mayor Ardis thanked City Manager Patrick Urich and Corporation Counsel Don Leist for their work on this agreement with Peoria School District 150.

Council Member Grayeb moved to approve the Intergovernmental Agreement between the City of Peoria and Peoria Public Schools District 150 and to Authorize the City to Apply for the addition of five officer positions in the next COPS Grant funding period; seconded by Council Member Jensen.

Approved by roll call votes

Yeas: Akesson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Spain, 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

Council Member Moore moved to defer this matter for two weeks to the August 26, 2014, Regular City Council Meeting; seconded by Council Member Akesson.

Motion to defer to the August 26, 2014, Regular City Council Meeting was approved by roll call vote.

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

Nays: None.

- (14-335)**

*
Communication from the City Manager and the Corporation Counsel with a Request to Approve the SITE APPLICATION for a Class G-A (Beer & Wine Only Tavern) Liquor License with On-Site Consumption and Retail Sale of Alcohol at ANNIE'S, 6926-F N. UNIVERSITY, with a Recommendation from the Liquor Commission to Approve. (DISTRICT 5)

Council Member Turner expressed his concern with the recent influx of video gaming requests in the Peoria area, and he stated that a policy needed to be created to address this issue. He summarized the recent video gaming policy that was created recently by the City of Springfield.

Council Member Turner moved to defer this item until the September 9, 2014, Regular City Council Meeting; seconded by Council Member Johnson.

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

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

Nays: None.

- (14-336)**

**
Communication from the City Manager and the Corporation Counsel with a Request to Approve the SITE APPLICATION for a Class G-A (Beer & Wine Only Tavern) Liquor License with On-Site Consumption and Retail Sale of Alcohol at ANNIE'S, 8414-A N. KNOXVILLE, with a Recommendation from the Liquor Commission to Approve. (DISTRICT 5)

Council Member Turner moved to defer this item to the September 9, 2014, Regular City Council Meeting; seconded by Council Member Spain.

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

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

Nays: None.

(14-337)

Communication from the City Manager and the Corporation Counsel with a Request to Approve the SITE APPLICATION to add a Subclass 1A (2:00 A.M. Closing Hours) to an existing Class A (Tavern) Liquor License with On-Site Consumption and Retail Sale of Alcohol at SPARKY'S RINGSIDE BAR & GRILLE, 1916 N. Wisconsin, with a Recommendation from the Liquor Commission to Approve, with the stipulation that the following Community Development Department concerns must be addressed: 1)The Parking lot must be hard-surfaced and striped per the Land Development Code; 2) Dumpster and grease container must be screened; 3) Tent in front of the building within Beer Garden area does not meet the Land Development Code requirements and must be removed; 4) Temporary Banners placed on the fence in front of the building must have a valid Zoning Certificate and cannot be in place for more than 30 days; 5) A full review through the Site Plan Review Board and issuance of all applicable permits and certificates is required. (DISTRICT 3)

Council Member Riggerbach moved to defer this item to the September 9, 2014, Regular City Council Meeting; seconded by Council Member Akesson.

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

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

Nays: None.

(14-339)

Communication from the City Manager and the Corporation Counsel with a Request to Approve the SITE APPLICATION for a Class G-A (Beer & Wine Only Tavern) Liquor License with On-Site Consumption and Retail Sale of Alcohol at THE COFFEE BAR, 3110 N. Gale, with a Recommendation from the Liquor Commission to Approve, subject to compliance with all other City Codes. (DISTRICT 2)

Council Member Grayeb expressed his concern regarding the proposed location, and he praised the work of the Police Department for the thorough investigation that was completed.

Council Member Grayeb moved to deny the site application for a Class G-A (Beer & Wine Only Tavern) Liquor License at The Coffee Bar, 3110 N. Gale; seconded by Council Member Jensen.

Motion to DENY the site application at 3110 N. Gale for a Class G-A (Beer & Wine Only Tavern) Liquor License was approved by roll call vote.

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

Nays: None.

FIRST READINGS

(14-217) Communication from the City Manager and the Community Development Director with a Recommendation from the Planning and Zoning Commission and Staff with a Request for a FIRST READING Review 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. CPZ Case No. 14-F.

Council Member Montelongo moved to deny the First Reading Review 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 Akeson.

Council Member Grayeb expressed concerns about truck driving schools located close to residential areas. He indicated that the Community Development Department had worked on a solution that would protect neighborhoods.

Community Development Director Ross Black indicated that this item was brought forth after a complaint about the truck driving school at Northwoods Mall and trucks parked at the Town and Country Bowling Alley at Gale and Forrest Hill, which was a zoning violation.

Council Member Akeson voiced concerns about the storage of semi-trucks and trailers at the Expo Gardens on Northmoor.

Community Development Director Black and Mayor Ardis responded to Council Member Akeson's question by stating that Expo had truck auctions and was allowed to park semi-trucks on their property.

In response to Council Member Spain's question, Council Member Montelongo explained that a truck driving school was not an appropriate use for the Northwoods Mall, and he said a meeting was held with Northwoods Mall representatives to discuss this matter.

Council Member Riggenschach expressed concerns about the First Reading process along with general concerns regarding the number of truck driving schools in the area, the students involved, and the income source created by the schools.

Mayor Ardis addressed the Council that, per Corporation Counsel's request, the Council should withdraw the current motion, or make a substitute motion to receive and file, and address this issue at a future Council Meeting.

Community Development Director Ross Black responded to Council Member Montelongo's question that currently three locations, Northwoods Mall, Willow Knolls Shopping Center, and Shoppes at Grand Prairie, would qualify for the zoning change with regards to trade schools with heavy equipment/truck operators.

Council Member Johnson moved for a substitute motion to receive and file and to place on the Agenda for the next Regular City Council Meeting on August 26, 2014, the 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 Spain.

Council Member Akeson asked the Community Development Staff to Report Back on the requirements other communities had regarding truck driving schools.

Mayor Ardis stated that this Ordinance would allow the proper zoning classification for trade schools with heavy/equipment/truck operators, but would not indicate a specific location.

In response to Council Member Jensen's question about truck driving schools in industrial districts, Community Development Director Ross Black said he would need to review the number of truck driving schools in the industrial districts.

Council Member Spain stated that he was concerned about signage in reference to the truck driving schools currently in operation.

Community Development Director answered Council Member Montelongo's question that the City would process the text amendment and, until Council reached a decision, a stay in enforcement would occur. He indicated that Truck Driving Schools were not permitted in commercially zoned areas, which allowed the City to enforce zoning violations.

Substitute Motion to receive and file and place this item on the August 26, 2014, Regular City Council Meeting Agenda was approved by roll call vote.

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

Nays: Montelongo – 1.

REGULAR BUSINESS ITEMS, with Recommendations as Outlined:

(14-343) 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.

Council Member Riggerbach stated the City should not encourage random sales tax rates throughout the City. He mentioned that the Property Tax Special Service Area should be utilized before the Sales Tax Special Service Area.

Council Member Spain requested City Manager Patrick Urich to present his thoughts about sales tax and the City's budgetary situation at the Policy Session in two weeks.

Council Member Turner moved to approve the creation of a policy governing the establishment of Sales Tax Special Service Areas for Shopping Centers; seconded by Council Member Riggerbach.

Approved by roll call vote.

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

Nays: None.

(14-315) Communication from the City Manager and the Director of Community Development with a Recommendation from the Planning & Zoning Commission and Staff to:

- A. ADOPT an ORDINANCE Amending APPENDIX B, the Zoning Ordinance Relating to CANNABIS CULTIVATION CENTERS, and**
- B. ADOPT an ORDINANCE Amending APPENDIX C, the Land Development Code Relating to CANNABIS CULTIVATION CENTERS.**

Community Development Director Ross Black provided information about the recent Illinois State Law in regards to medical marijuana for municipal purposes and that applications would be granted soon so a zoning requirement would be needed for Cannabis Cultivation Centers. He indicated that local jurisdictions within the State had limited authority in terms of enacting zoning regulations. He continued to state that a Cannabis Cultivation Center use would be classed as Industrial Use in the Peoria Zoning Code.

In response to Council Member Akeson's question, Community Development Director Ross Black indicated that Cannabis Cultivation Centers could be zoned Agricultural.

Council Member Moore asked Director Black what area of the City would be zoned Industrial 1, 2, and 3, which could include a potential Cannabis Cultivation Center.

Community Development Director Ross Black indicated that the area affected by the zoning change would be all current Industrial Areas from the Bartonville Village Limits along the river, through the Warehouse District, not including downtown, then continue past downtown along the river toward the Peoria Heights area. Director Black also stated that the light industrial districts in the Pioneer Park area would qualify for this zoning use.

Council Member Jensen questioned Director Black in regards to the process required by a potential cultivation center once this Ordinance was passed. She further expressed concerns about potential marijuana dispensaries and indicating them as a pharmacy and if the City had a current zoning use for pharmacies. She requested a report back about other municipalities and the guidelines for dispensaries.

In response to Council Member Jensen's question Corporation Counsel Don Leist indicated that the City would be working with the local police agencies to discuss the possession issue.

Council Member Weaver voiced concerns about the addition of Cannabis Cultivation Centers in the City of Peoria. He questioned if the City would gain financially from the Centers and how many people in the area currently participates in medical marijuana use.

Community Development Director Ross Black indicated that the only revenue that the City would obtain would be from property tax.

Council Member Riggerbach questioned Corporation Counsel Leist on the ramification if the City would not pass this Ordinance. In response to his question, Corporation Counsel Leist indicated that the State of Illinois had already passed this legislation and the community had limited jurisdiction over the Cultivation Centers.

Council Member Akeson requested clarification about the ramifications of not passing this Ordinance pertaining to Cannabis Cultivation Centers in the City of Peoria.

Community Development Director Ross Black indicated that the current law would be a denial of home rule unit of power. He stated that this Ordinance would grant a zoning requirement for Cannabis Cultivation Centers and without this Ordinance, a Cultivation Center could still be granted for the Peoria Area per State law.

Council Member Weaver stated he had consulted several doctors pertaining to the use of medical marijuana and indicated his concerns about this matter.

Council Member Spain expressed his concerns about medical marijuana and potential cannabis cultivation centers in the City of Peoria. He asked City Manager Urich about his thoughts on the Cannabis Cultivation Centers and how it would affect Peoria.

City Manager Patrick Urich indicated that the State's deadline for Cannabis Cultivation Centers would be September 8th to 20th. He said the City would take requests on a case by case basis if someone would contact the City in regards to locating a Cannabis Cultivation Center in the City of Peoria.

Council Member Moore moved to adopt an Ordinance amending Appendix B, the Zoning Ordinance Relating to Cannabis Cultivation Centers; seconded by Council Member Johnson.

ORDINANCE NO. 17,130 amending Appendix B, the Zoning Ordinance relating to Cannabis Cultivation Centers was adopted by roll call vote.

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

Nays: Weaver – 1.

Council Member Moore moved to adopt an Ordinance amending Appendix C, the Land Development Code relating to Cannabis Cultivation Centers; seconded by Council Member Grayeb.

ORDINANCE NO. 17,131 amending Appendix C, the Land Development Code, relating to Cannabis Cultivation Centers was adopted by roll call vote.

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

Nays: Weaver – 1.

(14-316) Communication from the City Manager and the Community Development Director with a Recommendation from the Planning and Zoning Commission and Staff to:

- A. ADOPT an ORDINANCE Amending APPENDIX B, the Zoning Ordinance, Of the CODE of the City of Peoria, with Respect to FUNERAL HOMES in Residentially Zoned Districts, and**
- B. ADOPT an ORDINANCE Amending APPENDIX C, the Land Development Code, of the CODE of the City of Peoria, with Respect to FUNERAL HOMES in Residentially Zoned Districts.**

Community Development Director Ross Black explained that this proposed Ordinance was on the First Reading at the last Council Meeting and further information had been provided to the Council pertaining to funeral homes in residential districts.

Council Member Grayeb questioned Community Development Director Black in regards to why this matter had come before Council.

Community Development Director Black indicated that a local funeral home expressed interest in a piece of property that was located within a residential area and the City's Zoning Ordinance would not allow for the relocation.

Council Member Turner asked Community Development Director Ross Black if crematories would be included in the zoning change. In response to Council Member Turner's question, Community Development Director Black stated that this zoning change would not exclude them.

Council Member Montelongo said he disagreed with the recommended zoning change and how allowing the change would affect the Fourth District.

Mayor Ardis thanked Community Development Director Black and his Staff on the extensive work provided regarding funeral homes in residential areas.

Council Member Grayeb moved to adopt an Ordinance amending Appendix B, the Zoning Ordinance, of the Code of the City of Peoria, with respect to Funeral Homes in residentially zoned districts; seconded by Council Member Jensen.

ORDINANCE NO. 17,132 amending Appendix B, the Zoning Ordinance of the Code of the City of Peoria, with respect to Funeral Homes in residentially zoned districts was adopted by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Moore, Riggerbach, Weaver, Mayor Ardis – 8;
Nays: Montelongo, Spain, Turner – 3.

Council Member Grayeb moved to adopt an Ordinance amending Appendix C, the Land Development Code, of the Code of the City of Peoria, with respect to Funeral Homes in residentially zoned districts; seconded by Council Member Jensen.

ORDINANCE NO. 17,133 amending Appendix C, the Land Development Code, of the Code of the City of Peoria, with respect to Funeral Homes in residentially zoned districts was adopted by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Moore, Riggerbach, Weaver, Mayor Ardis – 8;
Nays: Montelongo, Spain, Turner – 3.

(14-344) Communication from the City Manager and the Director of Community Development to Adopt an ORDINANCE Amending the FIRST AMENDMENT TO ANNEXATION AGREEMENT for an Extension of the Acquisition Contingency for Property Generally Located North of Parcel Identification Number 13-02-351-005, West of IL Route 91, South of Parcel Identification Number 13-02-100-005, and East of Orange Prairie Road Extended, Property Identified as Parcel Identification Number 13-02-300-004, Located Within the City of Peoria, Illinois. (District 5)

City Manager Urich stated, in response to Council Member Johnson's request, that the First Amendment to the Annexation Agreement for the Louisville Slugger Sports Complex had until the end of June for the closing. He said this action would extend the time period in order to bring the Annexation Agreement into compliance.

Council Member Johnson moved to adopt an Ordinance Amending the First Amendment to Annexation Agreement for an extension of the acquisition contingency for property generally located North of Parcel Identification Number 13-02-351-005, West of IL Route 91, South of Parcel Identification Number 13-02-100-005, and East of Orange Prairie Road extended, property identified as Parcel Identification Number 13-02-300-004, located within the City of Peoria, Illinois; seconded by Council Member Spain.

ORDINANCE NO. 17,134 was adopted by roll call vote.

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

Nays: Akesson – 1.

- (14-345) Communication from the City Manager and the Community Development Director with a Request to Concur with the Recommendation from the Historic Preservation Commission to ADOPT an ORDINANCE Approving the Designation of 315 W. MCCLURE AVENUE (PIN 14-33-179-002), Peoria Illinois, as a LOCAL HISTORIC LANDMARK. Case No. HPC 14-15 (District 2).**

Council Member Grayeb spoke about his enthusiasm on the recent designation of the McClure Avenue Library as a local historic landmark. He recognized City Staff and Library Board Members who were in attendance at the Council Meeting.

Council Member Grayeb moved to grant Privilege of the Floor to Margaret Cousin, a member of the Peoria Public Library Board, to discuss the recognition of the McClure Library as a historic landmark.

Hearing no objection, Mayor Ardis granted Privilege of the Floor to Margaret Cousin.

Margaret Cousin, a member of Peoria Public Library Board, discussed the history of the McClure Library and how proud she was that Peoria now had two historic locations used as libraries.

Council Member Spain expressed appreciation to Chairwoman Cousin, members of the Library Board and Staff that were in attendance. He praised the wonderful library system in Peoria and the dedication to historic preservation in the community.

Council Member Grayeb moved to adopt an Ordinance approving the designation of 315 W. McClure Avenue, Peoria, Illinois, as a local historic landmark; seconded by Council Member Turner.

ORDINANCE NO. 17,135 approving the designation of 315 W. McClure Avenue (PIN 14-33-179-002), Peoria, Illinois, as a local historic landmark was adopted by roll call vote.

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

Nays: None.

- (14-346) Communication from the City Manager and Community Development Director for DIRECTION Related to the Unexpended Balance of Funds from the 2013 Regional Neighborhood Network Conference.**

Mayor Ardis requested Community Development Director Ross Black to provide background on the 2013 Regional Neighborhood Network Conference and to explain the unused funds from the conference and how those funds would be allocated.

Council Member Turner stated he had worked with the Neighborhood Alliance and Evonne Fleming on how the money would be spent, and he suggested that the additional funds remain to assist in future Regional Neighborhood Network Conferences.

Council Member Spain said he would like the City to develop an agreement with the Neighborhood Alliance to continue with funds for participation in future Regional Neighborhood Network Conferences.

Community Development Director Black stated that with cooperation of the Legal Department and the Neighborhood Alliance, an agreement would be reached to arrange a specific location for the funds needed for this program.

Corporation Counsel Don Leist instructed the Council that he preferred there be a completed agreement before any votes be taken on this matter.

Council Member Spain moved to instruct Staff to return with a policy that the excess dollars remain with the City of Peoria along with a negotiated agreement with the Neighborhood Alliance be created for the use of those dollars; seconded by Council Member Turner.

Council Member Turner thanked Community Development Director Ross Black and Council Member Spain, who provided extensive effort and dedication to this issue.

Motion to instruct staff to return with a policy that the remaining dollars remain with the City of Peoria and that a negotiated agreement with the Neighborhood Alliance would be created for the use of those dollars 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)

(14-211) Communication from the City Manager and the Community Development Director with a Request to Concur with Either the Recommendation from the Planning & Zoning Commission to APPROVE or the Recommendation from Staff to DENY the following: (DISTRICT 5)

- A. A RESOLUTION Amending the OFFICIAL COMPREHENSIVE PLAN for the City Of Peoria to Change the Future Land Use Designations of Property Currently Designated Commercial and Office to High Density Residential;**
- B. An ORDINANCE Rezoning Property from a Class C-1 (General Commercial) District and a Class O-1 (Arterial Office) District to a Class R-7 (Multi-Family Residential) District;**
- C. A RESOLUTION Approving the FRYE CROSSING APARTMENTS, a Multifamily Residential Development for the Property Identified as Parcel Identification Nos. 13-11-304-002, with a Temporary Address of 5400 W LANDENS WAY, and Part of 13-11-304-004, with an Address of 7013 N. STALWORTH DRIVE, Peoria, Illinois.**

Council Member Johnson moved to deny the Resolution amending the Official Comprehensive Plan of the City of Peoria, the Ordinance rezoning property from Class C-1 to Class R-7 and the Resolution approving the Frye Crossing Apartments; seconded by Council Member Jensen.

Motion to DENY the Resolution amending the Official Comprehensive Plan of the City of Peoria, the Ordinance rezoning property from Class C-1 to Class R-7 and the Resolution approving the Frye Crossing Apartments was approved by roll call vote.

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

Nays: None.

NEW BUSINESS

Carver Center Board of Directors

Council Member Moore congratulated Ken Hinton and his transition team for seating a new Board of Directors for the Carver Center, and she indicated this would lead the Carver Center in a positive direction.

Night Out Against Crime

Council Member Moore thanked the Peoria Police and Fire Departments for their efforts and participation in the Night Out Against Crime held Tuesday, August 5, 2014.

Lincoln Library Historic Designation

Council Member Moore honored the Lincoln Library Branch for their recent historic designation. She praised all the local libraries in the Peoria area.

Peoria Community Against Violence (PCAV)

Council Member Moore mentioned that PCAV would host a soccer game at Morton Square Park on August 20, 2014, between the Peoria Police Department and a local community soccer team. She said games would start around 5:00 P.M. or 5:30 P.M. (weather permitting). Refreshments would be provided by the PCAV including hot dogs, chips, cookies and water. Local neighbors, community members and all citizens were welcome.

Fourth District Breakfast Meeting Thursday September 4, 2014

Council Member Montelongo announced the Breakfast Meeting for the Fourth District scheduled for Thursday September 4, 2014, at 7:30 A.M. at Panera in Westlake Shopping Center.

Road Scan Project Update

He questioned Public Works Director Mike Rogers on the status with the road scan that would be performed by the Public Works Department. Public Works Director Mike Rogers indicated that the consultant team had completed the field data collection, which resulted in road, sign and lighting data. He said verification of this data and a strategy plan would be formulated to complete this matter. Council Member Montelongo thanked Director Rogers for his work and dedication on this issue.

Community Crime Meeting

Council Member Montelongo, along with Council Member Grayeb, requested a meeting with other Council Members and the community to discuss crime and other issues surrounding the area.

LISC Meeting

Council Member Rigenbach acknowledged a meeting for all East Bluff Residents on Thursday, August 14, 2014, at 5:30 P.M. at the East Bluff Community Center presented by the Children's House and LISC.

METRO PEORIA UPDATE

Council Member Rigenbach reminded the Council that Metro Peoria would meet Wednesday, August 13, 2014, at 2:30 P.M. to continue dialogue about collaboration and cooperation between the City of Peoria and the County of Peoria. He stated that one topic of discussion would be the jurisdictional transfer of County Highways to City Roads. He said at the Peoria County Board Meeting on Thursday, August 14, 2014, a vote would be taken to consider a referendum that would consolidate the Peoria City Election Commission and form a County Wide Election Commission.

Emergency Phone Calls and Police Department

Council Member Weaver voiced his concern about the emergency phone call recently launched regarding the missing autistic boy, and he questioned if the number could indicate it was from the Peoria Police Department rather than a 1-800 number.

Council Member Montelongo stated he received a complaint in regards to the emergency phone call that occurred a few days ago. He stated this person was glad about the outcome of the situation, but disagreed with the times of the call.

Morton Square Park

Council Member Grayeb remarked about the positive changes done at Morton Square Park. He acknowledged Interim Chief Jerry Mitchell and the great work the Peoria Police had done to clean up the park.

Appreciation to Evonne Fleming

Council Member Moore thanked Evonne Fleming, a member of the Neighborhood Alliance for providing the information about the PCAV event on Wednesday, August 20, 2014.

Police Explorer Program

Mayor Ardis acknowledged Peoria Police Officer Duncan and the Explorer Program for the wonderful job that was shown in the community.

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. Dave Weiman, a Peoria resident, spoke about the Dynegy Report, and he encouraged all Council Members and citizens to submit a letter to Dynegy Corporation requesting better environmental policies.

EXECUTIVE SESSION

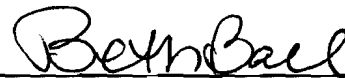
It was determined that an Executive Session was not needed at this time.

ADJOURNMENT

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

Approved by roll call vote.

The Regular City Council Meeting adjourned at 9:17 P.M.



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