
**PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF CITY HALL
111 SOUTH CAPITOL STREET**

ON MONDAY, OCTOBER 24, 2016 AT 5:30 O'CLOCK P.M.

JOHN MCCABE * MAYOR * PRESIDING

PRESENT: COUNCIL MEMBERS, GOLDEN, ORRICK, ABEL, RITCHASON, LUFT, DUNN AND MCCABE

ABSENT: NONE

The **Pledge of Allegiance** was led by Mayor John McCabe.

Roll was called. All Council Members were physically present. A quorum was declared.

AGENDA

Motion by Council Member Dunn, seconded by Council Member Luft that the agenda be approved as presented. On roll call vote, all present voted Aye.

MINUTES

Motion by Council Member Dunn, seconded by Council Member Orrick that the **Minutes of the Regular City Council Meeting of October 10, 2016 The Special Meeting of October 14, and the Special Meeting October 15, 2016 be approved as written.** On roll call vote all present voted Aye.

PUBLIC INPUT

Dale Kuntz distributed to the Council art work which he noted was of a disturbing situation. He asked Council to consider installation first of handicapped ramps and sidewalks from the hospital to the WalMart location. Robert Bramham addressed New Business item for annexation and questioned the boundary of the property on the annexation plat as compared to the approximate drawing on the goggle map. He asked Council not to approve the annexation noting an underlying reason for the adjacent property to connect to City sewer without being in the City. In addressing Policy #21 ADA Transition Plan he told Council the City has neglected the Southside in regards to handicapped ramp installation.

Ann Witzig questioned what City employee would benefit from the approval of the annexation on Valley High. In addressing the update to the ADA Transition Plan, Mrs. Witzig read several dates of the Mayor's Advisory Committee for Persons with Disabilities minutes and voiced the opinion that the members didn't give a hoot.

CONSENT AGENDA

Motion by Council Member Ritchason, seconded by Council Member Abel that the Consent Agenda be approve as presented. The following was read and presented by Mayor McCabe for consideration of the Consent Agenda items by Omnibus Vote.

7.1 Receive and File Monthly Reports and Minutes: Tazewell County Animal Control September Report, Tourism Committee Minutes dated October 11, 2016, Traffic Safety Committee Minutes dated October 7, 2016.

7.2 Proclamation: "International Alpha Delta Kappa Month" October 2016.
--

7.3 Receive and File: Zoning Board of Appeals Minutes dated October 12, 2016.
--

7.4 Resolution No. 36-16/17 – Mayor's Appointments to the Peoria/Pekin Urbanized Area Transportation Study Committees
--

On roll call vote, Ayes, Orrick, Luft, Dunn, Abel, Ritchason, McCabe; Nay, Golden. Motion Carried.

**COMMUNICATIONS, PETITIONS, REPORTS
Treasurer Quarterly Report**

Treasurer James Wolf presented to the Council the City of Pekin's first quarter financial report. He advised the report was structure the same as in the past with supplemental comments and highlighted noted figures. Council heard the following:

REVENUES AND EXPENSES

- Without a source of funding the storm water department continues to draw down on General Fund recourses.
- Sewer operations now in the black due to new rate structure. However full bond and IEPA loan repayment are in place. Sewer lines throughout the City continue to age, operating costs will be adversely effected.
- Capital Projects Fund numbers indicate the large Veterans Drive expenditures as construction winds down.
- School Bus expenses high as annual bus lease payments \$900,000 plus paid in first quarter.
- Airport operations for year reflect normal loss which is ongoing.

MAJOR REVENUE SOURCES

- Sales taxes below budget due to lower retail sales nationally.
- Restaurant / tavern food and beverage taxes have reach plateau.
- Video gaming taxes continue steady climb month after month
- Garbage and sewer funds higher than budget due bunching of revenue from switch from quarterly to monthly billing both in same quarter.

INVESTMENT EARNINGS

- GENRALLY INVESTMENT DOWN
- Liquidity issue-garbage is taking large amount of the money that could be invested.

Council Member Abel noted the garbage fee of \$12.00 was to be a start to pay for the service other than the General Fund. With annual increases the City would not have the continued short fall.

Public Hearing Annexation

Mayor John McCabe opened a Public Hearing at 6:15 p.m. for the purpose of considering and hearing testimony as to the adoption of an ordinance authorizing the annexation to the City of Pekin of 0.509 acres. Robert Bramham questioned why the property was being annexed and stated he saw problems with others connecting to the City sewer system that don't pay any taxes but also use City streets. He offered property outside the City limits allowed to hook up to City sewer at the previous meeting as an example. Ann Witzig additionally spoke in opposition to Council's adoption of the Annexation Ordinance. There was no other input received and the Mayor closed the hearing at 6:21 p.m.

NEW BUSINESS

ORDINANCE NO. 2748-16/17

PROVIDING FOR THE ANNEXATION AND ZONING OF CERTAIN TERRITORY TO THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS

Part of PIN 10-10-12-200-011 now Part of PIN 10-10-12-200-021

Motion by Council Member Abel, seconded by Council Member Luft that Ordinance No. 2748-16/17 be adopted. A petition was received from Nancy M. Moessner for voluntary annexation to the City of Pekin and Zoning to R-3 (Residential District) for 0.059 acres in Kriegsman Addition. Council was advised in the Request for Council Action that the ordinance was the formal document that approved through State Statutes for the physical expansion of governmental boundaries. The parcel was contiguous to the City by the property owner's house at 68 Grove Place PIN 04-10-01410-008. Pekin Planning Commission conducted an informal hearing at which no public input was received. Procedurally notifications were mailed to all taxing bodies including Cincinnati Township. Both plat and affidavit of mailing were filed with Tazewell County Clerk. Council Member Orrick asked if anyone asked Mrs. Moessner to include all of her property on Valley High and not just the recurved parcel to clarify title to her home property. Council Member Golden upon reading from the ordinance, questioned how annexing 1/2 acre was in the "best interest" of the City. Mayor McCabe stated it was unfortunate that the intention of the petitioner was misconstrued to imply that a city employee building a new house in the same area would hookup to City services. On roll call vote, Ayes, Ritchason, Abel, Dunn, Luft, Orrick, and McCabe; Nay, Golden. Motion Carried.

Motion by Council Member Abel, seconded by Council Member Dunn that the **COMMUNITY DEVELOPMENT BLOCK GRANT 2014 AND 2015 AMENDMENT** be approved.

Community Development Director Pamela Anderson recommended the amendment for the purpose of funding 14th Street from Broadway Road to Koch Street rehabilitation project. She advised the Council that any change to the allocation of Community Development Block Grant dollars required amendment guidelines be followed. The project was offered in two parts – ADA remaps/sidewalks and exterior rehabilitation on homes. Council heard that the targeted CDBG project would provide additional ADA accessibility and assist in stabilizing the exterior of the residential structures and tax base. Council discussed additional details of the \$385,009.23 allocation intended for an estimated 33 ramps, roofs, porch railings windows, siding and tree trimming. Council was told letters were sent to each property and an assessment walk completed of 78 owner occupied homes and 19 rentals. Council Member Golden questioned completing window and concrete work prior to March timeliness date. Mr. Golden pointed out that the acceptance of federal funding takes on the responsibility for snow removal. Council expressed some preference in considering owner occupied properties and stipulations on length of time between grant received and a sale of the improved property. Council Member Orrick was told 14th and Court Street handicapped ramps were skipped being a state highway plus additional requirements required for state projects. Council asked that they be kept informed as the project progresses. On roll call vote, Ayes, Ritchason, Abel, Dunn, Luft, Orrick, McCabe; Nay, Golden. Motion Carried.

POLICY #21 -16/17

ADA TRANSITION PLAN FOR PUBLIC RIGHT OF WAY 2016 UPDATE

Motion by Council Member Golden, seconded by Council Member Luft that Policy #21-16/17 be adopted. City Engineer Michael Guerra informed the Council of the update to the transition plan proposed for public right of way. The plan outlined how the City would make the public right of way compliant with Americans with Disability Act (ADA) by removing barriers in the right of way. Mr. Guerra advised the Council on the history of a complaint filed in 2014 and the letter of findings from Federal Highway Administration December 2015. In 2016 the City began plans to update the ADA Transition Plan to include public right of way by compiling inventory of all ramp locations, prioritizing locations, and costs for a replacement schedule. The City conducted a public hearing, presented plans to the Mayor's Advisory Committee for Persons with Disabilities, and met with FHA representative to ensure all components were incorporated in the plan. Mr. Guerra addressed questioned posed by Council Member Golden; how a transition plan could overrule a defunct City Code; was 5ft "deep" ramp what was meant which indicated elevation; did \$2,500 per ramp location include 20% adjustment factor. Council Member Golden stated he had previously noted inaccessible feature such as planters and snow that needed to be in the Plan. The Council was told the document presented was a right-of-way attachment to the 1995 ADA Plan and there would be additional code changes in public ways to conform with the Transition Plan. Council Member Orrick was advised that the \$2,500 per ramp location was bid average from recent sidewalk ramp repairs. Council further discussed modifications to wording of 5' deep concrete square, monitoring progress of the Plan annually and spelling corrections page 8. On roll call vote all present voted Aye.

ORDINANCE NO. 2749-16/17

AMENDING TITLE 4, CHAPTER 2, SECTION 10 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING SIDEWALK SNOW REMOVAL

Motion by Council Member Golden, seconded by Council Member Orrick that Ordinance No. 2749-16/17 be adopted. City Engineer advised the Council of the requirement for commercial property owners to remove snow and ice from the sidewalk to provide access for people with disabilities and general public to an accessible path. It would include public buildings, public and private schools, hospitals, and churches. The provisions outline the requirements, the timeframe for snow to be removed and the fine if necessary. Council Member Golden read from several references of public agencies' maintenance and accessibility obligations. Council Member Golden expressed concern with the measurement of the snow by which National Weather Service and if snow and ice language should be included throughout. Council Member Golden stated the provision was an easy way to shirk responsibility and poorly written. Members were advised enforcement of the provision would be through the police to the owner of the property not the business. Council Member Golden requested to postpone until legible and comprehensive. Motion by Council Member Golden, seconded by Council Member Luft that Ordinance No. 2749-16/17 be tabled until the next regularly

scheduled meeting. On roll call vote, Ayes, Golden, Orrick, Luft Ritchason; Nays, Dunn, Abel, and McCabe. Motion Carried.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

The public was given the opportunity by the Mayor to address the Council. The following individuals voiced their concerns and comments: Bob Bramham – questioned how much money was left for Court Street after Veterans Drive completion; noted violations of gravel parking lots he had submitted to code enforcement. Ann Witzig – Grants given to Disc Golf and Dash to Dusk from Tourism; City Attorney delays on gaming establishments issue; Mayor's Advisory Committee for Persons with Disabilities minutes approval dates and quorum; City mowing railroad property. Jay McNish – no response on questions submitted to Council; no report on North Pekin Update.

Staff reminded the Council that 2 Special Budget/Levy Work Sessions were scheduled for Thursday, October 27, 2016 at 5:00 p.m. and Thursday, November 3, 2016 at 5:00 p.m. Reported County submitted plans for completing parking lots. Administration in the process of moving forward with DACRA code enforcement in the police department and the Accela software program for complaints. Preliminary discussions had taken place on North Pekin wastewater matter and trying to avoid litigation. Nothing illegal regarding the Mayor's Advisory Committee approval of minutes once a quorum was present. The Fire Department did not shut down the 306 Court Street business. The owner was advised of safety issues that needed to be addressed before leasing the property. Appreciation extended for another successful Night Out Against Crime Event. Accomplishments of the Mayor's Advisory Committee for Persons with Disabilities were enumerated. Volunteers were encouraged to apply for city committees.

Council Member Abel extended appreciation to the street department for repair of the catch basin at Pavilion Drive and Court. Noted developers have been allowed to build subdivisions with not completing sidewalks. A lot of talk at the meetings about curb cut ramps yet some areas of the City never have had sidewalks. Reported he had received comments that the northside has had quite a few power outages. Council was advised that Ameren had temporary outages for replacement project. Council Member Golden explained reason for no vote for Consent Agenda which contained references to a new employee Planner position. He recalled discussion that there would be no hiring during interim City Manager's term. He found it hard to accept fee increases for garbage peddled by people who did not live in the City. Recommended Restrictive Covenant were adhered to through the permitting process. Spoke in approval of having budget meetings early but not before the new City Manager was on board. Council Member Luft spoke in favor of waiting for the manager. Council Member Orrick asked Ty Whitford Superintendent of Transportation if CitiLink followed sidewalk snow removal requirements per federal guidelines. Shelters at Brook Meadow and Kroger met requirements by the owners. Mayor McCabe reported that the Liquor Commission had ongoing discussion on licensing video gaming including issues of morality, revenue source, private enterprise.

EXECUTIVE SESSION

Motion by Council Member Orrick, seconded by Council Member Abel that Council move to Executive session at 8:35 p.m. to discuss 5 ILCS 120/2 (c.) 1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body. On roll call vote all present voted Aye.

No further business to come before the Council, motion by Council Member Orrick, seconded by Council Member Ritchason that Council adjourn. Motion carried voice vote. Mayor McCabe adjourned the meeting.

COUNCIL ADJOURNED AT 8:55 P.M.

Sue E. McMillan
City Clerk