**PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF CITY HALL
111 S. CAPITOL ST
ON MONDAY, DECEMBER 11, 2023 AT 5:30 PM
MAYOR MARY J. BURRESS PRESIDING**

Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Hohimer.

Call to Order

City Clerk, Ms. Sue McMillan, confirmed all Council Members were physically present and logged in.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Council Member	Present	5:30 PM
Karen Hohimer	City of Pekin	Council Member	Present	5:30 PM
Dave Nutter	City of Pekin	Mayor Pro Tem	Present	5:30 PM
Mary Burress	City of Pekin	Mayor	Present	5:30 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:30 PM
John P Abel	City of Pekin	Council Member	Present	5:30 PM

Approve Agenda

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	Council Member Karen Hohimer
SECONDER:	1st Alternate Mayor Pro Tem John Abel
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Mayor Pro-Tem Nutter, Council Member Hilst, Council Member Orrick, Council Member Hohimer

Approval of Minutes

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	Council Member Rick Hilst
SECONDER:	Council Member Karen Hohimer
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Mayor Pro-Tem Nutter, Council Member Hilst, Council Member Orrick, Council Member Hohimer

4.1. City Council - Regular Meeting - November 27, 2023 5:30 PM

Public Input

Tom Butler, the Executive Pastor at Richwood Christian Church, accompanied by Aaron, a pro bono attorney, thanked the Council and then addressed agenda item 8.1 related to OS-1 zoning for 2221 Parkway Drive. Mr. Butler highlighted that the property had remained vacant for over 3 years and 9 months. He emphasized the church's commitment to community welfare and the intention to utilize the sale proceeds for the greater good. To facilitate a broader range of buyers, rezoning to OS-1 was proposed, citing support from the Zoning Board of Appeals and staff. Aaron, the attorney, referred to materials in the packet and made himself available for questions during the specified agenda item time.

Ms. Marcene Farley, addressed the issue of filling a vacancy on the City Council. She mentioned a candidate who was not elected in the previous election but had the highest vote total among the unsuccessful candidates. Ms. Farley inquired about the mechanisms for replacing a council member, emphasizing that as long as a candidate was on the ballot before and still expressed interest, they should be considered. She suggested looking to the next highest vote on the ballot and emphasized the importance of community support in the decision-making process.

Mr. Steve Sangalli expressed appreciation for Mr. Butler's insights on zoning. He emphasized the significance of zoning as the most crucial aspect for the city's development and the planning mechanism that establishes the expectations for residents. Mr. Sangalli specifically addressed a request for spot area zoning in the middle of three sides of residential property. He clarified that the intention was not for personal benefit and refrained from commenting on the initial purchaser. Mr. Sangalli urged the Council not to reconsider once the decision is made. He referenced previous votes where the rezoning proposal was denied despite being in proximity to an office half a mile down the road, emphasizing the importance of adhering to zoning guidelines. Mr. Sangalli disagreed with the notion that it was possible to predict the future use of the area and argued against leaving it as open land. Instead, he advocated for selling it as residential property, expressing a desire to see houses built there. Mr. Sangalli concluded by urging the Council to stay consistent with their previous votes and deny the rezoning request once again.

Mr. Jim Mangan addressed the Council, bringing attention to a matter he initially raised last March concerning fees and the state constitution. He highlighted three separate sentences in Section 9a of the constitution, each outlining different requirements. Noting the significance of budget planning at the start of the year, Mr. Mangan presented copies of the information to the Council and the City Manager, offering to answer any questions. He pointed out additional state laws that support constitutional requirements, particularly emphasizing language at the bottom of the second page. Mr. Mangan delved into the definition of a period from Webster's Dictionary, underlining the importance of recognizing the distinct requirements in the three sentences. The second sentence addressed how fees could be used under a fee ordinance, with Mr. Mangan identifying the impound fee ordinance as the city's only fee ordinance. He emphasized that fee dollars should not be included in the property tax levy and should not be considered part of normal operations. The first sentence, according to Mr. Mangan, dealt explicitly with compensation and usage, with additional laws reinforcing how fees should or should not be used, always subject to the constitution's language. He reminded the Council of past meetings with the City Manager and Finance Director, clarifying that certain court cases discussed in April related to ordinances, not the constitution. Mr. Mangan drew attention to the third sentence, emphasizing that fees should not be used in the levy. He highlighted a minimum of $20,000 in library fees within the library levy, expressing concern about potentially significant dollars being improperly used in the city's budget. Mr. Mangan requested the Council's careful consideration of the matter and urged them to study it further, aiming for a shared understanding of the situation.

Consent Agenda

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	Council Member Karen Hohimer
SECONDER:	1st Alternate Mayor Pro Tem John Abel
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Mayor Pro-Tem Nutter, Council Member Hilst, Council Member Orrick, Council Member Hohimer

6.1. Accounts Payable To Be Paid Proof List thru November 13th, 2023

6.2. November 2023 Building Inspections Report

6.3. 2024 Schedule of Council Meetings

Public Hearing

7.1. Amendment to the 2023 Community Development Block Grant Annual Action Plan

Mayor Burress opened the public hearing at 5:53 PM.

CDBG Program Manager, Ms. Tina Hauk, presented an amendment to the 2023 Community Development Block Grant Annual Action Plan, discussing changes to funding allocations. The revised budget reallocated $75,000 from public facilities to a new line item named "Public Facilities" for the Derby Street building. The conversion aims to serve an estimated 15,000 persons, aligning with HUD regulations. The public comment period opened on December 8, 2023 and will close on January 8, 2024. The timeline indicates that it will go to the Council for approval on the last day of January 8, 2024 and then be approved by HUD.

Council Member Orrick inquired about the original purpose of the $75,000 designated for sewer relining. Ms. Hauk clarified that it was initially allocated for sewer pipe relining on Derby Street, but the funds are now reallocated for the public facilities project. City Engineer, Ms. Josie Esker confirmed this and mentioned that the sewer relining budget could be adjusted.

Council Member Orrick further discussed the need for the $75,000 and potential sources if not repurposed. City Manager, Mr. John Dossey, suggested considering Tax Increment Financing (TIF) but emphasized that CDBG would be a better fit for reallocating the funds. Council Member Orrick questioned whether TIF funds could be used for sewer, and Mr. Dossey and Ms. Esker confirmed the possibility.

Council Member Nutter expressed satisfaction with addressing the homeless issue in the CDBG plan and sought clarification on the usage of Salvation Army's part of the building. Mr. Greg Ranney, representing Pekin Outreach Initiative, explained that the day shelter would move to Salvation Army's location, focusing on daytime services.

Council Member Hilst sought clarification on the need for the $75,000 in sewer lining. Ms. Esker explained that the funds were not needed for the current project but were earmarked for other sewer lining needs in various areas of the town.

Mr. Brett Brody, a resident since 1968 and involved in local charities, supported the CDBG plan, emphasizing the community's history of helping those in need. He highlighted the importance of preventive measures and urged the Council to approve the funds.

Mr. Jim Mangan thanked Mrs. Hauk for providing the report and raised questions about the formation of the plan and the allocation of the $75,000. Ms. Hauk explained the process and mentioned that the request for the funds came from the public. Mr. Mangan expressed concerns about attracting more homeless individuals and questioned Ms. Hauk about her salary and other budget details.

Mr. Dossey responded to Mr. Mangan's concerns, emphasizing that the plan is a solution to homelessness and requires city involvement. The funds come from federal sources, not taxpayers.

Mayor Burress closed the public hearing at 6:30 PM.

Unfinished Business

8.1. Ordinance No. 4122-23/24 A Rezoning Request Submitted by Richwoods Christian Church from R-3 One Family Residential District to OS-1 Office Service District for the Property Located at 2221 Parkway Drive

RESULT:	**FAILED (2 TO 4)**
MOVER:	Mayor Pro-Tem Dave Nutter
SECONDER:	Council Member Lloyd Orrick
AYES:	Mayor Pro-Tem Nutter, Council Member Orrick
NAYS:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Hilst, Council Member Hohimer

City Manager, Mr. John Dossey addressed a rezoning request from Richwoods Christian Church for the property located at 2221 Parkway Drive, seeking to change the zoning from R-3 One Family Residential District to OS-1 Office Service District. The purpose was to allow a wider range of potential buyers, as R-3 currently imposes restrictions. Mr. Dossey emphasized that the focus should be on the OS-1 zoning and not on Adult Teen Challenge, as that is a separate process. Staff and the Zoning Board of Appeals (ZBA) recommended approval to OS-1. Contacts have been made with Maloof Realtors for other opportunities, but at present, the church is only involved in the zoning process.

Council Member Orrick inquired if, upon approval, a special use permit would be required for anyone to occupy the building, specifically mentioning Adult Teen Challenge. City Attorney, Ms. Kate Swise explained that it depends on the buyer's intentions and usage, and the need for a special use permit would be determined accordingly.

Council Member Nutter reminded everyone of the upcoming ZBA meeting on Wednesday regarding Adult Teen Challenge's application. He urged interested parties to attend the meeting and provide comments or express their concerns.

Council Member Hohimer expressed concern about the neighborhood being predominantly residential and preferred to see the land used for more residential living.

Council Member Hilst referenced the previous meeting where he suggested that Multi-Family Residential might work instead of OS-1 if Adult Teen Challenge was considered. He asked why the decision was made for OS-1. He felt that if a not for-profit business were to occupy the building, the city would not be collecting property taxes.

Mr. Tom Butler, representing Richwoods Christian Church, clarified that the application aimed to bring in more potential buyers, and OS-1 was suggested as it allowed for a broader range of potential buyers.
Attorney for Tom Butler, Mr. Aaron, providing a perspective on the property, highlighted the single access point on a busy street and the recreational golf course across the street. He explained that OS-1 was considered more appropriate due to the access points and the potential challenges associated with residential development, including parking limitations.

Council Member Hilst questioned if having a buyer interested in rezoning to Multi-Family Residential would not increase traffic. Aaron explained the potential density issues and how OS-1 allows for a more predictable traffic pattern.

Mr. Steve Sangalli expressed skepticism, mentioning that the term "best possible use" is subjective, and the property could be used for various purposes, including a strip mall or a private club.

8.2. Ordinance No.4125-23/24 Amending Chapter 4, Article II, Section 7 thru Section 18 of the Pekin Liquor Code to Allow for Limited On-Premises Consumption in Package Liquor Stores

RESULT:	**PASSED (4 TO 2)**
MOVER:	Mayor Pro-Tem Dave Nutter
SECONDER:	Council Member Lloyd Orrick
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Mayor Pro-Tem Nutter, Council Member Hohimer
NAYS:	Council Member Hilst, Council Member Orrick

City Attorney, Ms. Kate Swise, presented Ordinance No. 4125-23/24, proposing amendments to Chapter 4, Article II, Section 7 through Section 18 of the Pekin Liquor Code to allow limited on-premises consumption in package liquor stores. Mayor Burress mentioned that this ordinance had been previously tabled at the November 13, 2023 and November 27, 2023 Council Meetings.

Council Member Orrick sought clarification that if the ordinance passed, the fee for businesses to allow on-premises consumption would be $500 per year. Ms. Swise confirmed this and mentioned the potential for additional revenue if the businesses also introduced gaming and the fee would be in addition to Class B package liquor license.

City Manager, Mr. John Dossey provided insights into discussions with executives from Kroger, emphasizing the opportunity to grow their business and provide more services to customers. He mentioned conversations with the Kroger executives about potential benefits for the city, including gaming and expanded food and beverage options. Mr. Dossey indicated that Kroger sees Pekin as a pilot process for implementing these changes.

Mayor Burress shared her positive impressions from visiting a similar Kroger concept up north and emphasized the need to broaden the city's horizons.

Council Member Abel referred to a letter received from the business, indicating their upfront approach about obtaining a state gaming license.

Council Member Hohimer raised a question about whether approving this would mean automatic approval for other businesses, and Ms. Swise clarified that each business would need to go through the Liquor Commission individually.

Council Member Nutter raised a concern about what would happen if the changes did not work after six months, and Mr. Dossey explained that if there were zoning changes, they would need to be addressed separately.

Council Member Hilst expressed skepticism about the benefits, primarily seeing it as a way to generate extra gaming revenue. Mr. Dossey disagreed, asserting that it would also contribute to growing the business.

Council Member Hilst also questioned the need for a Class A license and if they had to adhere to all building code requirements, and Ms. Swise explained that it was required to pour alcohol on the premises to have gaming, to which the proposed ordinance would offer a Class D license in conjunction with a Class B license. She also added that Kroger would have to meet all code requirements.

Council Member Orrick mentioned two other places needing liquor, and Kate clarified that they would need a pour license in order to have gaming. Ms. Swise read the definition of gaming from the City of Pekin Municipal Code to address Council Member Orrick's concerns.

Council Member Hohimer shared her surprise after visiting a similar Kroger concept, Pakudo's, up north, mentioning the well-disguised gaming area, quality of the food, and overall positive experience.
The discussion revolved around the proposed changes to the liquor code, considering potential benefits and concerns associated with on-premises consumption in package liquor stores.

New Business

9.1. Ordinance No. 4137-23/24 Second Amendment to the FY24 Operating and Capital Budget

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	1st Alternate Mayor Pro Tem John Abel
SECONDER:	Council Member Karen Hohimer
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Mayor Pro-Tem Nutter, Council Member Hilst, Council Member Orrick, Council Member Hohimer

Finance Consultant, Mr. Bob Grogan, presented Ordinance No. 4137-23/24, which is the Second Amendment to the FY24 Operating and Capital Budget. He explained that the city received a grant for 54 Glock pistols and 3 drones. Additionally, there were smaller grants for bulletproof vests. These grants were not originally contemplated in the budget, resulting in no revenue or expense allocation for them. The purpose of this amendment is to recognize the revenue and the associated expenses. Mr. Grogan emphasized that if this amendment is not approved, it would require the police department to use their regular funds, potentially impacting their spending in other areas.

Any Other Business To Come Before The Council

Council Member Hilst raised a question regarding conflicts of interest in the city handbook, asking if it would be fair to say that a city employee with a side business couldn't have the city as one of their customers. City Attorney, Ms. Kate Swise affirmed this.

Council Member Hilst also brought up a city property with a fence, gate, and equipment that was supposed to be abated in 2020 but hasn't been. Additionally, he inquired about communication with the county regarding the Tobin building.

City Manager, Mr. John Dossey mentioned no updates on the Tobin building from the county, and Council Member

Hilst shared that he sent a letter to the county about the unsafe conditions at 1 Capitol Street (Tobin building).

Chief Building Official, Mr. Nic Maquet, explained that action is being taken on the Tobin building, and demolition is planned once work on the Arcade is completed. The order of demolition was determined based on access without causing damage to city roads and the Arcade.

Council Member Hilst requested an update on the recycling contract with GFL. Public Works Director, Mr. Dean Scheider, provided information on the negotiations due in May, indicating that they have been lumped together. Council Member Hilst pointed out that the current contract mentions termination in December 2022 unless the city authorizes the option to extend. He expressed concerns that the extension did not come to the Council for approval.

Council Member Abel wished everyone a Merry Christmas and reminded them of the reason for the season.

Council Member Hohimer extended holiday wishes, hoping to see everyone healthy and happy next year.

Council Member Nutter left the Council Chambers at 7:25 pm and returned to the meeting at 7:27 pm.

Council Member Orrick offered prayers for world peace, country peace, and city peace, along with holiday greetings.

Council Member Nutter raised the issue of complaints about people not stopping at stop signs, seeking suggestions for improvement. He also wished everyone peace and Merry Christmas.

Mayor Burress announced the cancellation of the second meeting scheduled for the 26th of December and mentioned seating the new council member shortly after the new year. She extended wishes for a Merry Christmas, Happy New Year, and acknowledged the upcoming 200th anniversary for the City.

10.1. ADA Transition Plan Update

City Engineer, Ms. Josie Esker, provided an update on the ADA Transition Plan. Derby Street's sidewalk work is progressing, with an expected early or mid-next week completion, though it may not be perfect yet. Court Street has some turn lanes open at Parkway, and the completion is anticipated before the end of the year, weather permitting. Both projects started in mid-March, with more work planned next year.

Ms. Esker continued mentioning the signed Consent Decree in November 2022, required an updated transition plan by May 1, 2024. The preliminary plan is being revised, with a public hearing scheduled for late January or early February. The ADA training certification program involves members of the Engineering Department. Ensuring accessible routes around construction zones has been a challenge, and efforts are underway to address this issue. Some priority areas listed in the Consent Decree are completed, while others are planned for next year.

Council Member Orrick inquired about the $250K budget for sidewalks, and Ms. Esker confirmed that it was appropriate for 2022, and the $1.5M is allocated over three years, offering flexibility for projects like Court Street, Derby Street, and downtown.

Council Member Nutter requested a list of completed projects related to the Consent Decree, and Ms. Esker mentioned having a spreadsheet that she could send.

Executive Session 5 ILCS 120/2 (c)

Adjourn

There being no further business to come to the Council a motion was made by Council Member Orrick seconded by Mayor Pro-Tem Nutter to adjourn the meeting. Motion carried viva voice vote. Mayor Burress adjourned the meeting at 7:31 PM.