



**REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 24, 2018
5:30 PM**

1.	Pledge of Allegiance
2.	Call to Order
3.	Approve Agenda
3.1.	Approve agenda
4.	Approval of Minutes
4.1.	Approval of Minutes
4.2.	City Council - Regular Meeting - Sep 10, 2018 5:00 PM
5.	Public Input
6.	Consent Agenda
6.1.	Pekin Plan Commission Minutes - August 8, 2018 Meeting
6.2.	Zoning Board of Appeals Minutes - May 9, 2018
6.3.	Pekin Area Chamber of Commerce Day
6.4.	Tazewell County Animal Control - August 2018 ACTION REQUESTED: Receive and File Tazewell County Animal Control Billing August 2018
7.	Presentation Storm Water Projects
8.	Unfinished Business
8.1.	Adoption of the 2015 International Building Codes ACTION REQUESTED: Remove from table and approve Ordinance 2791-18/19 Amending: Title 7, Chapter 1, Article A of the City Code of the City of Pekin Regarding Adoption of the 2015 International Building Codes to Replace the 2006 International Building Codes.
9.	New Business

9.1.	Ordinance No. 2802-18/19 An Ordinance Providing For And Approving The Third Amendment To The Pekin South Industrial Park Tax Increment Financing District Redevelopment Project Area, Plan & Projects ACTION REQUESTED: Adopt Ordinance No. 2802-18/19 -providing for and approving the Third Amendment to the Pekin South Industrial Park Tax Increment Financing District Redevelopment Project Area, Plan & Projects.
9.2.	Ordinance No.2803-18/19 Redevelopment Agreement with Maquet, Inc. and SPWT, LLC for use of Central Business District Tax Increment Financing for redevelopment of 223 Court Street, Pekin, Illinois. ACTION REQUESTED: Adopt Ordinance No. 2803-18/19 to enter into a redevelopment agreement with Maquet, Inc. and SPWT, LLC for use of Central Business District Tax Increment Financing for redevelopment of 223 Court Street, Pekin, Illinois.
9.3.	Request for Special Use Authorization for a private park use on a vacant parcel on Black Street ACTION REQUESTED: Recommendation from the Pekin Plan Commission to the City of Pekin City Council to approve a petition granting Special Use Authorization to establish a private park on a vacant parcel on Black Street located in the B-3, General Business District.
9.4.	Purchase Agreement for an IT Server in the amount of \$13,332.48 ACTION REQUESTED: Authorize Interim City Manager to direct IT to purchase a new server with 3 years maintenance in the amount of \$13,332.48.
10.	Any Other Business To Come Before The Council
11.	Executive Session 5 ILCS 120/2 (c) 1. Personnel
12.	Adjourn

Column 2 Key:

- 1 A Prosperous Community.** To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
- 2 A Safe Community.** To protect community life and property by providing effective, principled police and fire services.
- 3 A Strong Foundation.** To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
- 4 A High Quality of Life.** To support or provide services that improve the quality of life for Pekin's residents.
- 5 An Effective Government.** To deliver effectively the services that Pekin's residents want, need, and are willing to support.

 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 SEPTEMBER 10, 2018 AT 5:00 O'CLOCK P.M.
 JOHN MCCABE * CHAIR * PRESIDING

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor McCabe.

All Council Members were physically present with the exception of Council Member Luft arriving at 5:05 PM. A quorum was declared.

The meeting was called to order at a Special Time of 5:00 p.m.

Attendee Name	Title	Status	Arrived
James A Schramm	Council Member	Present	4:56 PM
Michael Garrison	Councilman	Present	4:37 PM
Lloyd Orrick	Mayor Pro-Tem	Present	4:34 PM
John P Abel	Council Member	Present	4:37 PM
Michael Ritchason	Council Member	Present	4:53 PM
Mark Luft	Council Member	Present	5:05 PM
John McCabe	Mayor	Present	4:55 PM

EXECUTIVE SESSION 5 ILCS 120/2 (C) 2. COLLECTIVE NEGOTIATING MATTERS

- 3.1. Motion to: Motion to Move to Executive Session**
 A motion was made by Council Member Schramm and seconded by Council Member Abel to move to Executive Session 5 ILCS 120/2 (c) 2 Collective Negotiating Matters at 5:01 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James A Schramm, Council Member
SECONDER:	John P Abel, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, McCabe
ABSENT:	Mark Luft

APPROVE AGENDA

Members returned from Closed Session at 5:35 p.m. All members were present.

- 4.1. Motion to: Approve agenda**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John P Abel, Council Member
SECONDER:	Michael Ritchason, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

APPROVAL OF MINUTES

- 5.1. Motion to: Approval of Minutes**

Minutes Acceptance: Minutes of Sep 10, 2018 5:00 PM (Approval of Minutes)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John P Abel, Council Member
SECONDER:	Mark Luft, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

5.2. City Council - Regular Meeting - Aug 27, 2018 5:30 PM

PUBLIC INPUT

Rick Hilst addressed the Council and questioned the packet materials for New Business item 9.1. He asked that the packet include the second respondent to the qualifications for design services. Mr. Hilst also questioned New Business item 9.2 to ask which line item will be used to pay Hanson Professional Services and suggested that TIF funds be used.

CONSENT AGENDA

Mayor McCabe presented the Consent Agenda approved by Omnibus vote by the Council.

- 7.1. Pekin Zoning Board of Appeals Minutes Dated April 11, 2018**
- 7.2. Pekin Plan Commission Minutes - July 11, 2018 Meeting**
- 7.3. August 2018 Building Report**
- 7.4. Proclamation Intellectual Disabilities Week in Pekin**
- 7.5. Motion to: Motion to Adopt Consent Agenda**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Garrison, Councilman
SECONDER:	Michael Ritchason, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

PRESENTATION DERBY STREET STUDY

Becca Wagner P.E. Hanson Professional Services, presented a slide show presentation of the Derby Street Corridor Plan. She presented the corridors needs and challenges. A design charrette was open to the public for big ideas that included a greenspace curb appeal with several different frontage types. These included sidewalks, travel lanes, trees, parking lots, a small wall between the sidewalk and parking lot. Other suggestions included residential opportunities, a parking strategy, street furniture, lighting, and transit recommendations. Ms. Wagner explained the different costs associated with the project. She explained that leaving the road as it is will be more expensive. Ms. Wagner discussed available funding opportunities through the IL Transportation Enhancement Program and the Highway Safety Improvement Program.

NEW BUSINESS

- 9.1. Engineering Agreement with Hanson Professional Services for Front Street Design**
City Engineer, Michael Guerra, explained the request to enter into an agreement with Hanson Professional Services for the phase two (final design) of the Front Street Project. The City has previously entered into an agreement with Hanson for the design of the Front Street Project during August 28th, 2017 council meeting. After receiving funding from the State of Illinois through the Illinois Competitive Freight Program, the state determined the City would need to

follow the most current Qualification Based Selection (QBS) for the design services and would not honor the previous agreement for the funding allocation. Therefore the City solicited qualifications for design services and received two respondents. Hanson was selected as the most qualified engineering firm and negotiations were started. This agreement is to perform the phase two (final design) for the Front Street Project as listed in the agreement. The overall, not to exceed, cost for this agreement is \$587,000 which is approximately 10% of the estimated construction cost. The City will terminate the existing agreement with Hanson with the execution of this agreement.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Garrison, Councilman
SECONDER:	Michael Ritchason, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

9.2. Motor Fuel Resolution 114-18/19 for Front Street Project Design

City Engineer, Michael Guerra, presented the resolution to utilize Motor Fuel Tax Funds (MFT) to pay for the engineering services for the Front Street Project. With the grant from the Illinois Competitive Freight Program, the City will have to pay for the engineering bill out of the MFT fund to get reimbursed the state share of 80%. Therefore, this resolution is for the full engineering amount to account for the payments prior to any reimbursements per Illinois Department of Transportation requirements. This resolution will replace the previous resolution #63-17/18 that Council passed last year. The new resolution is needed as section number for the project has changed with the grant funding. Illinois Department of Transportation utilizes project numbers to track the funding and progress of the project. Therefore the previous section number will be closed and this resolution will be for the new section number.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mark Luft, Council Member
SECONDER:	Michael Ritchason, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

9.3. Resolution 18/19-115 to Concur with Illinois Department of Transportation Division of Aeronautics for the Rehabilitation of Runway

City Engineer, Michael Guerra, presented the request to concur with the Illinois Department of Transportation Division of Aeronautics to award the bid for the Rehabilitation of the Runway 9-27 at the Pekin Municipal Airport to R. A. Cullinan and Son, a division of UCM. This scope of this project is to reconstruct the original 3800 ft. of the runway with a structural overlay on the remaining 1200 ft. of the runway including the turnaround and all necessary work needed to complete the project. R.A. Cullinan was the only bidder on this project with a bid of \$2,796,243.34. Historically, the City only receives one bid on any pavement work at the Pekin Airport as in this case. This bid was approximately 1% under the approved estimate making the project awardable. Therefore, the recommendation would be to concur to award the project so the project can begin next spring.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	Michael Garrison, Councilman
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

9.4. Amendment to Midwest Engineering Associates for Design Services for Broadway Farms

City Engineer, Michael Guerra, presented the amendment to the agreement with Midwest Engineering Associates to include all locations needing repair as agreed to with Broadway Farms. The City originally entered into an agreement with Midwest Engineering Associates in September of 2013 for both the Cambridge/Shire detention pond and the basic scope for Broadway Farms. The scope for repairs for the Broadway Farms location has modified over the past several years with the negotiation with DMGL, LLC. Therefore, the scope of the original agreement needs to be expanded to include all aspects of the agreement with DMGL, LLC, within the timeframe listed in the agreement.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Ritchason, Council Member
SECONDER:	Mark Luft, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

9.5. Resolution 116-18/19 to purchase equipment

City Engineer, Michael Guerra, presented the request to purchase a mini excavator. The City of Pekin is currently renting a CAT mini excavator for the storm water repairs being performed by City crews. They have utilized this piece of equipment to complete the erosion repairs at DeSoto Ct. including the installation of a rip rap outlet for a storm sewer pipe, a still basin, and ditch checks to slow the water coming down the hillside and to reduce the amount of silt flowing into Lake Arlan. The City crews will continue to utilize the equipment for repairs to Orchard Ave, Rosewood Ln and Dogwood Ln. The City Council Sub Committee for Storm Water recognized the usefulness of this piece of equipment for storm water repairs and wastewater repairs. They recommended that the City purchase this piece of equipment to be utilized for future repairs to save on rental costs over several years and across several departments.

This proposal is to purchase a CAT 305E2 CR Excavator from Altorfer CAT. This will allow the City to have several pieces of equipment from the same manufacture, as the City currently has 2 CAT Backhoes and a CAT wheel loader. This will allow for the same service and distributor of parts for the majority of the equipment the City owns. The purchase price is calculated from the Sourcewell (formerly NJPA) awarded price with an additional discount from Altorfer. The price does include a Customer Service Agreement where Altorfer will perform the routine maintenance on the equipment for five years or 2500 hours to ensure the equipment is operating efficiently. The final total cost to the City will be \$65,942.00.

The Council Sub Committee recognized the equipment could be utilized for both storm water and wastewater departments and requested the cost be split between the two departments. Attached is a spreadsheet with the estimated

usage between the two departments to determine the split. The estimated usage indicates that the cost allocation should be an even 50/50 split between the departments.

Council Member Orrick reminded Council that the price was initially over \$70K and the City was able to reduce it to \$65K. Council discussed the different rental pricing models.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James A Schramm, Council Member
SECONDER:	Michael Ritchason, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Dave Nutter spoke regarding Broadway Farms and the funds being backed out of the transparency site. He expressed concern regarding TIF funds and inquired about the treasury report listing reserves. He also expressed confusion about drawing out of MFT Funds.

Rick Hilst stated that he was confused as to why the City does not utilize TIF Funds for engineering fees. He inquired as to which line item in the budget the Assistant City Manager gets paid out of, he asked for a status update on the Veteran's Drive project, the downtown TIF district, and the loan to be paid back for PAL Health out of the General Fund. Mr. Hilst inquired about curbside recycle pickup and Park District tote purchases.

Roger Alexander addressed the Council regarding a boat that code enforcement needs to address.

Interim City Manager, Mr. Mark Rothert, announced that the City received a check from the State for the jurisdictional transfer of \$8.3M in which half will go back to repay the General Fund. The other half will need Council direction for street and rehabilitation projects. He also announced that the PAL Health reimbursement is being worked on by the TIF administrator. Mr. Rothert also explained that the City does pick up recycling and totes were purchased in November of 2017, but have yet to be billed.

Mayor McCabe commented on the following:

911 Remembrance

Police Foundation fund raising efforts. Big screen TV prize donated back

Success of Marigold Festival

Knights of Columbus Toosi Roll Drive Mayor read 50 year Anniversary Proclamation

Expressed condolences to the family of departed long time Police Officer John Cominski
noted YWCA adult learning program

Council Member Orrick suggested that a barter agreement could be working out with the Park District regarding recycling.

ADJOURN

No further action to come before Council, motion was made by Council Member Ritchason, seconded by Council Member Abel that Council adjourn. Motion carried viva voce. Mayor McCabe adjourned the meeting in open session at 6:45 PM.

Minutes Acceptance: Minutes of Sep 10, 2018 5:00 PM (Approval of Minutes)

**REQUEST FOR COUNCIL ACTION****To: Council Members****Date: September 18, 2018****From: John Lebegue, Building & Inspections****AGENDA ITEM:** Pekin Plan Commission Minutes - August 8, 2018 Meeting**AGENDA DATE REQUESTED:** September 24, 2018**REQUIRED SIGNATURES****Department Directors and City Staff:**

Date:

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Pekin Planning Commission Meeting
 Council Chambers
 111 South Capitol Street, 2nd level
 August 8, 2018
 5:30pm

Present:

Bill Craig, Chair
 Daryl Dagit
 Amy Wilson
 Don Hild

James Ruth
 Chris Deverman
 Tim Bonnette

The regular meeting of the Pekin Planning Commission was called to order and a quorum was declared.

Staff present: John Lebegue, Building Inspections/Development Director, and Attorney Scott Kriegsman.

MOTION by Chris Deverman to approve the August 8, 2018 Agenda, Seconded by Amy Wilson. On roll call vote, all present voted AYE. Motion approved.

MOTION by James Ruth to approve the minutes of July 11, 2018, Seconded by Daryl Dagit. On roll call vote, all present voted AYE. Motion approved.

Council Action Reports: No Council Action Report was given.

Application #1: Review and consideration of a petition for Special Use Authorization for a home occupation to conduct a dog daycare use at 1102 Chestnut Street.

Hearing #1 (#08-1918): Consideration of a petition submitted by Deanna Shanks for a Special Use Petition for a home occupation to conduct a dog daycare use for less than 3 animals at a property located at 1102 Chestnut Street with a Legal Description of SEC 35 T25N R5W Bush's Subd.7 Lot 191 (65' x 110' Exc. S 5') NE ¼ with the following P.I.N.# 04-04-35-214-003 in Tazewell County, Illinois.

Open Public Hearing: 5:33 pm

Bill Craig, Chairman, entertained a motion for discussion.

Motion made by James Ruth, seconded by Don Hild, to open discussion.

Chairman Bill Craig opened the discussion and asked if there was anyone here to speak in regard to the issue.

Valerie Moehle, Attorney, appeared before the Pekin Plan Commission on behalf of applicant Deanna Shanks, seeking Special Use authorization to conduct a dog daycare use of less than 3

animals at 1102 Chestnut Street. This petition was a second, amended petition for Special Use Authorization to conduct a dog daycare home occupation use from a residential home located at 1102 Chestnut Street, as this petition was specifically for less than three animals.

Attorney Moehle explained to the members of the Plan Commission that the petition was amended to limit the number of dogs that Ms. Shanks could care for and that by limiting the number of animals, noise generated by barking dogs would be decreased and traffic in the neighborhood would not be increased beyond the norm for that neighborhood. Ms. Moehle continued by stating that people prefer to leave their pets in a home setting instead of a kennel and that Ms. Shanks would agree to whatever conditions or restrictions that the Plan Commission recommended to be placed on the use. Ms. Moehle concluded by stating that if Deanna Shanks was denied the ability to provide dog daycare services from her home that all others providing the same service in the city should be denied as well.

Melinda Grafelman appeared before the Plan Commission and stated that Deanna Shanks was licensed to by the State of Illinois as a foster parent for dogs and that the City should allow her to foster and babysit dogs in her home.

Debby Helmick of 1012 Chestnut Street appeared before the Plan Commission and stated that prior to receiving the notice of the meeting, did not know the dog daycare use was being conducted at 1102 Chestnut Street. Ms. Helmick stated that she had heard dogs barking at times, but that it did not disturb her and that she was appearing in support of her neighbor.

Sandra Coffey of 1103 Chestnut Street appeared before the Plan Commission and stated that she didn't doubt that Deanna loves dogs, but that the dog daycare use has caused problems and strife in a predominantly elderly neighborhood. Ms. Coffey continued by stating that the number of dogs on the property at 1102 Chestnut was a problem, as Deanna has 4 dogs of her own and the barking of the dogs was a problem for the neighborhood. Ms. Coffey concluded by stating that the neighborhood is too residential for the dog daycare use and that the use would be better conducted in the country and that there is no way to control and monitor the use if it continues to be conducted at 1102 Chestnut Street.

Joyce Janssen of 1218 N. 11th Street appeared before the Plan Commission and explained that she lives directly behind the property at 1102 Chestnut Street and that dogs are constantly barking and fighting in the rear yard and that she can't even open her windows and enjoy her property due to the constant noise of the barking. Ms. Janssen ended by stating that she wants the unlawful dog daycare use ceased so that she can enjoy her home again.

Several clients of Ms. Shanks, who do not reside in the neighborhood where the unlawful dog daycare use is being conducted, appeared before the Plan Commission and spoke in favor of the Special Use being sought by Ms. Shanks. The clients of Ms. Shanks stated that Deanna's home and yard is always clean and that their dogs benefit from being in a home environment rather than a commercial kennel.

Close Public Hearing: 5:53 pm.

Commissioner Jim Ruth asked if the City of Pekin had any regulations limiting the number of pets a resident may have.

Building Inspections / Development Director John Lebegue answered by stating that the City of Pekin currently does not have any ordinance language limiting the number of pets a resident may have.

Commissioner Ruth further stated that he was concerned that Ms. Shanks continued to operate the dog daycare use even after being denied approval by the City Council.

Chairman Bill Craig stated that he too was concerned that Ms. Shanks unlawfully continued the dog daycare use after being specifically denied by the City Council.

Commissioner Daryl Dagit asked what section of the City Code pertained to this request since a home occupation use for dog daycare did not exist in the City Code.

Building Inspections / Development Director John Lebegue explained that the request before them was being made pursuant to Section 9-4A-2, (B), (4): Which states that any proposed home occupation that is neither specifically permitted by subsection B2 of this Section nor specifically prohibited by subsection B3 of this Section shall be considered a special use and be granted or denied upon consideration of those standards contained in subsection B1 hereof and under the procedures specified in Section 9-4A-3, "Special Uses", of this Article.

Commissioner Don Hild stated that even though that section existed, he had concerns that the Plan Commission even could grant the dog daycare use since it was not a listed and permitted home occupation use.

Chairman Bill Craig stated that he had concerns that there would be really no way to fully monitor the dog daycare use were it approved and that Ms. Shanks continued to unlawfully operate the dog daycare use after being denied by the City Council. Chairman Craig continued by stating that the Commission has heard testimony that additional traffic has been created by the dog daycare use and that the excessive noise generated by barking dogs has been disruptive to the neighborhood.

Commissioner Don Hild stated that monitoring of the use would be complaint driven and that he was still concerned that there was not a specific home occupation use for dog daycare.

Commissioner Chris Deverman stated that he agreed with the opinions of Commissioner Dagit and Commissioner Hild in regard to the proposed home occupation use for dog daycare.

Chairman Bill Craig called the question on the request for Special Use Authorization to conduct a dog daycare home occupation use of less than 3 animals at 1102 Chestnut Street. On a roll call vote, all present voted Nay. Motion failed.

Application #2: Review and consideration of a petition for a Map Amendment for the rezoning of property on El Camino Drive from RT, Two-Family Residential District to RM-1, Multiple Family Residential District.

Hearing #2 (#08-1919): Consideration of a Petition for a Map Amendment submitted by Hornecker Properties, LLC. for the Re-Zoning of property currently zoned RT (Two Family Residential) to RM-1 (Multiple Family Residential) for the purpose of constructing multi-family housing on certain property located on El Camino Drive, with P.I.N. Numbers of a part of P.I.N.# 10-10-11-400-034 and all of P.I.N.# 10-10-11-400-009, with the following Legal Description:

Being a part of the Southeast Quarter of Section 11, Township 24 North, Range 5 West of the Third Principal Meridian, Tazewell County, Illinois; more particularly described as follows:

Commencing at a found capped iron rod at the Southwest corner of the said Southeast Quarter of Section 11; Thence South 85°43'40" East (Baring Assumed), along the South line of the said Southeast Quarter a distance of 71.91 Feet, to the point of beginning; Thence North 01°57'55" East along the East line of a tract of land shown in Plat Book "RR", Page 169 in the Tazewell County Recorder's Office, a distance of 534.11 Feet, to the South Right-of-Way line of El Camino Drive; Thence South 86°50'16" East, along the South Right-of-Way line of El Camino Drive, a distance of 524.29 Feet, to the Northwest corner of a tract of land shown in Plat Book "TT", Page 161; Thence South 03°04'33" West, along the west line of said tract, a distance of 213.77 Feet; Thence South 85°38'35" East, along the South line of said tract, a distance of 120.03 Feet, to the Southwest corner of said tract; Thence South 03°04'33" West, a distance of 330.00 Feet; Thence North 85°43'40" West, along the South line of the said Southeast Quarter, a distance of 634.08 Feet, to the point of beginning; Containing 7.332 Acres more or less; Subject to any and all Right-of-Ways, Easements, Covenants and/or agreements of record.

Open Public Hearing: 6:03 pm

Bill Craig, Chairman, entertained a motion for discussion.

Motion made by James Ruth, seconded by Amy Wilson, to open discussion.

Chairman Bill Craig opened the discussion and asked if there was anyone here to speak in regard to the issue.

Lou Miller, Attorney, representing Hornecker Properties LLC, appeared before the Plan Commission and stated that this was a request to change the zoning from RT, Two Family Residential to RM-1, Multiple Family Residential to allow a duplex development similar to the one constructed by Hornecker Properties back in 2014. Mr. Miller continued by stating that the proposed RM-1 Multiple Family Residential zoning classification was consistent with the surrounding area and that there existed a variety of zoning uses and districts in that area. Mr.

Miller further stated that the proposed RM-1, Multiple Family Residential District would be the best use of the property and that RT, Two Family Residential District would be too limiting for the property. Mr. Miller concluded by stating that Hornecker Properties did not want to construct a high volume development which would be out of character with the duplexes across the street and the overall neighborhood.

John Hadsell of 1220 El Camino Drive appeared before the Plan Commission and stated that he owned the single family home next to the property that is subject to the rezoning. Mr. Hadsell further stated that he opposes the proposed rezoning and feels that if the property were rezoned that the value of his home would fall even more than it has since the last development constructed by Hornecker properties to the east of his property. Mr. Hadsell claimed that the value of his home has dropped as a result of the previous duplex apartment development and that the RT zoning classification should remain so that any new development is consistent with the properties across the street.

Jim Bradshaw of 1207 El Camino Drive appeared before the Plan Commission and stated that he was presenting the Commission a petition that was signed by neighboring property owners in opposition to the proposed rezoning. Mr. Bradshaw continued by stating that he did not object to a business making a profit, but felt that the proposed buildings should be more in character with other buildings in the neighborhood. Mr. Bradshaw ended by stating that he did not feel that Mr. Hornecker would limit himself to the number of buildings shown on the submitted Site Plan with a seven acre site and felt that a high density development is not in character with the neighborhood and needs zoning to protect the existing neighborhood.

Renna Hadsell of 1220 El Camino Drive appeared before the Plan Commission and stated that she too felt that given the large size of the site that there was the possibility of additional buildings being constructed on the property. Mrs. Hadsell concluded by stating that the Plan Commission recently denied an inappropriate request for the Lake Whitehurst neighborhood and that this request should also be denied, as 2 family zoning is most appropriate for the neighborhood.

Jim Mangan of 1200 Parkway appeared before the Plan Commission and asked if the proposed apartment development would be for lower income or HUD type housing. Mr. Mangan continued by asking if the proposed development would put an undue burden on the City sewer system as there is poor sewage control in that area of the City. Mr. Mangan ended his statements by asking if the streets being constructed were private streets, as the City would not be involved in maintaining private streets.

Jeff Hornecker of Hornecker Properties appeared before the Plan Commission and stated that he felt that the proposed development was a positive initiative and that he wanted to do exactly what he did on the 12 units he developed to the east. Mr. Hornecker further stated that if the requested rezoning was approved that he would construct the front three buildings this year and that the City of Pekin needs new apartment developments. Mr. Hornecker concluded by stating that his

rental properties are very well maintained and there are no snow plows or trailers stored in the open on his rental properties and that he wants to invest in the City and that it is not in the City's best interests to have vacant, undeveloped land.

Cindy Hornecker of Hornecker Properties appeared before the Plan Commission and stated that no animals are allowed in their rental properties and that their properties are always well maintained. Mrs. Hornecker continued by stating that they will not construct more units than approved and that the apartment units are not subsidized housing or HUD housing.

A resident of 2706 Overhill Road appeared before the Plan Commission and stated that he did not want to see 53 housing units built on the subject property and felt that any high density development would put too much strain on the school system.

Close Public Hearing: 6:30 pm.

Commissioner Daryl Dagit asked if the proposed rezoning were approved would Hornecker Properties be limited to the 16 apartment units shown on the Site Plan or could more units be constructed by right. Commissioner Dagit also wondered if the City sewer system had sufficient capacity for the proposed development.

Commissioner Don Hild stated that given that a large portion of the property is occupied by a pond, and for that reason he did not see the construction of numerous other buildings. Commissioner Hild continued by stating that he did not feel that a lot of kids would be brought in with the proposed development. Commissioner Hild concluded by asking when the area on El Camino Drive was zoned RT and felt that the request for rezoning was because of the demand for quality rental housing.

Commissioner Amy Wilson asked who owns the property to the north that was rezoned in 2017.

Building Inspections / Development Director John Lebegue stated that John Evans owns the property to the north that was rezoned in 2017.

Commissioner Wilson then asked whether Hornecker properties had considered developing the property in conformance with the RT-2 zoning requirements.

Commissioner Chris Deverman then asked if the single family home to the east of the subject property was zoned RT as well.

Building Inspections / Development Director John Lebegue answered by stating that, yes the single family home at 1220 El Camino Drive was located and represented a legal residential use in the RT District.

Chairman Bill Craig stated that he had concerns of approving a rezoning without the submission of a Site Plan and felt that a Site Plan of the proposed development should be submitted at the same time as the rezoning request. Chairman Craig felt that without the submission of a Site Plan that the applicant could make changes that were outside of their control.

Commissioner Don Hild stated that he had the same concern as Chairman Craig but that the RM-1 Multiple Family Residential zoning District classification being requested is the least dense of the multiple family residential districts.

Chairman Craig stated that he did not feel that the proposed duplex, apartment development would not have a negative effect on the single family residential home to the east and that the Hornecker Properties rental properties are very attractive and well maintained.

Commissioner Daryl Dagit stated that if the rezoning were approved that he would want to have Hornecker Properties come back before the Plan Commission for Site Plan Approval for the proposed development.

Chairman Bill Craig called the question on the request for a Map Amendment for the re-zoning of property currently zoned RT (Two Family Residential) to RM-1(Multiple Family Residential) for the purpose of constructing multi-family housing on certain property located on El Camino Drive. On a roll call vote, Aye: James Ruth, Bill Craig and Don Hild Nays: Chris Deverman, Amy Wilson, Daryl Dagit and Tim Bonnette. Request Denied by a Vote of 4 to 3.

Application #3: Conduct a Site Plan Review of parking lot at 313 S. 6th Street.

Hearing #3 (#08-1920): Conduct a Site Plan Review of a request by Kenneth C. Thomas for the construction of a new parking lot to provide additional parking for Post Office employees at certain property located at 313 S. 6th Street with a Legal Description of SEC 2 T24N R5W Colts Addn. North 30 Feet of South 62 Feet of Lot 5 NW 1/4 in Tazewell County, Illinois, with the following P.I.N.# 04-10-02-100-003.

Open Public Hearing: 6:45 pm

Bill Craig, Chairman, entertained a motion for discussion.

Motion made by Daryl Dagit, seconded by Chris Deverman, to open discussion.

Chairman Bill Craig opened the discussion and asked if there was anyone here to speak in regard to the issue.

Lou Miller, Attorney, representing owner, Kenneth C. Thomas, appeared before the Plan Commission and stated that the Site Plan that has been submitted for review has fully addressed the concerns of the neighboring property owner that were expressed at the June 13, 2018 Public Hearing. Mr. Miller continued by stating that the layout of the parking lot with a combination of

parallel and angled spaces would create no glare of lights onto the property at 323 S. 6th Street. Mr. Miller concluded his comments by stating that a 6 foot solid, vinyl fence would be installed between the two properties, with the fence located to the north of the existing shared driveway, giving the owners of 323 S. 6th Street sole use of the previously shared driveway.

Derek Anderson of 323 S. 6th Street appeared before the Plan Commission and stated that he was very satisfied with the Site Plan that had been prepared and submitted for review and that all of their safety and privacy concerns were addressed by the applicant.

Close Public Hearing: 6:53 pm.

Commissioner Amy Wilson asked if the parking lot would only be used for the parking of employees of the Post Office and expressed concerns as to the number of curb cuts on South 6th Street, as a new curb cut would be made to provide access to the proposed parking lot and 3 curb cuts would then be present in that area.

Chairman Bill Craig then stated that he was very impressed with the level of accommodation of both the applicant and the Andersons and both should be complimented for working so well together to design the parking lot in such a manner to address the concerns that were expressed.

Chairman Bill Craig called the question on the request for Site Plan Approval of the employee parking lot at 313 S. 6th Street. On a roll call vote, all present voted Nay. Motion passed.

No public input.

Motion made by Daryl Dagit, seconded by Amy Wilson to adjourn. On roll call vote, all present voted Aye. Motion approved. Meeting adjourned at 6:58 pm.

Respectfully submitted:

John R. Lebegue, Building Inspections / Development Director



REQUEST FOR COUNCIL ACTION

To: Council Members

Date: September 18, 2018

From: John Lebegue, Building & Inspections

AGENDA ITEM: Zoning Board of Appeals Minutes - May 9, 2018

AGENDA DATE REQUESTED: September 24, 2018

REQUIRED SIGNATURES

Department Directors and City Staff:

Date:

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Pekin Zoning Board of Appeals
City Council Chambers
111 S. Capitol Street, 2nd Level
May 9, 2018
5:00pm

Present:

John Kennedy, Chair
Mary Lanane
Charity Gullett

Kim Joesting

Staff Present: Attorney Scott Kriegsman, John Lebegue, Building Inspections/Development Director

John Kennedy, Chair led the pledge of allegiance.

John Kennedy, Chair called the regular meeting of the Zoning Board of Appeals to order.

Roll call was taken and a quorum declared.

John Kennedy, Chair asked for approval of the Agenda.

MOTION by Kim Joesting, seconded by Mary Lanane to approve the Agenda as presented. On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

John Kennedy, Chair asked for approval of the April 11, 2018 Minutes.

MOTION by Charity Gullett, seconded by Mary Lanane, to approve the Minutes of April 11, 2018 as presented. On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

Application #1:

Hearing #1: Open: 5:03pm Closed: 5:05pm

Hearing #1:

To allow applicant, Corey O'Donnell, on behalf of owner Mike Flier, to decrease the required 35 foot rear yard setback by 16 feet to allow the construction of roof structure over an existing patio, as stated in the current Zoning Code for a R-3(One-Family Residential District) located at 2108 Easter Avenue, with a Legal Description of SEC 25 T25N R5W Final Plat of Holiday Hills Sec 10 Lot 442 SW ¼, with the following P.I.N.# 04-04-25-320-010 in Tazewell County, Illinois.

Discussion: Chairman John Kennedy asked if anyone had any questions or wished to speak concerning the matter. Charity Gullett asked the applicant why they were seeking the variance. Mike Flier, owner, stated that they were seeking the variance to reduce the required rear yard setback to

install a more permanent roof structure over the existing patio to make better use of the patio and to provide shade and shelter when using the patio.

Mary Lanane asked if the City received any letters or calls concerning the variance request.

John R. Lebegue, Building Inspections / Development Director answered that no letters or calls were received regarding the variance request.

Chairman John Kennedy then called for a vote on the variance request. On roll call vote, Ayes: Chairman John Kennedy, Charity Gullett, Mary Lanane and Kim Joesting. **VARIANCE REQUEST APPROVED.**

Application #2:

Hearing #2: Open: 5:05 pm Closed: 5:18 pm

Hearing #2:

To allow applicant, Monical Pizza Corporation to decrease the required 10 foot rear yard setback to allow the construction of additions to the rear and south side of the existing building, as stated in the current Zoning Code for a B-3 (General Business District) located at 111 South Parkway Drive, with a Legal Description of SEC 1 T24N R5W Broadway Commercial Park Lot 2 (Exc. SW Corner) & East 10 Feet of even width of NE part of Lot 5 NW ¼, with the following P.I.N.# 04-10-01-100-024 in Tazewell County, Illinois.

Discussion: Chairman John Kennedy asked if anyone had any questions or wished to speak concerning the matter.

Applicant, Chip Rorem, representing Monical Pizza Corporation came forward and explained that variations to reduce the required rear yard setback are being sought to enlarge the dining area to increase seating and to move the cooler / dough room to enlarge the kitchen of the restaurant. Mr. Rorem further explained that the reason for the variance request at the rear of the building was to extend the building by 7 feet and to reconstruct the ramp with a 4-foot wide ramp that would extend to the rear property line. The ramp is being replaced due to the construction of the proposed addition, but also to improve exiting from the restaurant.

Kim Joesting then asked what is the setback of the existing walk at the rear of the restaurant.

Mr. Rorem answered by stating that the existing walk at the rear of the building is .4 feet from the property line and that a block retaining wall is constructed on the property line in that area.

Chairman John Kennedy then asked if there was anyone else that wished to speak regarding this matter.

Nick Filarski, the owner of 2100 Broadway Road, which is directly to the west of the Monical's Restaurant, came forward and stated that the applicant had not contacted him prior to this meeting and provide him any information as to the nature of the improvements that are being proposed directly adjacent to his property. Mr. Filarski further stated that he did not necessarily object to the requested variance and the proposed improvements, but had not had the opportunity to review the plans or speak with the applicant.

Kim Joesting stated that the matter should be tabled until the next meeting to allow the applicant and Mr. Filarski to meet to discuss the matter so he could fully review the plans.

Chairman John Kennedy then called for a motion to table the matter.

MOTION by Kim Joesting, seconded by Mary Lanane, to table the matter to the June 13, 2018 meeting. On roll call vote, Ayes: Chairman John Kennedy, Charity Gullett, Mary Lanane and Kim Joesting. **MOTION APPROVED.**

PUBLIC INPUT: No public input at this time.

John Kennedy, Chair asked for a motion to adjourn.

MOTION by Kim Joesting, seconded by Mary Lanane to **ADJOURN** the meeting. Meeting Adjourned at 5:19pm.

Zoning Board of Appeals
John R. Lebeque, Secretary

**REQUEST FOR COUNCIL ACTION****To: Council Members****Date: September 19, 2018****From: Sue McMillan, City Clerk****Sue McMillan, City Clerk****AGENDA ITEM:** Proclamation**AGENDA DATE REQUESTED:** September 24, 2018**REQUIRED SIGNATURES****Department Directors and City Staff:**

Date:

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Office of the Mayor



PROCLAMATION

WHEREAS: the Pekin Area Chamber of Commerce works with businesses, merchants, and industry to advance the civic, economic, industrial, professional and cultural life of the City of Pekin; and

WHEREAS: the Pekin Area Chamber of Commerce traces its roots to October 6th, 1893 and the formation of the Citizen's Improvement Association of Pekin, organized for the purpose of advancing the business interests and promoting the commercial growth of the City of Pekin; and

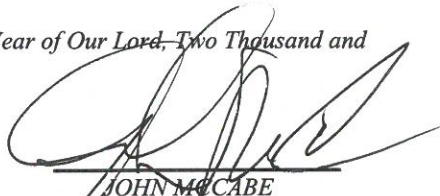
WHEREAS: the Pekin Area Chamber of Commerce and its members strive to provide citizens with a vibrant business environment that increases employment, retail trade, commerce, and industry in order to make the City of Pekin a better place to live, work and play; and

WHEREAS: the Pekin Area Chamber of Commerce encourages growth of existing industries, services, and commercial firms, and encourages new opportunities for business, industry and employment in the City of Pekin; and

WHEREAS: this marks the 125th anniversary of the founding of what is known today as the Pekin Area Chamber of Commerce and all of its accomplishments and contributions to the City of Pekin.

NOW, THEREFORE, BE IT RESOLVED that I, John McCabe, mayor of the City of Pekin, Tazewell County, Illinois, in recognition of this, do hereby proclaim October 6th, 2018 as Pekin Area Chamber of Commerce Day in the City of Pekin and call on all members of the community to congratulate and thank the members of the Chamber of all of their many contributions to the Pekin area.

ADOPTED, this 24th day of September in the Year of Our Lord, Two Thousand and Eighteen.


 JOHN MCCABE
 Mayor

ATTEST:


 SUE E. McMILLAN
 City Clerk



REQUEST FOR COUNCIL ACTION

To: Council Members

Date: September 6, 2018

From: John Dossey, Police Chief

AGENDA ITEM: Tazewell County Animal Control - August 2018

AGENDA DATE REQUESTED: September 24, 2018

ACTION REQUESTED: Receive and File Tazewell County Animal Control Billing
August 2018

DESCRIPTION: Tazewell County Animal Control Billing – August 2018

FINANCIAL IMPACT:

NEIGHBORHOOD CONCERNS:

IMPACT IF APPROVED:

IMPACT IF DENIED:

ALTERNATIVES:

RELATED TO EFFICIENCY STUDY:

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more than 2 boxes. Copy this check mark √ and paste it to the left of the relevant theme.]

	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
√	A High Quality of Life. To support or provide services that improve the quality of life for Pekin's residents.
√	An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES

Department Directors and City Staff:

Date:

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Tazewell County Animal Control

21314 State Route 9
 PO Box 158
 Tremont, IL 61568
 Phone: (309) 925-3370
 FAX: (309) 925- 3633

**AUGUST 2018 INVOICE**

Balance Due \$3757.83

City Of Pekin
 111 S Capitol St
 Room 242
 Pekin, IL 61554

Our records show the following charges are unpaid.

<u>Date</u>	<u>Description</u>	<u>Charge Amount</u>	<u>Unpaid balance</u>
09-04-2018	Pekin Contract Fee	\$3,757.83	\$3,757.83
As of 09-05-2018, there is a balance due of			\$3,757.83

FOR SERVICES PROVIDED 8/1/2018 - 8/31/2018

Attachment: Tazewell County Animal Control - August 2018 (1510 : Tazewell County Animal Control - August 2018)

Tazewell County Animal Control**Case Intake Register 08-01-2018 to 08-31-2018**

Record count on this entire report: 175
 Run Date: 09-04-2018 06:33:03 PM by Ryan A Sanders
 FAX: (309) 925-3633

Group By Municipality
 Order By Intake Date
 Page Number: 12 of 20

Municipality:		PEKIN					
Case ID	Intake Date	Reason and Transport	ACO	Owner at Intake	Animal	Officer Call	
08-01-2018 6	08-01-2018	Stray/Aco Pickup	Lohnes, Pam		#165589/U/Cat/Dsh	4179	
		Pickup location: 1801 Holiday Drive, Pekin, IL 61554			Small/Adult/Black		
08-01-2018 1	08-01-2018	Stray/Aco Pickup	Lohnes, Pam		#165580/U/Cat/Dsh	4178	
		Pickup location: 351 Catherine, Pekin, IL 61554			A/Small/Kitten/Yellow/Tabby		
08-01-2018 5	08-01-2018	Stray/Aco Pickup	Harms, Jaymee		#165586/M/Dog/Pug	4183	
		Pickup location: 111 S Capitol, Pekin, IL 61554			Otto/Medium/Adult/Fawn		
08-03-2018 1	08-03-2018	Stray/Aco Pickup	Lohnes, Pam		#165684/U/Cat/Dsh	4191	
		Pickup location: 1118 Shire, Apt A, Pekin, IL 61554			Small/Adult/Black/White		
08-03-2018 2	08-03-2018	Owner Surrender/Owner Turn-in		Melissa Whitledge	#165699/M/Dog/Chihuahua		
		Pickup location: Not specified or see notes			Carnel/Small/Adult		
08-03-2018 3	08-03-2018	Owner Surrender/Owner Turn-in		Melissa Whitledge	#165701/M/Dog/Chihuahua		
		Pickup location: Not specified or see notes			Oreo/Small/Adult/Black/White		
08-07-2018 3	08-06-2018	Wildlife/Aco Pickup	Lohnes, Pam		#165753/U/Other/Bat	4207	
		Pickup location: 1514 S 5th, Pekin, IL 61554			Small/Adult/Brown		
08-07-2018 5	08-07-2018	Wildlife/Aco Pickup	Lohnes, Pam		#165755/U/Other/Bat	4208	
		Pickup location: 805 Bacon, Pekin, IL 61554			Small/Adult/Brown		
08-09-2018 1	08-09-2018	Wildlife/Aco Pickup	Lohnes, Pam		#165828/U/Other/Raccoon	4221	
		Pickup location: 615 S 12th, Pekin, IL 61554			Small/Adult/Brown/Black		
08-10-2018 6	08-10-2018	Stray/Aco Pickup	Lohnes, Pam	Angie Ortiz	#120154/M/Dog/Yorkshire Terrier	4248	
		Pickup location: 111 S Capitol, Pekin, IL 61554			Tazz/Small/Adult/Black/Tan		
08-10-2018 1	08-10-2018	Owner Surrender/Owner Turn-in		Tonica Toyne	#165886/M/Cat/Dsh		
		Pickup location: Not specified or see notes			Mojo/Medium/Adult/Black		
08-10-2018 2	08-10-2018	Owner Surrender/Owner Turn-in		Tonica Toyne	#165887/M/Cat/Dsh		
		Pickup location: Not specified or see notes			Trip/Medium/Adult/Brown		
08-10-2018 3	08-10-2018	Wildlife/Citizen Turn-in			#165896/U/Other/Bat		
		Pickup location: Not specified or see notes			Small/Adult		
08-10-2018 4	08-10-2018	Stray/Aco Pickup	Lohnes, Pam		#165902/U/Cat/Dmh	4240	
		Pickup location: 207 Sapp St, Pekin, IL 61554			Feral/Small/Adult/Flame Point		
08-11-2018 1	08-11-2018	Wildlife/Aco Pickup	Lohnes, Pam		#165941/U/Other/Raccoon	4249	
		Pickup location: 2726 Greenway Drive, Pekin, IL 61554			Small/Adult/Brown/Black		
08-13-2018 2	08-13-2018	Owner Surrender/Aco Pickup	Harms, Jaymee		#165963/M/Cat/Dsh	4252	
		Pickup location: 100 Taps Lane, Pekin, IL 61554			Dobby/Small/Adult/Orange/White		
08-13-2018 4	08-13-2018	Euthanasia Request/Owner Turn-in		Kimberly Sale	#165965/F/Dog/Chihuahua		
		Pickup location: Not specified or see notes			Baby/Small/Adult		
08-13-2018 11	08-13-2018	Stray/Citizen Turn-in			#166000/F/Cat/Dsh		
		Pickup location: Not specified or see notes			Small/Kitten/Black		

Tazewell County Animal Control**Case Intake Register 08-01-2018 to 08-31-2018**

Record count on this entire report: 175
 Run Date: 09-04-2018 06:33:03 PM by Ryan A Sanders
 FAX: (309) 925- 3633

Group By Municipality
 Order By Intake Date
 Page Number: 13 of 20

Municipality:		PEKIN					
Case ID	Intake Date	Reason and Transport	ACO	Owner at Intake	Animal	Officer Call	
08-13-2018 13	08-13-2018	Wildlife/Aco Pickup Pickup location: 1814 Oakwood Drive, Pekin, IL 61554	Lohnes, Pam Lohnes, Pam		#166005/U/Other/Bat Small/Adult/Brown	4260	
08-13-2018 6	08-13-2018	Stray/Aco Pickup Pickup location: 714 Prince St, Pekin, IL 61554	Harms, Jaymee	Tamaralindsey...	#157544/F/Dog/Gsd Luna/Large/Adult/Black/Tan	4255	
08-13-2018 1	08-13-2018	Owner Surrender/Aco Pickup Pickup location: 100 Taps Lane, Pekin, IL 61554	Harms, Jaymee		#165962/M/Cat/Dsh Oliver/Small/Adult/Orange/White	4252	
08-13-2018 3	08-13-2018	Stray/Citizen Turn-in Pickup location: Not specified or see notes			#165964/F/Cat/Dsh Medium/Adult/Tortoise Shell/Dilute		
08-13-2018 8	08-13-2018	Stray/Citizen Turn-in Pickup location: Not specified or see notes			#165981/U/Cat/Dsh Small/Kitten/Black/White		
08-13-2018 9	08-13-2018	Stray/Citizen Turn-in Pickup location: Not specified or see notes			#165983/U/Cat/Dsh Small/Kitten/Black		
08-13-2018 12	08-13-2018	Wildlife/Aco Pickup Pickup location: 417 Catherine, Pekin, IL 61554	Lohnes, Pam		#166003/U/Other/Raccoon Small/Adult/Brown/Black	4259	
08-13-2018 14	08-13-2018	Stray/Aco Pickup Pickup location: 10 N 20th, Pekin, IL 61554	Lohnes, Pam		#166007/F/Cat/Dsh Medium/Adult/Black/White	4261	
08-14-2018 2	08-14-2018	Stray/Aco Pickup Pickup location: 1724 Mitchell, Pekin, IL 61554	Harms, Jaymee		#166024/M/Cat/Dsh Mitchell/Small/Adult/Black/White	4262	
08-15-2018 9	08-15-2018	Euthanasia Request/Owner Turn-in Pickup location: Not specified or see notes		Penny Lawson	#114370/M/Cat/Dsh Skeeter/Medium/Adult/Black/White		
08-15-2018 19	08-15-2018	Stray/Aco Pickup Pickup location: 307 S 12th St, Pekin, IL 00000	Harms, Jaymee		#166101/M/Dog/Heeler Laredo/Medium/Adult/White/Brown	4278	
08-15-2018 10	08-15-2018	Owner Surrender/Owner Turn-in Pickup location: Not specified or see notes		Jennifer Eustice	#140537/F/Dog/Pit Bull Blanka/Large/Adult/White/Brown		
08-16-2018 5	08-16-2018	Owner Surrender/Aco Pickup Pickup location: 911 Margaret, Pekin, IL 61554	Kautz, Chad	Mark Jones	#166125/M/Cat/Dsh Small/Kitten/Gray/White	4281	
08-16-2018 9	08-16-2018	Owner Surrender/Aco Pickup Pickup location: 911 Margaret, Pekin, IL 61554	Kautz, Chad	Mark Jones	#166129/F/Cat/Dsh Peaches/Small/Adult/Gray/White	4281	
08-16-2018 4	08-16-2018	Owner Surrender/Aco Pickup Pickup location: 911 Margaret, Pekin, IL 61554	Kautz, Chad		#166124/F/Cat/Dsh Small/Kitten/Gray/White	4281	
08-16-2018 6	08-16-2018	Owner Surrender/Aco Pickup Pickup location: 911 Margaret, Pekin, IL 61554	Kautz, Chad		#166126/F/Cat/Dsh Small/Adult/Gray	4281	
08-16-2018 7	08-16-2018	Owner Surrender/Aco Pickup Pickup location: 911 Margaret, Pekin, IL 61554	Kautz, Chad		#166127/M/Cat/Dsh Small/Adult/Gray/White	4281	
08-16-2018 8	08-16-2018	Owner Surrender/Aco Pickup Pickup location: 911 Margaret, Pekin, IL 61554	Kautz, Chad	Mark Jones	#166128/F/Cat/Dsh Mara/Small/Adult/Black/White	4281	

Tazewell County Animal Control**Case Intake Register 08-01-2018 to 08-31-2018**

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 Run Date: 09-04-2018 06:33:03 PM by Ryan A Sanders
 FAX: (309) 925- 3633

Group By Municipality
 Order By Intake Date
 Page Number: 14 of 20

Municipality:	PEKIN						
Case ID	Intake Date	Reason and Transport	ACO	Owner at Intake	Animal	Officer Call	
08-17-2018 5	08-17-2018	Wildlife/Citizen Turn-in Pickup location: Not specified or see notes			#166165/M/Other/Bat Medium/Adult		
08-17-2018 3	08-17-2018	Other/Aco Pickup Pickup location: 2028 Westgate Drive, Apt 19, Pekin, IL 61554	Harms, Jaymee	Christie Cook	#162440/M/Dog/Mastiff Samson/Large/Adult/Black/White	4291	
08-17-2018 1	08-17-2018	Owner Surrender/Owner Turn-in Pickup location: Not specified or see notes		Bailey Norris	#166149/F/Small/Turkey/Guinea Pig Dumping/Small/Adult/White		
08-17-2018 2	08-17-2018	Owner Surrender/Owner Turn-in Pickup location: Not specified or see notes		Bailey Norris	#166151/F/Small/Turkey/Guinea Pig Sushi/Small/Adult/Tri		
08-18-2018 2	08-18-2018	Stray/Aco Pickup Pickup location: 213 Sunnyridge, G, Pekin, IL 61554	Harms, Jaymee		#166181/F/Cat/Dsh Dot/Small/Kitten/White/Tabby	4302	
08-18-2018 1	08-18-2018	Stray/Aco Pickup Pickup location: Ppd Capitol, Pekin, IL 61554	Harms, Jaymee	Elizabeth Richey	#166179/M/Dog/Papillon Pete/Small/Adult/White/Black	4300	
08-18-2018 3	08-18-2018	Stray/Aco Pickup Pickup location: 213 Sunnyridge, G, Pekin, IL 61554	Harms, Jaymee		#166182/M/Cat/Dsh Wakko/Small/Kitten/White/Tabby	4302	
08-18-2018 4	08-18-2018	Stray/Aco Pickup Pickup location: 213 Sunnyridge, G, Pekin, IL 61554	Harms, Jaymee		#166183/M/Cat/Dsh Yakko/Small/Kitten/White/Black	4302	
08-19-2018 1	08-19-2018	Stray/Aco Pickup Pickup location: 101 Lynn, Washington, IL 61571	Harms, Jaymee		#166186/U/Cat/Dsh Small/Senior/Gray	4303	
08-19-2018 2	08-19-2018	Stray/Aco Pickup Pickup location: 1411 Fisher, Pekin, IL 61554	Harms, Jaymee		#166188/F/Bird/Chicken Small/Adult/Gray/Brown	4305	
08-19-2018 3	08-19-2018	Quarantine/Aco Pickup Pickup location: 1027 Mechanic, Pekin, IL 61554	Harms, Jaymee	Zachary Beaver	#166190/F/Dog/Labrador Retriever Nahvi/Large/Adult/Black	4306	
08-21-2018 11	08-21-2018	Stray/Aco Pickup Pickup location: 700 Buckhaven St, Pekin, IL 61554	Harms, Jaymee		#166273/F/Dog/Shepherd Alissal/Large/Adult/Black/Tan	4326	
08-22-2018 5	08-22-2018	Stray/Aco Pickup Pickup location: 901 Lawndale Avenue, Pekin, IL 61554	Lohnes, Pam		#166278/M/Cat/Dsh Seifer/Small/Kitten/Orange	4316	
08-22-2018 6	08-22-2018	Stray/Aco Pickup Pickup location: 901 Lawndale Avenue, Pekin, IL 61554	Lohnes, Pam		#166279/M/Cat/Dsh Zell/Small/Kitten/Orange	4316	
08-22-2018 8	08-22-2018	Stray/Aco Pickup Pickup location: 901 Lawndale Avenue, Pekin, IL 61554	Lohnes, Pam		#166281/M/Cat/Dsh Laguna/Small/Kitten/Brown/White	4316	
08-22-2018 10	08-22-2018	Stray/Aco Pickup Pickup location: 901 Lawndale Avenue, Pekin, IL 61554	Lohnes, Pam		#166283/F/Cat/Dsh Rinoa/Small/Kitten/Black/White	4316	
08-22-2018 11	08-22-2018	Quarantine/Owner Turn-in Pickup location: Not specified or see notes		Nicholas Meskimen	#166295/F/Dog/Hound Louise/Medium/Puppy/Black/Tan		
08-22-2018 4	08-22-2018	Stray/Aco Pickup Pickup location: 901 Lawndale Avenue, Pekin, IL 61554	Lohnes, Pam		#166277/F/Cat/Dsh Ellone/Medium/Adult/Calico	4316	

Tazewell County Animal Control

Record count on this entire report: 175
 Run Date: 09-04-2018 06:33:03 PM by Ryan A Sanders
 FAX: (309) 925- 3633

Case Intake Register 08-01-2018 to 08-31-2018

Group By Municipality
 Order By Intake Date
 Page Number: 15 of 20

Municipality:		PEKIN				
Case ID	Intake Date	Reason and Transport	ACO	Owner at Intake	Animal	Officer Call
08-22-2018 7	08-22-2018	Stray/Aco Pickup Pickup location: 901 Lawndale Avenue, Pekin, IL 61554	Lohnes, Pam		#166280/M/Cat/Dsh Ivire/Small/Kitten/Brown/White	4316
08-22-2018 9	08-22-2018	Stray/Aco Pickup Pickup location: 901 Lawndale Avenue, Pekin, IL 61554	Lohnes, Pam		#166282/M/Cat/Dsh Squall/Small/Kitten/Black	4316
08-22-2018 12	08-22-2018	Stray/Aco Pickup Pickup location: 1410 Fisher, Pekin, IL 61554	Harms, Jaymee		#166314/F/Cat/Dsh Small/Adult/Brown/Tabby	4333
08-23-2018 7	08-23-2018	Wildlife/Aco Pickup Pickup location: 211 Oakdale, Pekin, IL 61554	Harms, Jaymee		#166334/U/Other/Opossum Small/Baby/Gray	4335
08-23-2018 4	08-23-2018	Stray/Aco Pickup Pickup location: 1612 Memorial, Pekin, IL 61554	Harms, Jaymee	Brienna And John...	#162443/F/Dog/Great Pyrenees Missy/Large/Adult/White	4341
08-23-2018 1	08-23-2018	Wildlife/Aco Pickup Pickup location: 1106 S 9th St, Pekin, IL 61554	Harms, Jaymee		#166316/U/Other/Bat Small/Adult/Brown/Black	4336
08-23-2018 5	08-23-2018	Stray/Aco Pickup Pickup location: 1612 Memorial, Pekin, IL 61554	Harms, Jaymee		#166332/M/Dog/Labrador Retriever Barry/Medium/Puppy/Black/White	4341
08-24-2018 2	08-24-2018	Wildlife/Aco Pickup Pickup location: 1218 Oakridge Avenue, Pekin, IL 61554	Harms, Jaymee		#166381/F/Other/Squirrel Small/Adult/Brown	4350
08-27-2018 3	08-27-2018	Euthanasia Request/Owner Turn-in Pickup location: Not specified or see notes		Cheryl Brain	#141161/M/Dog/Sheltie Max/Small/Adult/White/Red	
08-27-2018 4	08-27-2018	Stray/Aco Pickup Pickup location: 901 Lawndale, Pekin, IL 61554	Lohnes, Pam		#166447/U/Cat/Dsh Medium/Kitten/Yellow/Tabby	4359
08-27-2018 5	08-27-2018	Stray/Aco Pickup Pickup location: 2315 Broadway St, Pekin, IL 61554	Harms, Jaymee		#166448/U/Cat/Dsh Small/Kitten/Orange	4360
08-27-2018 6	08-27-2018	Stray/Aco Pickup Pickup location: 2315 Broadway St, Pekin, IL 61554	Harms, Jaymee		#166449/U/Cat/Dsh Small/Kitten/Orange	4360
08-27-2018 7	08-27-2018	Stray/Aco Pickup Pickup location: 2315 Broadway St, Pekin, IL 61554	Harms, Jaymee		#166450/U/Cat/Dsh Small/Kitten/Tortoise Shell	4360
08-27-2018 8	08-27-2018	Owner Surrender/Citizen Turn-in Pickup location: Not specified or see notes		Chris Houston	#166452/F/Cat/Dsh Cloud/Small/Kitten/White	
08-28-2018 4	08-28-2018	Stray/Aco Pickup Pickup location: 1400 Aurther, Pekin, IL 61554	Homerin, Charlena	Hillary Carlson	#136009/F/Dog/Labrador Retriever Sadie/Large/Adult/Black/Brown	4368
08-31-2018 4	08-31-2018	Stray/Aco Pickup Pickup location: 1807 Broadway St, Pekin, IL 61554	Lohnes, Pam	Jaime Faneuf	#111772/F/Dog/Labrador Retriever Josie/Chocolate	4387
08-31-2018 6	08-31-2018	Euthanasia Request/Owner Turn-in Pickup location: Not specified or see notes		Samantha Way	#113521/M/Dog/Labrador Retriever Shadow/Large/Adult/Black/White	
08-31-2018 5	08-31-2018	Owner Surrender/Owner Turn-in Pickup location: Not specified or see notes		Karla Woodside	#166666/M/Cat/Dsh Tang/Small/Kitten/Buf/White	

Tazewell County Animal Control**Case Intake Register 08-01-2018 to 08-31-2018**

Record count on this entire report: 175
 Run Date: 09-04-2018 06:33:03 PM by Ryan A Sanders
 FAX: (309) 925- 3633

Group By Municipality
 Order By Intake Date
 Page Number: 16 of 20

Municipality:

PEKIN

Case ID	Intake Date	Reason and Transport	ACO	Owner at Intake	Animal	Officer Call
08-31-2018 8	08-31-2018	Stray/Aco Pickup Pickup location: 1611 Koch St, Pekin, IL 61554	Lohnes, Pam		#166689/F/Dog/Pit Bull Luna/Medium/Puppy/Tan/White	4393
End of Group	Group count:	73				



REQUEST FOR COUNCIL ACTION

To: Council Members

Date: September 19, 2018

From: John Lebegue, Building & Inspections

AGENDA ITEM: Ordinance Adopting the 2015 International Building Codes

AGENDA DATE REQUESTED: September 24, 2018

ACTION REQUESTED: Remove from table and approve Ordinance 2791-18/19 Amending: Title 7, Chapter 1, Article A of the City Code of the City of Pekin Regarding Adoption of the 2015 International Building Codes to Replace the 2006 International Building Codes.

DESCRIPTION: The City of Pekin is currently utilizing the 2006 International Building Codes as the model building codes for the City of Pekin, which were adopted by Ordinance No. 2502 on November 27, 2006. In order for the City of Pekin to possess a modern set of building codes that keep pace with technological advances in the design and construction of residential, commercial and industrial buildings and are consistent with the adopted building codes of other municipalities, the model building codes must be updated from the 2006 International Building Codes edition to the 2015 International Building Codes edition.

Following extensive review by staff, numerous amendments to the 2015 International Building Codes are being proposed as outlined in Ordinance 2791-18/19, and the key amendments that are being proposed are as follows:

- Continued to include specific language pertaining the requirement for stamped plans for all commercial and industrial projects by inclusion of the following language:

“All applications for commercial and industrial permits shall be accompanied by specifications and drawings bearing the seal of an architect or, if applicable, an engineer.”

The requirement for the submission of architect or engineer stamped drawings for commercial and industrial construction projects is an industry standard and

is also a requirement that is included in the language of the International Building Code. The requirement that currently exists in the City Code is consistent with the requirements being enforced by nearby municipalities and in no way would the City be enforcing a requirement that is outside the norm for the industry.

- Delete all sections that pertain to wood foundations, as wood foundations are not allowed in this region of the country.
- Include language to require that all interior load-bearing walls that contain plumbing piping, flues or ducts shall be constructed of a minimum of two-inch by six-inch lumber. This amendment is being proposed to maintain the structural integrity of walls after drilling for the installation plumbing piping, flues and ducts.
- Removed all fee language from amendments to the adopted building codes. Currently the building permit fees are included in the amendments to the adopted building codes, which is not the appropriate location for the building permit fee structure. With the upcoming codification and clean-up of the City Code, all permit fees currently located in Title 7 will be moved to a more appropriate section of the City Code.
- Deleted Section R313.2 and Section R313.2.1 from the 2015 International Residential Code that required the installation of an automatic residential sprinkler system in new one and two family dwellings. This amendment fully deletes the requirement to install an automatic residential sprinkler system in new one and two family residential dwellings.
- Deleted all references to the 2015 International Plumbing Code, as the most current edition of the Illinois Plumbing Code is the plumbing code of the City of Pekin as required by the State.

Benefits of Adopting a More Current Version of the International Building Codes

Adoption of the 2015 International Building Codes will allow the City of Pekin's building codes to keep pace with technological advances in the design and construction of residential, commercial and industrial buildings. When designing, constructing or remodeling a building you have so many more choices of accepted; materials, technologies and methods currently available than in the past. Every three years the International Building Codes are revised or updated to allow for new materials, technologies, products and to correct issues that have been a problem or found to be a danger in the past. The benefit of being able to utilize the most up-to-date materials

and methods more than offsets the cost of designing and constructing a building to the requirements of the modern building code.

Adoption of the 2015 International Building Codes will keep the City of Pekin's codes in pace with much of the nation and will attract a broader array of developers, design professionals and ultimately businesses to the City. Maintaining current editions of the International Building Code allows architects, designers, developers, builders and contractors to know what to expect when submitting plans because of the universally accepted nature of the International Building Codes.

Adoption of the 2015 International Building Codes would reduce the cost of developing residential, commercial and institutional buildings. Given the universally accepted nature of the International Building Codes and the inclusion of clear and concise amendments when adopting the new edition of the codes, saves developers and design professional valuable time, money and resources as they do not have to try to understand the nuances of locally adopted building codes. Adoption of the 2015 International Building Codes would provide building owners, developers, design professionals one set of codes without regional limitations or jurisdictional conflicts.

Adoption of the 2015 International Building Codes would reduce the time needed to secure a building permit. Developers and design professionals would have to spend less time correcting drawings to comply with the requirements of an out-of-date edition of building codes. Interpretation by code officials and plan examiners are made more difficult by antiquated provisions and disparity between old and new chapters. As a result, practitioners are often confused by the responses they receive to address plan review comments.

Having a modern code that is regularly reviewed and updated will benefit Pekin insurance consumers. The Insurance Services Office, Inc. (ISO) is an insurer-supported organization with the primary mission of providing advisory insurance underwriting and rate information to insurers. Among the factors considered when the ISO determines a rating for a community are: the building-code edition in use; the modification of the codes; training and certification of code enforcers and other items directly related to the code. The lower the score the better, the lower the score the lower the insurance rate for residential and commercial property owners.

Education and training of building code officials and plan examiners is easily facilitated by bringing the code into compliance with a model code. The International Code Council has unmatched technical, educational and informational products and services, with more than 250 highly qualified staff members at 16 offices throughout the United States. ICC already supplies a series of programs, study materials and examinations for certification in many relevant categories. This helps maintain consistency with regard to plan examination and interpretation. Building Inspection

staff are in the process of enhancing current certifications and in obtaining further certifications and adoption of the 2015 International Codes will greatly assist in this endeavor.

FINANCIAL IMPACT: No financial impact to the City of Pekin will occur as a result of adoption of the 2015 International Building Codes

NEIGHBORHOOD CONCERNS: None noted

IMPACT IF APPROVED: The City of Pekin will have an up-to-date version of the International Building Codes that is consistent with the adopted building codes of other municipalities, keep pace with technological advances in the design and construction of residential, commercial and industrial buildings and have the ability to lower the insurance rates for residential and commercial property owners.

IMPACT IF DENIED: The City of Pekin would possess an out-of-date edition of the International Building Codes that do not recognize current advances in building materials and methods that have come forth since 2016 and the City's ISO rating would be raised, which could raise insurance rates for residential and commercial property owners.

ALTERNATIVES: <Insert Alternatives>

RELATED TO EFFICIENCY STUDY: <Efficiency Study>

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more than 2 boxes. Copy this check mark √ and paste it to the left of the relevant theme.]

A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.

A Safe Community. To protect community life and property by providing effective, principled police and fire services.

A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.

A High Quality of Life. To support or provide services that improve the quality of life for Pekin's residents.

An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES

Department Directors and City Staff:

Date:

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Adoption of the 2015 International Building Codes

ORDINANCE NUMBER 2791-18/19

AN ORDINANCE AMENDING TITLE 7, CHAPTER 1, ARTICLE A OF THE CITY CODE OF THE CITY OF PEKIN, ILLINOIS REGARDING ADOPTION OF THE 2015 INTERNATIONAL BUILDING CODES TO REPLACE THE 2006 INTERNATIONAL BUILDING CODES

WHEREAS, Title 7 of the City Code of the City of Pekin as amended (“City Code”), sets forth the building regulations of the City of Pekin, Illinois, which regulations are comprised of specified building, plumbing, electrical, life safety, mechanical, property maintenance, fuel gas, and energy conservation codes, and other related requirements; and,

WHEREAS, Title 7 adopts by reference, with various modifications, certain model codes, including the International Building Code, the International Residential Code, the National Electrical Code, the International Existing Building Code, the International Mechanical Code, the International Property Maintenance Code, the International Fuel Gas Code, the International Energy Conservation Code, and the Illinois Plumbing Code (collectively, “*Model Codes*”); and,

WHEREAS, to ensure that the City of Pekin, Illinois is using the best industry standards and practices, the Mayor and City Council of the City of Pekin desire to adopt, by reference, with various modifications, updated versions of the Model Codes; and,

WHEREAS, the Mayor and City Council have determined that it will serve and be in the best interests of the City to replace the currently adopted Model Codes with updated and current versions of the Model Codes, which are further outlined herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance as if appearing herein verbatim.

SECTION 2. ADOPTION OF MODEL CODES. Title 7, Chapter 1A of the City Code of the City of Pekin, Illinois is hereby deleted and the following is inserted in place thereof:

“CHAPTER 1: MODEL CODES ADOPTED:

7-1A-1: ADOPTION; AFFIRMATION OF INTERNATIONAL BUILDING
CODE:

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Pekin, being marked and designated as “The International Building Code, 2015”, “The International Residential Code for One and Two-Family Dwellings, 2015” and “The International Existing Building Code, 2015,” as published by the International Code Council, Inc., are hereby affirmed as the Building Code of the City Manager Form of Government of the City of Pekin in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in this Chapter.

7-1A-2: ADDITIONS, INSERTIONS AND CHANGES: That the following sections are hereby revised as follows:

International
Building Code

<u>Section</u>	<u>Change</u>
Section 101.1	Insert: “City of Pekin”
Section 101.4.3	Delete: “All references to the 2015 edition of the International Plumbing Code and replace with the Illinois Plumbing Code, most current edition.”
Section 105.2	Work exempt from permit: The following items shall be removed: Under Building - 1, 2, 6 & 12; Under Mechanical - 4
Section R107.1	Insert: “All applications for commercial and industrial permits shall be accompanied by specifications and drawings bearing the seal of an architect, or if applicable, an engineer”
Section 109.2	Insert: Permit fees as set forth in the City Code.
Section 114.4	Insert at end: “shall be guilty of a violation of this Ordinance punishable by a fine of not less than \$100.00 and not more than \$500.00. Upon a second or subsequent violation the fine shall be not less than \$500.00 nor more than \$1,000.00. Each day that a violation continues shall be deemed a separate offense.” In place of “shall be subject to penalties as prescribed by law”.

Section 115.3 Insert at end: “shall be subject to penalties as follows, first violation: “\$100.00; second violation “\$500.00 and upon a third or subsequent violation, the fine shall be not less than \$300.00 nor more than \$500.00. Each day that a violation continues shall be deemed a separate offense.” In place of “shall be subject to penalties as prescribed by law”.

Chapters 27, 28 Delete
29 and 32

7-1A-3: ADOPTION OF APPENDICES

Appendix and Appendix as set forth in the International Building Code for are hereby adopted by reference and are hereby made part of the Chapter 1 with the same force and effect as if fully set forth herein.

7-1B-1: ADOPTION OF INTERNATIONAL RESIDENTIAL CODE.

A certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as “International Residential Code for One- and Two-Family Dwellings, 2015 edition (the “Residential Building Code”) and all other supplements as they are published hereafter, be and is hereby adopted as the One and Two Family Dwelling Code of the City, for the control of buildings and structures as provided therein and each and all of the regulations, provisions, penalties, conditions and terms of the One and Two Family Dwelling Code, except, however, those additions, insertions and changes described in Section 7-1B-2 of this Code.

7-1B-2: ADDITIONS, INSERTIONS AND CHANGES.

The following items are additions, insertions and changes to the International Residential Code for One- and Two-Family Dwellings:

International
Residential Code
For One- and
Two-Family
Dwellings

<u>Section</u>	<u>Change</u>
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Section R101.1	Insert: City of Pekin
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Section R-104.0 the first sentence shall read as follows:

Section R-104.1	Authority: The Code Enforcement Officer of the City of Pekin and the various inspectors under his supervision are hereby authorized and directed to administer and enforce all of the provisions of this code and there is hereby conferred upon them the general powers to do so.”
Section R105.2	Work exempt from permit. The following items shall be removed: Under Building - 1, 2, 5 & 9; Under Mechanical - 4
Section R108.2	Insert: “Permit fees as set forth in the City Code”
Section R113.4	Insert at end: “shall be guilty of a violation of this Ordinance punishable by a fine of not less than \$100.00 and not more than \$500.00. Upon a second or subsequent violation the fine shall be not less than \$500.00 nor more than \$1,000.00. Each day that a violation continues shall be deemed a separate offense.” In place of “shall be subject to penalties as prescribed by law”.
Section R114.2	Insert at end: “shall be subject to penalties as follows, first violation: “\$100.00; second violation “\$500.00 and upon a third or subsequent violation, the fine shall be not less than \$300.00 nor more than \$500.00. Each day that a violation continues shall be deemed a separate offense.” In place of “shall be subject to penalties as prescribed by law”.
Section R310.4	Delete: “are permitted to be place”
Section R310.4	Insert: “shall be placed”
Section R313.2	Delete.
Section R313.2.1	Delete.
Section R402.1	Delete.
Section R402.1.1	Delete.
Figure R403.1 (2)	Delete.
Figure R403.1 (3)	Delete.
Section R403.2	Delete.
Section R404.2	Delete.

Section R404.2.1	Delete.
Section R404.2.2	Delete.
Section R404.2.3	Delete.
Table R404.2.3	Delete.
Section R404.2.4	Delete.
Section R404.2.5	Delete.
Section R404.2.6	Delete.
Section R405.2	Delete.
Section R405.2.1	Delete.
Section R405.2.2	Delete.
Section R405.2.3	Delete.
Section R406.3	Delete.
Section R406.3.1	Delete.
Section R406.3.2	Delete.
Section R406.3.3	Delete.
Section R406.3.4	Delete.
Section R602.4	Insert: "Interior load-bearing walls that contain plumbing piping, flues or ducts shall be constructed of a minimum of two-inch by six-inch lumber."
Section R602.5	Insert: "Interior non-load-bearing walls that contain plumbing piping, flues or ducts shall be constructed of a minimum of two-inch by six-inch lumber."
Section R806.3	Insert: "Insulation baffles. Where eave vents are provided, insulation baffles shall be installed between the rafters at the eaves to maintain air flow from the soffit vents."

Chapters 11-22 Delete
24-32, 34-41 & 43

7-1B-3: ADOPTION OF APPENDICES E, F, AND J.

Appendix E, Appendix F, and Appendix J as set forth in the International Residential Code for One- and Two-Family Dwellings are hereby adopted by reference and are hereby made part of this Chapter 1 with the same force and effect as if fully set forth herein.

7-1C-1: AFFIRMATION OF PLUMBING CODE:

Plumbing and fixtures installed in any building or structure in the City must be installed to comply with the Illinois State Plumbing Code, most recent edition (225 ILCS 320/35), as promulgated by the Illinois Department of Public Health is hereby affirmed as the standard of specifications for plumbing within the City. It shall be unlawful to install any plumbing or fixtures in any structure in the City, which do not comply with the Illinois State Plumbing Code. There shall be kept on file at all times in the office of City Clerk a minimum of one (1) copy of the most recent edition of the Illinois State Plumbing Code, and all future amendments thereto, and same shall be kept available for public inspection.

7-1D-2: ADOPTION OF NATIONAL ELECTRIC CODE.

The International Code Council, Inc., 2014 edition of the National Electrical Code is hereby adopted by reference as the electrical code for the City. One (1) copy of this Article published in book or pamphlet form and one (1) copy of the 2014 Edition of the National Electric Code (NFPA-70) have been placed on file in the office of the City Clerk.

7-1E-1: ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE
CODE

The International Code Council, Inc., 2015 edition of the International Property Maintenance Code is hereby adopted by reference and affirmed as the Property Maintenance Code of the City of Pekin, in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-1E-2 of this Article.

7-1E-2: ADDITIONS, INSERTIONS AND CHANGES.

The following items are the additions, insertions and changes to the International Property Maintenance Code:

International
Property Maintenance Code

<u>Section</u>	<u>Change</u>
Section 101.1	Insert: "City of Pekin"
Section 102.3	Delete. "All references to the 2015 edition of the International Plumbing Code and replace with the Illinois Plumbing Code, most current edition."
Section 103.5	Insert: "Fees as set forth in the City Code"
Section 106.4	Insert: "Any person, firm or corporation, who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of not less than \$100.00 nor more than \$500.00; and on a second conviction by a fine of not less than \$300.00 nor more than \$500.00. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense."
Section 302.4	Insert: "eight (8) inches in height"
Section 304.14	Insert: "April 1 to November 1"
Section 602.3	Insert: "October 1 to April 1"
Section 602.4	Insert: "October 1 to April 1"

7-1E-3: ADOPTION OF APPENDIX A

Appendix A as set forth in the International Property Maintenance Code is hereby adopted by reference and are hereby made part of this Chapter with the same force and effect as if fully set forth herein.

7-1F-1: ADOPTION OF INTERNATIONAL MECHANICAL CODE.

The International Code Council, Inc., 2015 edition of the International Mechanical Code is hereby adopted by reference and affirmed as the Mechanical Code of the City of Pekin, in the State of Illinois, for the control of buildings and structures as herein provided; and

each and all of the regulations, provisions, penalties, conditions and terms of said International Mechanical Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-1F-2 of this Article.

7-1F-2: ADDITIONS, INSERTIONS AND CHANGES.

The following items are the additions, insertions and changes to the International Mechanical Code:

International Mechanical Code

<u>Section</u>	<u>Change</u>
Section 101.1	Insert: "City of Pekin."
Section 106.2	Delete: Work exempt from permit. The following items shall be removed: # 4
Section 106.5.2	Insert: "The fees for all mechanical work as set forth in the City Code"

Section 106.6 shall read as follows:

Section 106.6	Insert: Licenses: Any person, authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove, convert or replace a mechanical system, the installation of which is regulated by this Code, or to cause such work to be done, shall first obtain a license as described herein.
Section 106.6.1	Application and Examination for License: No person shall be granted an HVAC contractor license unless he meets the following minimum requirements: A. He shall make application for the license on a form to be provided by the HVAC Inspector and shall provide such information and pay a fee as set forth in the City Code, to administer the examination. B. He shall complete a written test provided by the HVAC Inspector and approved by the Code Enforcement Officer and shall obtain a passing score as established by the HVAC Inspector and Code Enforcement Officer.

C. He shall warrant to the City of Pekin and to each of his customers that all heating, ventilation, air conditioning and air filtration equipment, appliances and systems installed or maintained by him or his agents or employees will be done in such manner as to meet the minimum requirements of the Code.

D. He shall deposit with the application for an HVAC license proof of liability insurance coverage with policy limits of not less than one hundred thousand to three hundred thousand dollars (\$100,000.00 / \$300,000.00), which said liability insurance policy shall be so endorsed as to indemnify and save harmless the City from the result of any acts of the registered contractor by virtue of the HVAC license issued to said contractor by the City. In addition thereto, there shall be deposited with the application for an HVAC license, a license or permit bond signed by two (2) or more sureties or by a responsible surety company, to be approved by the Code Enforcement Officer, in the sum of ten thousand dollars (\$10,000.00) conditioned to indemnify and save harmless the City from the result of the licensed contractor not complying with the laws and ordinances, including all amendments thereto, pertaining to the certificate of registration and regulating the business of HVAC contractor.

E. A license granted shall be effective for a period of one (1) year beginning on January first and shall be renewed the first of each year. Any applicant applying after June 30 will be charged at one half the annual rate for the balance of that year. Annual License Fee: \$100.00 per year

Section 106.6.2 Partnerships and Corporations: An HVAC contractor license may be issued only to an individual person. In the case of partnerships or corporations, licenses shall be required of one of the partners or officers of the corporation, as the case may be.

Section 106.6.3 Reciprocal License Agreements: The Code Enforcement Officer may enter into reciprocal licensing agreements with other Cities or licensing authorities whenever the requirements in those jurisdictions for similar licensing are equal to or higher than those of the City.

Section 107.7 shall read as follows:

Section 107.7

Annual Inspections: The owner or operator, as the case may be, of each unit of fuel-burning equipment, regardless of whether or not an operating certificate has been previously been issued, shall submit each unit of equipment for inspection by the Department of Inspection Services once each year to ascertain whether or not such equipment is being operated within the provisions of this Code, except that no annual inspection shall be required of furnaces or other fuel-burning equipment or devices installed to heat dwellings using less than three hundred and sixty thousand (360,000) BTU output. The annual inspection shall not preclude other inspections by the Fire Department of the City of Pekin or the Department of Inspection Services as may be necessary to insure public health and safety.

Annual inspection fee shall be as set forth in the City Code.

Where more than one apparatus is located in the same building, the fee for the first apparatus shall be at the full fee, and the others shall be at half the full fee.

If at the time of any inspection it is found that the equipment is in such condition that it cannot be operated in compliance with this Code, the Building Official shall cause written notice to be given to the owner, agent, occupant, manager or lessee or any such premises or equipment, setting forth wherein this Code is being violated, and also setting forth the recommendations for correcting such violation and the time, not exceeding thirty (30) days, in which to bring the apparatus into compliance within the time specified, the HVAC inspector, with the approval of the Code Enforcement Officer, may order operation of the apparatus stopped and sealed from further operation until the apparatus meets the provision of the Code. In any event, whenever the health or safety of any of the public are substantially and imminently endangered by noncompliance with this Code, the HVAC inspector, with the approval of the Code Enforcement Officer, shall order operation of the apparatus stopped and shall seal the apparatus until compliance is achieved.

Section 108.4 shall read as follows:

Section 108.4

Insert: Violation Penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical equipment or systems in violation of an approved

construction document or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a violation of this Ordinance, punishable by a fine of not less than \$250.00 nor more than \$750.00; and on a second violation by a fine of not less than \$500.00 nor more than \$1,000.00. With a second violation, the permit for the job will be pulled and the person in violation will have his/her City issued license suspended. Each day that a violation continues shall be deemed a separate offense.

Section 108.5 shall read as follows:

- | | |
|----------------|--|
| Section 108.5 | Insert: Stop Work Orders: Upon notice from the Code Official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state conditions under which work is authorized to resume. Where an emergency exists, the Code official shall not be required to give written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$500.00 or more than \$1,000.00. |
| Section 201.3 | Delete. "All references to the International Plumbing Code and replace with the Illinois Plumbing Code, most current edition." |
| Section 301.10 | Delete: "NFPA 70" |
| Section 301.10 | Insert: "National Electric Code, most current edition." |
| Section 301.11 | Delete: "International Plumbing Code" |
| Section 301.11 | Insert: "Illinois State Plumbing Code, most current edition" |

7-1G-1: ADOPTION OF INTERNATIONAL FUEL GAS CODE.

The International Code Council, Inc., 2015 edition of the International Fuel Gas Code is hereby adopted by reference and affirmed as the Fuel Gas Code of the City of Pekin, in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said

International Fuel Gas Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-1G-2 of this Article.

7-1G-2: ADDITIONS, INSERTIONS AND CHANGES.

The following items are the additions, insertions and changes to the International Fuel Gas Code:

International
Fuel Gas Code

<u>Section</u>	<u>Change</u>
Section 101.1	Insert: "City of Pekin"
Section 106.6.2	Insert: "Permit fees shall be as set forth in the City Code."
Section 106.6.3	Delete.
Section 108.4	Insert: "\$1,000.00" "30 days"

To read as follows:

Violation Penalties: Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than \$1,000.00 or by imprisonment not exceeding 30 day, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 201.3	Delete. "All references to the 2015 edition of the International Plumbing Code and replace with the Illinois State Plumbing Code, most current edition."
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7-1H-1: ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE.

The International Code Council, Inc., 2015 edition of the International Energy Conservation Code is hereby adopted by reference and affirmed as the energy conservation code of the City of Pekin, in the State of Illinois, for the control of buildings

and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Energy Conservation Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-1H-2 of this Article.

7-1H-2: ADDITIONS, INSERTIONS AND CHANGES.

The following items are the additions, insertions and changes to the International Energy Conservation Code:

International
Energy Conservation Code

<u>Section</u>	<u>Change</u>
Section C101.1	Insert: "City of Pekin."
Section C107.2	Insert: "Permit fees as set forth in the City Code"
Section C201.3	Delete. "All references to the 2015 edition of the International Plumbing Code and replace with the Illinois State Plumbing Code, most current edition."

7-1I-1: ADOPTION OF INTERNATIONAL EXISTING BUILDING CODE

The International Code Council, Inc., 2015 edition of the International Existing Building Code is hereby adopted by reference and affirmed as the existing building code of the City of Pekin, in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Existing Building Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-1I-2 of this Article.

7-1I-2: ADDITIONS, INSERTIONS AND CHANGES.

<u>Section</u>	<u>Change</u>
Section 101.1	Insert: "City of Pekin."
Section 107.2	Insert: "Permit fees as set forth in the City Code"
Section 105.2	Work exempt from permit: The following items shall

be removed: Under Building - 1 & 5; Under Mechanical - 4

- Section 108.2 Insert: "Permit fees as set forth in the City Code"
- Section 113.4 Insert at end: "shall be guilty of a violation of this Ordinance punishable by a fine of not less than \$100.00 and not more than \$500.00. Upon a second or subsequent violation the fine shall be not less than \$500.00 nor more than \$1,000.00. Each day that a violation continues shall be deemed a separate offense." In place of "shall be subject to penalties as prescribed by law."
- Section 114.3 Insert at end: "shall be subject to penalties as follows, first violation: "\$100.00; second violation "\$500.00 and upon a third or subsequent violation, the fine shall be not less than \$300.00 nor more than \$500.00. Each day that a violation continues shall be deemed a separate offense." In place of "shall be subject to penalties as prescribed by law."
- Section 302.2 Delete. "All references to the 2015 edition of the International Plumbing Code and International Private Sewage Disposal Code and replace with the Illinois State Plumbing Code, most current edition."

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that all Ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as required by law on

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this _____ day of _____, 2018; and upon roll call the vote was as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this _____ day of _____, 20018.

MAYOR

ATTEST:

CITY CLERK

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NUMBER 2791-18/19

AN ORDINANCE AMENDING TITLE 7, CHAPTER 1, ARTICLE A OF THE CITY CODE OF THE CITY OF PEKIN, ILLINOIS REGARDING ADOPTION OF THE 2015 INTERNATIONAL BUILDING CODES TO REPLACE THE 2006 INTERNATIONAL BUILDING CODES

WHEREAS, Title 7 of the City Code of the City of Pekin as amended (“City Code”), sets forth the building regulations of the City of Pekin, Illinois, which regulations are comprised of specified building, plumbing, electrical, life safety, mechanical, property maintenance, fuel gas, and energy conservation codes, and other related requirements; and,

WHEREAS, Title 7 adopts by reference, with various modifications, certain model codes, including the International Building Code, the International Residential Code, the National Electrical Code, the International Existing Building Code, the International Mechanical Code, the International Property Maintenance Code, the International Fuel Gas Code, the International Energy Conservation Code, and the Illinois Plumbing Code (collectively, “*Model Codes*”); and,

WHEREAS, to ensure that the City of Pekin, Illinois is using the best industry standards and practices, the Mayor and City Council of the City of Pekin desire to adopt, by reference, with various modifications, updated versions of the Model Codes; and,

WHEREAS, the Mayor and City Council have determined that it will serve and be in the best interests of the City to replace the currently adopted Model Codes with updated and current versions of the Model Codes, which are further outlined herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance as if appearing herein verbatim.

SECTION 2. ADOPTION OF MODEL CODES. Title 7, Chapter 1A of the City Code of the City of Pekin, Illinois is hereby deleted and the following is inserted in place thereof:

“CHAPTER 1: MODEL CODES ADOPTED:

7-1A-1: ADOPTION; AFFIRMATION OF INTERNATIONAL
BUILDING CODE:

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Pekin, being marked and designated as “The International

Building Code, 2015”, “The International Residential Code for One and Two-Family Dwellings, 2015” and “The International Existing Building Code, 2015,” as published by the International Code Council, Inc., are hereby affirmed as the Building Code of the City Manager Form of Government of the City of Pekin in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in this Chapter.

7-1A-2: ADDITIONS, INSERTIONS AND CHANGES: That the following sections are hereby revised as follows:

International
Building Code

<u>Section</u>	<u>Change</u>
Section 101.1	Insert: “City of Pekin”
Section 101.4.3	Delete: “All references to the 2015 edition of the International Plumbing Code and replace with the Illinois Plumbing Code, most current edition.”
Section 105.2	Work exempt from permit: The following items shall be removed: Under Building – 1, 2, 6 & 12; Under Mechanical - 4
Section R107.1	Insert: “All applications for commercial and industrial permits shall be accompanied by specifications and drawings bearing the seal of an architect, or if applicable, an engineer”
Section 109.2	Insert: Permit fees as set forth in the City Code.
Section 114.4	Insert at end: “shall be guilty of a violation of this Ordinance punishable by a fine of not less than \$100.00 and not more than \$500.00. Upon a second or subsequent violation the fine shall be not less than \$500.00 nor more than \$1,000.00. Each day that a violation continues shall be deemed a separate offense.” In place of “shall be subject to penalties as prescribed by law”.
Section 115.3	Insert at end: “shall be subject to penalties as follows, first violation: “\$100.00; second violation “\$500.00 and upon a third or subsequent violation, the fine shall be not less than

\$300.00 nor more than \$500.00. Each day that a violation continues shall be deemed a separate offense.” In place of “shall be subject to penalties as prescribed by law”.

Chapters 27, 28 Delete
29 and 32

7-1A-3: ADOPTION OF APPENDICES

Appendix and Appendix as set forth in the International Building Code for are hereby adopted by reference and are hereby made part of the Chapter 1 with the same force and effect as if fully set forth herein.

7-1B-1: ADOPTION OF INTERNATIONAL RESIDENTIAL CODE.

A certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as “International Residential Code for One- and Two-Family Dwellings, 2015 edition (the “Residential Building Code”) and all other supplements as they are published hereafter, be and is hereby adopted as the One and Two Family Dwelling Code of the City, for the control of buildings and structures as provided therein and each and all of the regulations, provisions, penalties, conditions and terms of the One and Two Family Dwelling Code, except, however, those additions, insertions and changes described in Section 7-1B-2 of this Code.

7-1B-2: ADDITIONS, INSERTIONS AND CHANGES.

The following items are additions, insertions and changes to the International Residential Code for One- and Two-Family Dwellings:

International
Residential Code
For One- and
Two-Family
Dwellings

<u>Section</u>	<u>Change</u>
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Section R101.1	Insert: City of Pekin
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Section R-104.0 the first sentence shall read as follows:

Section R-104.1	Authority: The Code Enforcement Officer of the City of Pekin and the various inspectors under his supervision are hereby authorized and directed to administer and enforce
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all of the provisions of this code and there is hereby conferred upon them the general powers to do so.”

Section R105.2	Work exempt from permit. The following items shall be removed: Under Building – 1, 2, 5 & 9; Under Mechanical - 4
Section R108.2	Insert: “Permit fees as set forth in the City Code”
Section R113.4	Insert at end: “shall be guilty of a violation of this Ordinance punishable by a fine of not less than \$100.00 and not more than \$500.00. Upon a second or subsequent violation the fine shall be not less than \$500.00 nor more than \$1,000.00. Each day that a violation continues shall be deemed a separate offense.” In place of “shall be subject to penalties as prescribed by law”.
Section R114.2	Insert at end: “shall be subject to penalties as follows, first violation: “\$100.00; second violation “\$500.00 and upon a third or subsequent violation, the fine shall be not less than \$300.00 nor more than \$500.00. Each day that a violation continues shall be deemed a separate offense.” In place of “shall be subject to penalties as prescribed by law”.
Section R310.4	Delete: “are permitted to be place”
Section R310.4	Insert: “shall be placed”
Section R313.2	Delete.
Section R313.2.1	Delete.
Section R402.1	Delete.
Section R402.1.1	Delete.
Figure R403.1 (2)	Delete.
Figure R403.1 (3)	Delete.
Section R403.2	Delete.
Section R404.2	Delete.
Section R404.2.1	Delete.

Section R404.2.2	Delete.
Section R404.2.3	Delete.
Table R404.2.3	Delete.
Section R404.2.4	Delete.
Section R404.2.5	Delete.
Section R404.2.6	Delete.
Section R405.2	Delete.
Section R405.2.1	Delete.
Section R405.2.2	Delete.
Section R405.2.3	Delete.
Section R406.3	Delete.
Section R406.3.1	Delete.
Section R406.3.2	Delete.
Section R406.3.3	Delete.
Section R406.3.4	Delete.
Section R602.4	Insert: "Interior load-bearing walls that contain plumbing piping, flues or ducts shall be constructed of a minimum of two-inch by six-inch lumber."
Section R602.5	Insert: "Interior non-load-bearing walls that contain plumbing piping, flues or ducts shall be constructed of a minimum of two-inch by six-inch lumber."
Section R806.3	Insert: "Insulation baffles. Where eave vents are provided, insulation baffles shall be installed between the rafters at the eaves to maintain air flow from the soffit vents."
Chapters 11-22 24-32, 34-41 & 43	Delete

7-1B-3: ADOPTION OF APPENDICES E, F, AND J.

Appendix E, Appendix F, and Appendix J as set forth in the International Residential Code for One- and Two-Family Dwellings are hereby adopted by reference and are hereby made part of this Chapter 1 with the same force and effect as if fully set forth herein.

7-1C-1: AFFIRMATION OF PLUMBING CODE:

Plumbing and fixtures installed in any building or structure in the City must be installed to comply with the Illinois State Plumbing Code, most recent edition (225 ILCS 320/35), as promulgated by the Illinois Department of Public Health is hereby affirmed as the standard of specifications for plumbing within the City. It shall be unlawful to install any plumbing or fixtures in any structure in the City, which do not comply with the Illinois State Plumbing Code. There shall be kept on file at all times in the office of City Clerk a minimum of one (1) copy of the most recent edition of the Illinois State Plumbing Code, and all future amendments thereto, and same shall be kept available for public inspection.

7-1D-2: ADOPTION OF NATIONAL ELECTRIC CODE.

The International Code Council, Inc., 2017 edition of the National Electrical Code is hereby adopted by reference as the electrical code for the City. One (1) copy of this Article published in book or pamphlet form and one (1) copy of the 2017 Edition of the National Electric Code (NFPA-70) have been placed on file in the office of the City Clerk.

7-1E-1: ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE

The International Code Council, Inc., 2015 edition of the International Property Maintenance Code is hereby adopted by reference and affirmed as the Property Maintenance Code of the City of Pekin, in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-1E-2 of this Article.

7-1E-2: ADDITIONS, INSERTIONS AND CHANGES.

The following items are the additions, insertions and changes to the International Property Maintenance Code:

International
Property Maintenance Code

<u>Section</u>	<u>Change</u>
Section 101.1	Insert: "City of Pekin"
Section 102.3	Delete. "All references to the 2015 edition of the International Plumbing Code and replace with the Illinois Plumbing Code, most current edition."
Section 103.5	Insert: "Fees as set forth in the City Code"
Section 106.4	Insert: "Any person, firm or corporation, who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of not less than \$100.00 nor more than \$500.00; and on a second conviction by a fine of not less than \$300.00 nor more than \$500.00. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense."
Section 302.4	Insert: "eight (8) inches in height"
Section 304.14	Insert: "April 1 to November 1"
Section 602.3	Insert: "October 1 to April 1"
Section 602.4	Insert: "October 1 to April 1"

7-1E-3: ADOPTION OF APPENDIX A

Appendix A as set forth in the International Property Maintenance Code is hereby adopted by reference and are hereby made part of this Chapter with the same force and effect as if fully set forth herein.

7-1F-1: ADOPTION OF INTERNATIONAL MECHANICAL CODE.

The International Code Council, Inc., 2015 edition of the International Mechanical Code is hereby adopted by reference and affirmed as the Mechanical Code of the City of Pekin, in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Mechanical Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-1F-2 of this Article.

7-1F-2: ADDITIONS, INSERTIONS AND CHANGES.

The following items are the additions, insertions and changes to the International Mechanical Code:

International
Mechanical Code

<u>Section</u>	<u>Change</u>
Section 101.1	Insert: "City of Pekin."
Section 106.2	Delete: Work exempt from permit. The following items shall be removed: # 4
Section 106.5.2	Insert: "The fees for all mechanical work as set forth in the City Code"

Section 106.6 shall read as follows:

Section 106.6	Insert: Licenses: Any person, authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove, convert or replace a mechanical system, the installation of which is regulated by this Code, or to cause such work to be done, shall first obtain a license as described herein.
Section 106.6.1	Application and Examination for License: No person shall be granted an HVAC contractor license unless he meets the following minimum requirements: A. He shall make application for the license on a form to be provided by the HVAC Inspector and shall provide such information and pay a fee as set forth in the City Code, to administer the examination. B. He shall complete a written test provided by the HVAC Inspector and approved by the Code Enforcement Officer and shall obtain a passing score as established by the HVAC Inspector and Code Enforcement Officer. C. He shall warrant to the City of Pekin and to each of his customers that all heating, ventilation, air conditioning and air filtration equipment, appliances and systems installed or maintained by him or his agents or employees will be done

in such manner as to meet the minimum requirements of the Code.

D. He shall deposit with the application for an HVAC license proof of liability insurance coverage with policy limits of not less than one hundred thousand to three hundred thousand dollars (\$100,000.00 / \$300,000.00), which said liability insurance policy shall be so endorsed as to indemnify and save harmless the City from the result of any acts of the registered contractor by virtue of the HVAC license issued to said contractor by the City. In addition thereto, there shall be deposited with the application for an HVAC license, a license or permit bond signed by two (2) or more sureties or by a responsible surety company, to be approved by the Code Enforcement Officer, in the sum of ten thousand dollars (\$10,000.00) conditioned to indemnify and save harmless the City from the result of the licensed contractor not complying with the laws and ordinances, including all amendments thereto, pertaining to the certificate of registration and regulating the business of HVAC contractor.

E. A license granted shall be effective for a period of one (1) year beginning on January first and shall be renewed the first of each year. Any applicant applying after June 30 will be charged at one half the annual rate for the balance of that year. Annual License Fee: \$100.00 per year

Section 106.6.2 Partnerships and Corporations: An HVAC contractor license may be issued only to an individual person. In the case of partnerships or corporations, licenses shall be required of one of the partners or officers of the corporation, as the case may be.

Section 106.6.3 Reciprocal License Agreements: The Code Enforcement Officer may enter into reciprocal licensing agreements with other Cities or licensing authorities whenever the requirements in those jurisdictions for similar licensing are equal to or higher than those of the City.

Section 107.7 shall read as follows:

Section 107.7 Annual Inspections: The owner or operator, as the case may be, of each unit of fuel-burning equipment, regardless of whether or not an operating certificate has been previously been issued, shall submit each unit of equipment

for inspection by the Department of Inspection Services once each year to ascertain whether or not such equipment is being operated within the provisions of this Code, except that no annual inspection shall be required of furnaces or other fuel-burning equipment or devices installed to heat dwellings using less than three hundred and sixty thousand (360,000) BTU output. The annual inspection shall not preclude other inspections by the Fire Department of the City of Pekin or the Department of Inspection Services as may be necessary to insure public health and safety.

Annual inspection fee shall be as set forth in the City Code.

Where more than one apparatus is located in the same building, the fee for the first apparatus shall be at the full fee, and the others shall be at half the full fee.

If at the time of any inspection it is found that the equipment is in such condition that it cannot be operated in compliance with this Code, the Building Official shall cause written notice to be given to the owner, agent, occupant, manager or lessee or any such premises or equipment, setting forth wherein this Code is being violated, and also setting forth the recommendations for correcting such violation and the time, not exceeding thirty (30) days, in which to bring the apparatus into compliance within the time specified, the HVAC inspector, with the approval of the Code Enforcement Officer, may order operation of the apparatus stopped and sealed from further operation until the apparatus meets the provision of the Code. In any event, whenever the health or safety of any of the public are substantially and imminently endangered by noncompliance with this Code, the HVAC inspector, with the approval of the Code Enforcement Officer, shall order operation of the apparatus stopped and shall seal the apparatus until compliance is achieved.

Section 108.4 shall read as follows:

Section 108.4

Insert: Violation Penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical equipment or systems in violation of an approved construction document or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a violation of this

Ordinance, punishable by a fine of not less than \$250.00 nor more than \$750.00; and on a second violation by a fine of not less than \$500.00 nor more than \$1,000.00. With a second violation, the permit for the job will be pulled and the person in violation will have his/her City issued license suspended. Each day that a violation continues shall be deemed a separate offense.

Section 108.5 shall read as follows:

- | | |
|----------------|--|
| Section 108.5 | Insert: Stop Work Orders: Upon notice from the Code Official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state conditions under which work is authorized to resume. Where an emergency exists, the Code official shall not be required to give written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$500.00 or more than \$1,000.00. |
| Section 201.3 | Delete. "All references to the International Plumbing Code and replace with the Illinois Plumbing Code, most current edition." |
| Section 301.10 | Delete: "NFPA 70" |
| Section 301.10 | Insert: "National Electric Code, most current edition." |
| Section 301.11 | Delete: "International Plumbing Code" |
| Section 301.11 | Insert: "Illinois State Plumbing Code, most current edition" |

7-1G-1: ADOPTION OF INTERNATIONAL FUEL GAS CODE.

The International Code Council, Inc., 2015 edition of the International Fuel Gas Code is hereby adopted by reference and affirmed as the Fuel Gas Code of the City of Pekin, in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fuel Gas Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Article, with the

additions, insertions, deletions and changes, if any, prescribed in Section 7-1G-2 of this Article.

7-1G-2: ADDITIONS, INSERTIONS AND CHANGES.

The following items are the additions, insertions and changes to the International Fuel Gas Code:

International
Fuel Gas Code

<u>Section</u>	<u>Change</u>
Section 101.1	Insert: "City of Pekin"
Section 106.6.2	Insert: "Permit fees shall be as set forth in the City Code."
Section 106.6.3	Delete.
Section 108.4	Insert: "\$1,000.00" "30 days"

To read as follows:

Violation Penalties: Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than \$1,000.00 or by imprisonment not exceeding 30 day, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 201.3	Delete. "All references to the 2015 edition of the International Plumbing Code and replace with the Illinois State Plumbing Code, most current edition."
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7-1H-1: ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE.

The International Code Council, Inc., 2015 edition of the International Energy Conservation Code is hereby adopted by reference and affirmed as the energy conservation code of the City of Pekin, in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations,

provisions, penalties, conditions and terms of said International Energy Conservation Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-1H-2 of this Article.

7-1H-2: ADDITIONS, INSERTIONS AND CHANGES.

The following items are the additions, insertions and changes to the International Energy Conservation Code:

International
Energy Conservation Code

<u>Section</u>	<u>Change</u>
Section C101.1	Insert: "City of Pekin."
Section C107.2	Insert: "Permit fees as set forth in the City Code"
Section C201.3	Delete. "All references to the 2015 edition of the International Plumbing Code and replace with the Illinois State Plumbing Code, most current edition."

7-1I-1: ADOPTION OF INTERNATIONAL EXISTING BUILDING CODE

The International Code Council, Inc., 2015 edition of the International Existing Building Code is hereby adopted by reference and affirmed as the existing building code of the City of Pekin, in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Existing Building Code, are hereby referred to, affirmed and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-1I-2 of this Article.

7-1I-2: ADDITIONS, INSERTIONS AND CHANGES.

<u>Section</u>	<u>Change</u>
Section 101.1	Insert: "City of Pekin."
Section 107.2	Insert: "Permit fees as set forth in the City Code"
Section 105.2	Work exempt from permit: The following items shall be removed: Under Building – 1 & 5; Under Mechanical - 4

- Section 108.2 Insert: "Permit fees as set forth in the City Code"
- Section 113.4 Insert at end: "shall be guilty of a violation of this Ordinance punishable by a fine of not less than \$100.00 and not more than \$500.00. Upon a second or subsequent violation the fine shall be not less than \$500.00 nor more than \$1,000.00. Each day that a violation continues shall be deemed a separate offense." In place of "shall be subject to penalties as prescribed by law."
- Section 114.3 Insert at end: "shall be subject to penalties as follows, first violation: "\$100.00; second violation "\$500.00 and upon a third or subsequent violation, the fine shall be not less than \$300.00 nor more than \$500.00. Each day that a violation continues shall be deemed a separate offense." In place of "shall be subject to penalties as prescribed by law."
- Section 302.2 Delete. "All references to the 2015 edition of the International Plumbing Code and International Private Sewage Disposal Code and replace with the Illinois State Plumbing Code, most current edition."

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that all Ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as required by law on

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this _____ day of _____, 2018; and upon roll call the vote was as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this _____ day of _____, 20018.

MAYOR

ATTEST:

CITY CLERK

MEMORANDUM

TO: Anthony Carson, City Manager

FROM: John R. Lebegue, Building Inspections / Development Director

DATE: August 6, 2018

RE: Requirement for submission of stamped plans for commercial and industrial projects.



Concerns have recently been voiced in regard to the requirement that currently exists in the City Code relative to the requirement that all applications for commercial permits shall be accompanied by specifications and drawings bearing the seal of an architect or, if applicable, an engineer, licensed to practice in the State of Illinois. This particular language currently exists in Section 7-1A-2 of the City Code and was included when the 2006 edition of the International Building Codes were adopted by the City Council by Ordinance No. 2502 on November 27, 2006. The same language was incorporated into the draft ordinance that has been submitted to the City Council for consideration and approval, but the language "licensed to practice in the State of Illinois" has been deleted to allow the submission of stamped plans by architects and engineers from other states. Given the complexity and the fact that the public will be using the commercial facilities, it is very important that plans submitted for a commercial development be as detailed and complete as possible to protect the health, safety and welfare of the public using the facilities and to provide a strong basis and foundation for any commercial permit that the City issues.

The submission of detailed, stamped plans provides City staff an accurate description and layout of the commercial use being conducted at a specific address and if emergency services of the Police or Fire have to respond to the building, they would have resources available on how to best respond to the emergency if they have to enter the building to respond to the emergency.

The requirement to provide detailed plans for commercial plans is also included in a section of the International Building Code as well and the language in the currently adopted 2006 International Building Code is as follows:

Section 106.1 Submittal Documents: Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is

found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

The exception that is included in Section 106.1 of the International Building Code is very important, as it allows the Building Official to accept plans that are not stamped, for commercial construction projects that are of a more minor scope. I regularly evaluate plans submitted for commercial projects and on several occasions, have accepted drawings that were not stamped and prepared by a licensed architect or engineer when it was discovered that the improvements being made were not of a highly technical scope and the plans showed that all code requirements were met without having to be stamped. Contractors and developers routinely meet with me in the design stages of a commercial construction project to determine the scope of the plans that must be submitted for their particular project and the process has worked very well now that contractors are fully aware of the expectations of the Building Inspections Department.

To gain information as to the requirements of nearby municipalities in regard to the submission of stamped plans for commercial construction projects, the regulation of East Peoria, Washington and Morton were reviewed to determine if stamped or sealed plans must be submitted for commercial construction. Upon review of the requirements of the surveyed municipalities, it was discovered that all of the surveyed municipalities require the submission of architect or engineer stamped drawings for commercial projects. The highlighted documents from East Peoria, Washington and Morton have been attached as for review and reference.

As a point of information, I recently participated in an online survey where Jon Oliphant, the Planning and Development Director for the City of Washington, posed a question to surrounding building and development officials as to whether they would waive the requirement to have architect sealed drawings for a commercial project. A developer in Washington that wishes to build a new strip shopping center and asked that the requirement to provide architect stamped drawings be waived for the project to save costs. When surveyed, all participants stated that their municipality requires the submission of architect stamped drawings for a new construction project such as a strip commercial center and that they would not waive the requirements for such an involved project. The respondents to the online survey were Roger Spangler, Planning and Zoning Officer for Village of Morton, Ty Livingston, Director of Planning and Development, City of East Peoria, and Kristal Bachman, Tazewell County Community Development Administrator and myself.

In closing, the requirement for the submission of architect or engineer stamped drawings for commercial construction projects is an industry standard and is also an essential requirement of the adopted International Code. The requirement that exists in the current Pekin City Code is consistent with the requirements being enforced by nearby municipalities and in no way is the City of Pekin enforcing a requirement that is outside of the accepted norm for the industry.

COMMERCIAL BUILDINGS IN EAST PEORIA

General Information

The following information is required at time of application:

1. Project name and address
2. Owner's name, address, fax, and telephone number
3. Contractor's name, address, fax and telephone number(s)
4. Project's construction value
5. Complete set of construction plans
6. Energy Compliance

Construction Plans

Four sets of plans, sealed by a registered, licensed architect or engineer, are required.

Construction plans include: (1) building plans with specifications, (2) Energy Comcheck plans, (3) elevations with exterior materials shown, (4) a site plan, (5) a landscaping plan, (6) plumbing & electrical plans, (7) HVAC plans, (8) door, window and interior wall schedule (9) Fire alarm, sprinkler plans, (10) hood plans if applicable.

These plans will be reviewed for conformance with:

- IBC Building Code (2012)
- National Electrical Code (2014)
- IECC Energy Code (2012)
- 2012 International Property Maintenance code
- Illinois Plumbing Code (most current version)
- IFC International Fire Prevention Code (2012)
- IMC International Mechanical Code (2012)
- 2012 NFPA 101 Life Safety Code
- NFPA standards regarding aerosol manufacture and storage, tire storage, commercial cooking equipment, fire sprinklers, standpipes, and others.
- City Codes regarding use of 100% brick, block, or other building materials on street frontage, key lock box systems, elevator size, exits and fire lanes.

Construction plans are reviewed by the Commercial Inspector. Depending upon the completeness and clarity of the plans, the City will approve building plans as expeditiously as possible. The applicant is responsible for the following plan fees:

*These service fees are not waived in the Enterprise Zone.

Life Safety review \$300 – see Attachment A
 Sprinkler System Review \$300 – see Attachment B
 Commercial Hood System Review \$300 – see Attachment C
 Alarm System Review \$300 – see Attachment D
 Wastewater Plan Review – see Attachment E
 Water Department Plan Review - see Attachment F

At the time of application and review, a Commercial Checklist will be given to the applicant. The Checklist must be initialed by the other departments in the City and brought back to the Planning Department before issuance of the building permit.

The City of Washington, Illinois

76° [Forecast](#)You are here: [Home](#)•[City Government](#)•[Planning & Development](#)•**Commercial & Industrial**

Commercial & Industrial

- Adopted Building Code: 2012 International Building Code (IBC)
- Adopted Mechanical Code: 2012 International Mechanical Code
- Adopted Electrical Code: Current National Electrical Code (NEC)
- Adopted Plumbing Code: Current Illinois Plumbing Code
- Adopted National Fire Protection Association (NFPA) Code: 101 Life Safety Code, 2006 Edition
(Copies are available at City Hall for viewing)

What to Bring

1. Site Plan, Four (4) sets of Construction Plans (one reduced set), Landscaping Plan, Stormwater Drainage Plan where applicable, and names, addresses, phone numbers of Contractor, Excavator (must have current bond with the City), Electrician (must be registered with the City), Plumber, and Concrete Contractor.
2. Site Plan (a scaled drawing showing property boundaries, proposed buildings and improvements (including driveway location and width), and distances or setbacks from buildings to property lines). Be sure you are aware of any easements, including utilities, that may be on your property. JULIE may be contacted at 1-800-892-0123 if you are in need of assistance.
3. Complete set of Construction Plans (a scaled drawing showing size & depth of footing/foundation; dimensioned floor plan; plan elevations, electrical plan; plumbing plan; IBC occupancy classification, construction type, and distance to existing buildings if under 30'. **Building to meet Key Lock Box System ordinance; Building Code, Chapter 160.010. Plans must be sealed by a registered design professional.**
4. For commercial and industrial developments, all applications for building permits must comply in all respects to the stormwater control provisions of the Subdivision Code, including, but not by way of limitation, §152.002(C), §152.016, and §152.024, as amended from time to time.
5. Completed [Commercial Building Permit Application](#).

Zoning	Front Yard	Side Yard	Rear Yard	Distance Between Structures	Lot Coverage	Floor Area Ratio
C-1 (Commercial Office)	40'	10' if Abutting Residential	20'	—	—	80%
C-2 (Commercial Retail)	0'	10' if Abutting Residential	20'	—	—	100%
C-3 (Commercial Service)	0'	10' if Abutting Residential	20' *** w/exception	—	—	100%
I-1 (Industrial)	25'	10' **** w/exception	—	—	—	200%



VILLAGE OF MORTON - SITE PLAN REVIEW / COMMERCIAL DEVELOPMENT - BUILDING PERMIT CHECKLIST

Welcome to Morton and thank you for considering our community for your new development. This guide is a summary of Village code requirements and is intended to assist you in providing the documentation necessary to receive a building permit for construction. The Village would like to assist you with your new development. It is recommended that all proposed developments start by an informal meeting with Roger Spangler, Planning and Zoning Officer, and Craig Loudermilk, Director of Public Works, to discuss the requirements of the potential project, including the appropriate zoning for the project's intended use and whether a special use is required within the applicable zoning district.

Contact:

Village of Morton

Roger Spangler: Planning and Zoning Officer

Craig Loudermilk: Director of Public Works

(309)266-5361

www.morton-ilcode.com/codebook/chapters/Title10.pdf

All R-3 and R-4 residential, commercial, or industrial uses cannot be permitted without site plan review and approval by both the Planning and Zoning Officer and the Director of Public Works. The purpose of this review and approval is to:

- Minimize adverse effects of any proposed development upon existing uses
- Clarify the concept of a proposed development when seeking local and zoning approvals, and
- Better conserve and enhance the visual environment of the Village

The following is a checklist of items required for formal Building Permit Application:

Site

- Site Plan (three sets), signed and sealed by a licensed Civil Engineer, shall be submitted for review in hard copy, as well as a digital media copy in an ESRI Shapefile, to include property lines of the subject and abutting properties. Also include location of:
 - Existing and proposed utilities and connections to Village utilities.
 - Size of private water service to supply building for both domestic and fire protection system including gallons per minute requirement for water meter sizing.

- BTU loading for building and site natural gas supply to size inlet gas piping and meter.
- Existing storm water drainage conduits and ditches on the subject property and within one hundred feet (100') of the subject property.
- Existing and proposed structures, drives, and parking areas on the subject property and existing structures within one hundred feet (100') of the subject property.
- Proposed site lighting with photometric analysis as required.
- Proposed enclosed dumpster and details.
- Right-of-way width, and street width of abutting streets and alleys.
- Storm water detention plans and calculations, grading/drainage plan with elevations and contours and erosion control plans.
- EPA water and sewer permit applications, as required.
- Dimensioned off-street parking and loading plan meeting VOM requirements including ADA parking space requirements.
- Landscaping and screening plan meeting VOM landscape requirements.
- Sign locations and details.

Building

- Architectural Plans, signed and sealed by a licensed Architect, shall be submitted for review in hard copy, as well as a digital media .pdf copy (two sets) including:
 - Building code requirements to be shown on the cover sheet or on a separate sheet bound with the drawings.
 - Egress requirements
 - Occupancy type / mixed occupancy types
 - Construction type
 - Allowable building area / actual building area
 - Fire separations / Fire areas required
 - Dimensioned floor plans of all levels.
 - Building elevation views that illustrate decorative masonry requirements and building height for compliance with Village Ordinances.
 - Project manual if one is provided for the project.
- Energy code requirement COM check submittal.



REQUEST FOR COUNCIL ACTION

To: Council Members

Date: September 19, 2018

From: Mark Rothert, Interim City Manager

AGENDA ITEM: Third Amendment to the South Industrial Park TIF District

AGENDA DATE REQUESTED: September 24, 2018

ACTION REQUESTED: Adopt Ordinance No. 2802-18/19 -providing for and approving the Third Amendment to the Pekin South Industrial Park Tax Increment Financing District Redevelopment Project Area, Plan & Projects.

DESCRIPTION: This item is in regards to a technical correction needing to be made to the most recently adopted 2nd Amendment to the Southern Industrial Park TIF District (SIP TIF). Toward the end of the amendment process, but prior to sending out Notices and publishing for the Public Hearing, the City's TIF Administrators collected qualifying characteristics for including blocks of properties located in the yellow-highlighted area on the attached map.

However, it was not realized until recently that the qualification data for Block 306 (a group of residential homes) did not actually make it into the final survey dataset that was described in the TIF Amendment document, nor were these 15 properties included on the list of PINs distributed to the taxing districts at the Joint Review Board Meeting.

Therefore via the attached ordinance, the City needs to authorize a clarification to amend these properties out of the official TIF map, legal description and boundaries as they were not reflected in the parcel count as discussed in the final Amended Plan.

This change does not otherwise affect the results of the study, the validity of the findings or the contiguity of the boundary for the Amended Plan.

At no additional expense to the City, the City's TIF Administrators will pay for all publication costs noting the change and send a revised map and legal description to the taxing bodies by certified mail (required by the TIF Act).

For future planning purposes, Block 306 would benefit by being included in the TIF District and could be added if the City considers any future amendment to add other properties.

FINANCIAL IMPACT: None

NEIGHBORHOOD CONCERNS: N/A	
IMPACT IF APPROVED: The City's Southern Industrial TIF Map and Boundary would be updated.	
IMPACT IF DENIED: The City's Southern Industrial TIF Map and Boundary would not be updated.	
ALTERNATIVES: N/A	
RELATED TO EFFICIENCY STUDY: N/A	
RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more than 2 boxes. Copy this check mark ✓ and paste it to the left of the relevant theme.]	
✓	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
✓	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
✓	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
✓	A High Quality of Life. To support or provide services that improve the quality of life for Pekin's residents.
✓	An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.
REQUIRED SIGNATURES	
Department Directors and City Staff:	
Date: _____	
Finance Department (Certification of Availability of Funds):	
Date: _____	
City Manager:	

Date:

**Ordinance No. 2802-18/19 An Ordinance Providing For And Approving The Third
Amendment To The Pekin South Industrial Park Tax Increment Financing District
Redevelopment Project Area, Plan & Projects**

See attached Ordinance

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. _____

CITY OF PEKIN, ILLINOIS

**AN ORDINANCE PROVIDING FOR AND
APPROVING THE THIRD AMENDMENT TO THE
PEKIN SOUTH INDUSTRIAL PARK TAX INCREMENT FINANCING DISTRICT
REDEVELOPMENT PROJECT AREA, PLAN & PROJECTS**

**ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS,
ON THE 24TH DAY OF SEPTEMBER, 2018.**

ORDINANCE NO. _____

CITY OF PEKIN, ILLINOIS

**AN ORDINANCE PROVIDING FOR AND APPROVING
THE THIRD AMENDMENT TO THE
PEKIN SOUTH INDUSTRIAL PARK TIF DISTRICT
REDEVELOPMENT PROJECT AREA, PLAN AND PROJECTS**

WHEREAS, on October 22, 2012 the City of Pekin, Tazewell County, Illinois (“City”), an Illinois Home-Rule Municipality, by its duly elected Mayor and City Council hereto approved a Redevelopment Plan and Projects; designated a Redevelopment Project Area; and adopted Tax Increment Financing pursuant to Illinois Revised Statutes Chapter 24, Division 11-74.4-1 *et. seq.* (now 65 ILCS 5/11-74.4-1) (the “Act”) for the “*Pekin South Industrial Park Conservation Area Tax Increment Financing (TIF) District*”; and

WHEREAS, the Pekin South Industrial Park Conservation Area TIF District (renamed the “Pekin South Industrial Park TIF District”) was previously amended by the City on February 11, 2013 and August 13, 2018, pursuant to the Act; and

WHEREAS, the City desires to further amend the Redevelopment Project Area, Plan and Projects (“Third Amendment”) for the Pekin South Industrial Park TIF District pursuant to the TIF Act, by correcting a scrivener’s error in the Legal Description and the Boundary Map of the Redevelopment Project Area, as Amended by the Second Amendment; and

WHEREAS, the Third Amendment does not add additional parcels of property to the Redevelopment Project Area; affect the general land uses established pursuant to the Redevelopment Plan; substantially change the nature of the Redevelopment Projects; increase the total estimated Redevelopment Project Costs set out in the Redevelopment Plan; add additional Redevelopment Project Costs to the itemized list of redevelopment project costs set out in the Redevelopment Plan; or increase the number of inhabited residential units to be displaced from the Redevelopment Project Area to a total of more than 10, as measured from the time of creation of the Area; and

WHEREAS, the Amended Legal Description (**Exhibit B**) and the Amended Boundary Map (**Exhibit C**) for the Pekin South Industrial Park TIF District Redevelopment Project Area are hereby amended to remove the parcels described in **Exhibit A**; and

WHEREAS, the Third Amendment is consistent with the Plan and Projects and has been reviewed by the Mayor and the City Council is generally informed of this Amendment.

Attachment: Pekin S Ind 3rd Amendment Ordinance 091318 (1517 : Third Amendment to the South Industrial Park TIF District)

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEKIN, TAZEWEILL COUNTY, ILLINOIS:

1. The recitals set forth in the preamble to this Ordinance are hereby incorporated by reference as if fully set forth herein.
2. The Amended Legal Description and Amended Boundary Map for the Pekin South Industrial Park TIF District Redevelopment Project Area, as amended by the Second Amendment, are hereby amended to remove the parcels described in **Exhibit A**.
3. The Amended Legal Description (**Exhibit B**) and Amended Boundary Map (**Exhibit C**) attached hereto are hereby approved.
4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law and shall take effect upon its passage as required by law.
5. All ordinances and parts of ordinances in conflict herewith are repealed.

PASSED, APPROVED AND ADOPTED by the Corporate Authorities of the City of Pekin, Tazewell County, Illinois, pursuant to its home-rule authority, on the 24th day of September, A.D., 2018, and deposited and filed in the Office of the City Clerk of said City on that date.

MAYOR AND CITY COUNCIL	AYE	NAY	ABSTAIN	ABSENT	RECUSE
John Abel					
Michael Garrison					
Lloyd Orrick					
Mark Luft					
Michael Ritchason					
Jim Schramm					
John McCabe, Mayor					
TOTAL VOTES:					

APPROVED:

ATTEST:

Mayor

City Clerk

EXHIBITS (ATTACHED):

EXHIBIT A: PARCELS REMOVED BY THIRD AMENDMENT

EXHIBIT B: AMENDED LEGAL DESCRIPTION

EXHIBIT C: AMENDED BOUNDARY MAP

Attachment: Pekin S Ind 3rd Amendment Ordinance 091318 (1517 : Third Amendment to the South Industrial Park TIF District)

EXHIBIT A**PEKIN SOUTH INDUSTRIAL PARK TIF DISTRICT
PARCELS REMOVED BY THIRD AMENDMENT**

1. Parcel ID # 04-10-03-306-001
2. Parcel ID # 04-10-03-306-002
3. Parcel ID # 04-10-03-306-003
4. Parcel ID # 04-10-03-306-004
5. Parcel ID # 04-10-03-306-005
6. Parcel ID # 04-10-03-306-006
7. Parcel ID # 04-10-03-306-007
8. Parcel ID # 04-10-03-306-008
9. Parcel ID # 04-10-03-306-009
10. Parcel ID # 04-10-03-306-010
11. Parcel ID # 04-10-03-306-011
12. Parcel ID # 04-10-03-306-012
13. Parcel ID # 04-10-03-306-013
14. Parcel ID # 04-10-03-306-014
15. Parcel ID # 04-10-03-306-015

EXHIBIT B

**PEKIN SOUTH INDUSTRIAL PARK TIF DISTRICT
THIRD AMENDMENT
AMENDED LEGAL DESCRIPTION**

Being part of Sections 3, 4, 9, 10, 11, 14, and 15, all in Township 24 North, Range 5 West of the 3rd Principal Meridian, Tazewell County, Illinois, further described as follows: Beginning at a point where the north right of way (R.O.W.) line of Broadway Road intersects the extended original east line of the alleyway running north and south between Lots 1 and 32 of CINCINNATI ADDITION to the City of Pekin as shown in a Plat recorded in Plat Book C, page 2 in the Tazewell County Recorder of Deeds Office (said alleyway being now vacated); From the Point of Beginning thence running South along said extended east alley line across Broadway Road to a point in the south R.O.W. line of said Broadway Road, said point being the northwest corner of Lot 32 of said CINCINNATI ADDITION and the northwest corner of the west four feet, more or less of said Lot 32; Thence southerly along the east line of said alleyway across Fayette Street to a point in the south R.O.W. line of said Fayette Street said point being the northwest corner of Lot 28 in said CINCINNATI ADDITION; Thence westerly along the south R.O.W. line of Fayette Street across Main Street to the northwest corner of Lot 133 in said CINCINNATI ADDITION said point being in the east line of the alley running north-south along the west lines of Lots 133 through 140 in said CINCINNATI ADDITION; Thence southerly along the east line of said alleyway to the southwest corner of Lot 135 in said CINCINNATI ADDITION; Thence easterly along the south line of said Lot 135 to the southeast corner of said Lot 135 and being in the west R.O.W. line of Main Street; Thence northerly along the west line of said Main Street to a point 8 feet, more or less south of the northeast corner of Lot 134 in said CINCINNATI ADDITION; Thence easterly across Main Street to a point 8 feet, more or less south of the southwest corner of Lot 5 in said CINCINNATI ADDITION, said point being the southwest corner of the north 8 feet, more or less of Lot 6 in said addition; Thence easterly along the south line of the north 8 feet, more or less of said Lot 6 across the existing alley running north-south between Lots 5-8 and 25-28, to a point 8 feet, more or less south of the northwest corner of Lot 27 in said CINCINNATI ADDITION; Thence southerly along the east line of said alleyway to the southwest corner of Lot 25 said point being in the north R.O.W. line of Franklin Street; Thence easterly along said R.O.W. line to the southeast corner of Lot 25 in said CINCINNATI ADDITION: said point being in the west R.O.W. line of 2nd Street (Ill. Route 29); Thence northerly along said R.O.W. line to a point 9 feet, more or less south of the northeast corner of Lot 26 in said CINCINNATI ADDITION; Thence easterly across 2nd Street to a point 9 feet, more or less south of the northwest corner of Lot 39 said point being in the south line of the north 9 feet, more or less of Lot 39 in said CINCINNATI ADDITION; Thence easterly along the south line of said north 9 feet, more or less of Lot 39 to the southeast corner of the north 9 feet, more or less of said Lot 39; Thence northerly along the east line of Lot 39, said line being the west line of the existing alley, to the northeast corner of Lot 39; Thence easterly across the alleyway to the southwest corner of Lot 59 in said CINCINNATI ADDITION; Thence continuing easterly along the south line of Lot 59 to a point where said line intersects the northwesterly R.O.W. line of 3rd Avenue, said point being 5.94 feet, more or less west of the southeast corner of Lot 59; Thence northeasterly along the northwesterly R.O.W. line of said 3rd Avenue 12.69 feet, more or less to a point in the east line of Lot 59; Thence northerly along the east line of Lot 59 and 60 across Fayette Street to the southeast corner of Lot 61 said point being in the north R.O.W. line of Fayette Street; Thence easterly along said north R.O.W. line across Mechanic Street to a point where said line intersects the northwesterly R.O.W. line of 3rd Avenue; Thence northeasterly along said northwesterly R.O.W. line to a point where said line intersects the east line of Lot 66 in said CINCINNATI ADDITION; Thence northerly along the east line of Lots 66 and 65, across Broadway Road to a point in the north R.O.W. line of said Broadway Road; Thence

Attachment: Pekin S Ind 3rd Amendment Ordinance 091318 (1517 : Third Amendment to the South Industrial Park TIF District)

easterly along said northerly R.O.W. line to a point where said line intersects the east R.O.W. line of 3rd Street extended; Thence southerly across Broadway Road along the extended east line of 3rd Street to the northwest corner of Lot 97 in said CINCINNATI ADDITION; Thence continuing southerly along the east R.O.W. line of 3rd Street across Fayette Street and Franklin Street to the northwest corner of Lot 105 in said CINCINNATI ADDITION, said point being in the south R.O.W. line of said Franklin Street; Thence westerly along said R.O.W. line across 3rd Street to the northwest corner of Lot 88, said point being in the east line of an alleyway running north-south abutting Lots 81-88 in CINCINNATI ADDITION; Thence southerly along the east line of said alleyway across Washington Street and McLean Street to a point where said alley line extended intersects the south R.O.W. line of McLean Street; Thence westerly along the south R.O.W. line of said McLean Street to a point where said line intersects the southeasterly R.O.W. line of the Canadian National Railroad; Thence southwesterly along the southeasterly R.O.W. line of said Railroad across Winter Street, Prince Street and Elm Street to a point where said R.O.W. line intersects the south R.O.W. line of Elm Street, said point being the northwest corner of Lot 34 in LINCOLN PARK ADDITION as shown on plat recorded in plat book "F" page 82, Tazewell County Recorder's Office; Thence westerly along the extended south line of Elm Street across the Right-of-Way of the Canadian National Railroad to the northeast corner of Lot 1 in TAAK'S ADDITION as shown on plat recorded in plat book "J" page 33, Tazewell County Recorder's Office; Thence continuing westerly along the south R.O.W. line of Elm Street to the northwest corner of Lot 3 in said TAAK'S ADDITION; Thence southerly along the west line of said Lot 3 across Davis Street to a point in the south R.O.W. line of said Davis Street, said point being in the north line of Lot 9 in said TAAK'S ADDITION; Thence westerly along the south line of said Davis Street to the northwest corner of Lot 10 in said TAAK'S ADDITION, said point also being the south line of the alley shown on the plat of said TAAK'S ADDITION; Thence southwesterly along the south line of said alley to the southwest corner of Sublot A of Lot 16 in said TAAK'S ADDITION and the northerly R.O.W. line of Melvina Street; Thence southerly across said Melvina Street to the northwest corner of Lot 23 in TAAK'S ADDITION and the easterly R.O.W. line of Dell Avenue; Thence southerly along said east line of Dell Avenue to a point on the south R.O.W. line of High Street, said point also being the northeast corner of Lot 8 in Block 3 of James A. Edd's Assessment Plat; Thence westerly along the south line of High Street to the northwest corner of said Lot 8 and the easterly R.O.W. line of Dell Avenue; Thence southwesterly along the east R.O.W. line of said Dell Avenue across Edds Street to the north R.O.W. line of Derby Street; Thence southerly to the south R.O.W. line of said Derby Street and the northerly line of Lot 19 in the Rosedale Addition; Thence west along said south R.O.W. line of Derby Street to the northwest corner of Lot 20 in said Rosedale Addition and the east R.O.W. line of Knapp Street; Thence southerly along said east R.O.W. line of Knapp Street to the south R.O.W. line of Sapp Street and the northwest corner of Lot 136 in said Rosedale Addition; Thence westerly along said south R.O.W. line of Sapp Street to the northwest corner of Lot 140 in said Rosedale Addition; Thence southwesterly along the south R.O.W. line of said Sapp Street a point where said Sapp Street R.O.W. line intersects the north R.O.W. line of Koch Street; Thence easterly along the north R.O.W. line of said Koch Street across Hellman Street and Knapp Street to a point in the west R.O.W. line of Hoff Street; Thence northerly along said west R.O.W. line of Hoff Street to the southeast corner of Lot 243 in said Rosedale Addition; Thence easterly across Hoff Street to the southwest corner of Lot 242 in said Rosedale Addition and the northerly line of an alley; Thence easterly along said northerly line of an alley to a point on the west R.O.W. line of the Canadian National Railroad; Thence northerly along said west R.O.W. across Cooper Street, Herget Street and Sapp Street to a point where said line intersects the north R.O.W. line of Derby Street; Thence easterly along the north R.O.W. line of Derby Street 367.66 feet, more or less, to the extended east line of Lot 40 in the subdivision of part of the SW 1/4 of the SE 1/4 of Section 3, T24N, R5W of the 3rd P.M., Tazewell County, Illinois, as shown on plat recorded in Plat Book "L" page 451, Tazewell County Recorder's Office; Thence southerly across Derby Street and along the east line of said Lot 40 to the northwest corner of Lot 2 in SOUTHMOOR

NO. 2 as shown on plat recorded in Plat Book "P" page 111 Tazewell County Recorder's Office; Thence continuing southerly along the west line of said SOUTHMOOR NO. 2 across Koch Street to a point in the south R.O.W. line of said Koch Street; Thence westerly along said R.O.W. line to the most northwest corner of Lot 2 in RIVERWAY BUSINESS PARK 2ND ADDITION FINAL PLAT as shown on plat recorded in Plat Book "DDD" page 16 Tazewell County Recorder's Office; Thence southerly along the west line of said Lot 2 a distance of 1,220.01 feet, more or less, to a corner common to Lots 2 and 3 in said RIVERWAY BUSINESS PARK 2ND ADDITION FINAL PLAT; Thence easterly along the line common to said Lots 2 and 3 a distance of 1,993.74 feet, more or less, to a corner common to said Lots; Thence southerly along the line common to said Lots a distance of 1,265.47 feet, more or less, to a corner common to said Lots; Thence easterly along the line common to said Lots to a point in the east R.O.W. line of 5th Street; Thence southerly along the east R.O.W. line of said 5th Street to a point where said R.O.W. line intersects the north line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, T24N, R5W of the 3rd P.M.-Tazewell County, Illinois; Thence easterly along said north line to the northeast corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, said point also being the northwest corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, T24N, R5W of the 3rd P.M., Tazewell County, Illinois; Thence continuing easterly along the north line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, to the northeast corner of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11; Thence southerly along the east line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11 to the southeast corner of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, said point also being the northeast corner of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 14, T24N, R5W of the 3rd P.M., Tazewell County, Illinois; Thence continuing southerly along the east line of said W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 14 to a point in the north R.O.W. line of Veterans Drive (VFW road); Thence westerly along said north R.O.W. line across 5th Street and into the North Half of Section 15 T24N, R5W of the 3rd P.M., Tazewell County, Illinois to a point in the west R.O.W. line of the Canadian National Railroad; Thence northerly along the west R.O.W. line of said Railroad to the south R.O.W. line of Hanna Drive; Thence westerly along said south R.O.W. line of Hanna Drive to the west R.O.W. line of South 2nd Street (Ill. Route 29); Thence northerly and northeasterly along the westerly R.O.W. line of said Route 29 to a point where said R.O.W. line intersects the south line of a parcel designated as Tract III Parcel Three in Special Warranty Deed recorded as Document #05-005042 Tazewell County Recorder's Office; Thence South 81°02'42" West (bearings referenced to a plat of survey by Kingdon and Naven, Inc. recorded in Plat Book "EE" pages 45-46 Tazewell County Recorder's Office) along the south line of said Tract III Parcel Three 167.95 feet, more or less to the southwest corner of said Tract III Parcel Three; Thence North 00°13'42" East along the west line of said Tract III Parcel Three a distance of 3.72 feet, more or less; Thence South 79°54'20" West across the R.O.W. of the Chicago and Illinois Midland Railroad (C. & I.M.) 136.17 feet, more or less to a point in the northwesterly R.O.W. of said C. & I.M. RR) said point being in the south line of a parcel designated as Tract I in Special Warranty Deed recorded as Document #05-005042 Tazewell County Recorder's Office; Thence South 89°27'16" West along the south line of said Tract I a distance of 1342.36 feet, more or less to the southwest corner of the property conveyed by PEKIN PAPERBOARD COMPANY, L.P. to PEKIN PROPERTIES, LLC and described in said Special Warranty Deed, said point being a corner of the property conveyed by MOP INGREDIENTS, INC. to ILLINOIS CORN PROCESSING, LLC as described in Special Warranty deed recorded as Document #09-028004 Tazewell County Recorder's Office; Thence continuing South 89°27' 16" West along the south line of said ILLINOIS CORN PROCESSING, LLC 850.76 feet, more or less to the southeast corner of the property conveyed by the former AMERICAN DISTILLING COMPANY to PEKIN RIVER & WAREHOUSE TERMINAL, INC. as described in Quit Claim Deed recorded in Book 2351 page 208 Tazewell County Recorder's Office, as shown on the plat of survey by Kingdon and Naven, Inc. recorded in Plat Book "EE" pages 45-46; Thence North 25°40'22" West along the easterly line of said PEKIN RIVER & WAREHOUSE TERMINAL, INC. property 371.70 feet, more or less; Thence North 00°02'54" West along said easterly line 184.27 feet, more or less to the northeasterly corner of said PEKIN RIVER & WAREHOUSE TERMINAL, INC.

property said point being in the government meander line for the Illinois River; Thence South 46°59'11" West along said government meander line 115.07 feet, more or less to a point where said meander line intersects the north line of Section 9 T24N, R5W of the 3rd P.M., Tazewell County, Illinois; Thence South 45°47'23" West along the northerly line of the PEKIN RIVER & WAREHOUSE TERMINAL, INC. property 78.55 feet, more or less to the northwest corner of said property, said point being in the northeasterly R.O.W. line of the Chicago & Northwestern Railroad; Thence northwesterly along the northeasterly R.O.W. line of said railroad to a point in the approximate easterly bank of the Illinois River; Thence northeasterly meandering along the approximate easterly bank of the Illinois River to a point where said meandering line intersects the north R.O.W. line of Broadway Road extended west; Thence easterly along said extended line and the north R.O.W. line of said Broadway Road to the Point of Beginning.

Excepting therefrom the following described properties:

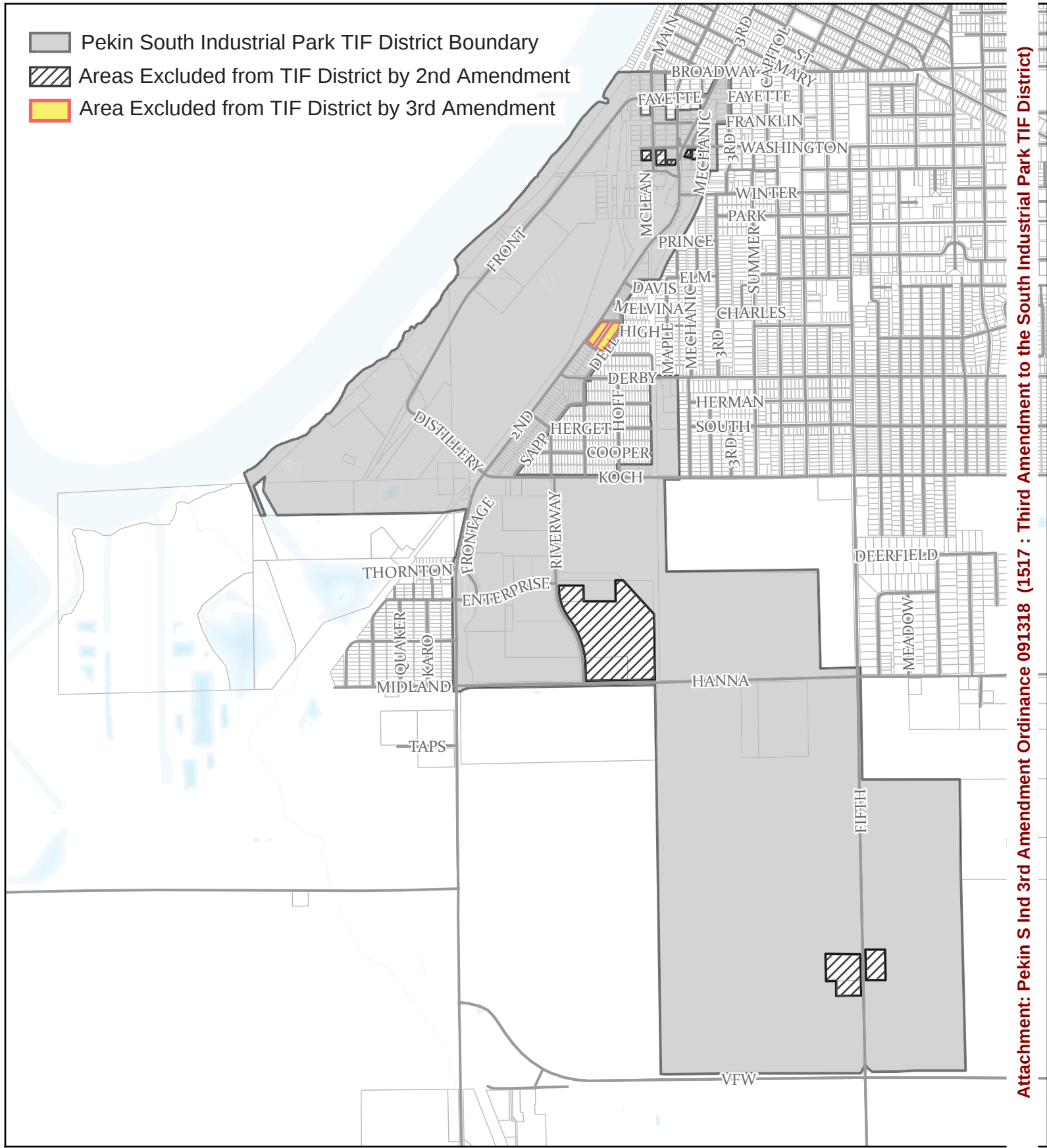
- (1) All of Lots 45, 51 and 52 and the north 42 feet of lot 46 in Cincinnati Addition to the City of Pekin (PINs 04-10-03-210-001, 04-10-03-210-006, 04-10-03-210-007, 04-10-03-210-008 & 04-10-03-210-009).
- (2) All of Lots 13, 14, 15, 18, Lots 141 and 142 of said Cincinnati Addition to the City of Pekin (PINs 04-10-03-203-001, 04-10-03-203-002, 04-10-03-203-003, 04-10-03-203-004, 04-10-03-203-009, 04-10-03-104-004, 04-10-03-104-005 & 04-10-03-104-010).
- (3) Tract D1 as shown in Plat Book "CCC" page 150 Tazewell County Recorder's Office, said Tract D1 being a part of NE 1/4 of Section 15, T24N, R5W of the 3rd P.M., Tazewell County, Illinois (PIN 10-10-15-200-008).
- (4) A tract of land shown on plat of survey recorded in Plat Book "Q" page 228, Tazewell County Recorder's Office, being the NW 1/4 of the NW 1/4 of Section 14, T24N, R5W of the 3rd P.M., Tazewell County, Illinois (PIN 10-10-14-100-001).
- (5) Tract 1 as shown on plat of survey recorded in Plat Book "V" page 339, Tazewell County Recorder's Office, being a part of NE 1/4 of Section 15, T24N, R5W of the 3rd P.M., Tazewell County, Illinois (PIN 10-10-15-200-006);
- (6) Beginning at a point where the west R.O.W. line of the Canadian National Railroad intersects with the north R.O.W. line of Hanna Drive; thence north along said west R.O.W. line of the Railroad to an angle point of Block 3 as shown on the plat of said of the RESUBDIVISION OF RIVERWAY BUSINESS PARK FINAL PLAT; Thence northwesterly along said angle line to the northeast corner of said Block 3; Thence westerly along the north line of said Block 3 a distance of 80.41 feet, more or less to the northeast corner of a parcel described in Municipal Deed recorded as Document #03-017613 Tazewell County Recorder's Office; Thence southerly along the easterly line of said parcel 277 feet, more or less to the southeast corner of said parcel; Thence westerly along the southerly line of said parcel to the southeast corner of Lot "A" as shown on plat recorded in Plat Book "KK" page 65, Tazewell County Recorder's Office; Thence northerly along the east line of said Lot "A" to the northeast corner of said Lot; Thence westerly along the north line of said Lot "A" to the northwest corner of said Lot and the east R.O.W. line of Riverway Drive; Thence southerly along said east R.O.W. line of Riverway Drive to the north R.O.W. line of Hanna Drive; Thence easterly along said north R.O.W. line of Hanna Drive to the point of beginning; AND
- (7) Lots 1 through 15 of Block 2 of James A Edds Assessment Plat (PINs 04-10-03-306-001 through 04-10-03-306-015).

EXHIBIT C

PEKIN SOUTH INDUSTRIAL PARK TIF DISTRICT
THIRD AMENDMENT
AMENDED BOUNDARY MAP

Attachment: Pekin S Ind 3rd Amendment Ordinance 091318 (1517 : Third Amendment to the South Industrial Park TIF District)

PEKIN SOUTH INDUSTRIAL PARK TIF DISTRICT, THIRD AMENDMENT



Attachment: Pekin S Ind 3rd A Amendment Ordinance 091318 (1517 : Third Amendment to the South Industrial Park TIF District)



0 0.1 0.2 0.4 0.6 0.8 1 Miles



REQUEST FOR COUNCIL ACTION

To: Council Members

Date: September 19, 2018

From: Mark Rothert, Interim City Manager

AGENDA ITEM: Redevelopment Agreement with Maquet, Inc. and SPWT, LLC

AGENDA DATE REQUESTED: September 24, 2018

ACTION REQUESTED: Adopt Ordinance No. 2803-18/19 to enter into a redevelopment agreement with Maquet, Inc. and SPWT, LLC for use of Central Business District Tax Increment Financing for redevelopment of 223 Court Street, Pekin, Illinois.

DESCRIPTION: Dustin Maquet, owner and “Developer” of Maquet’s Rail House, is interested to expand his restaurant business to an adjacent property at 223 Court Street. The expansion would include the availability of additional seating, kitchen, new menu items, extra capacity for cold and dry storage and additional bathrooms. The second floor to the building will not be utilized at this time.

To undertake this expansion, Mr. Maquet is requesting assistance from the City of Pekin through its Central Business District tax increment financing (TIF) fund. Total estimated projects costs are around \$590,000. Mr. Maquet is requesting TIF assistance in the amount of \$389,000 to assist with land assembly, site preparation, rehabilitation and renovation.

Since this project is a restaurant expansion in addition to a real estate redevelopment, the City should realize an annual return on investment through increased sales tax generation and property valuation. Maquet also plans to hire 8-10 full-time equivalents with the expansion as well.

Attached is a redevelopment agreement spelling out the terms and conditions between the parties. Highlights of the redevelopment agreement include the following:

- The agreement is structured as a forgivable loan at 3% interest with a 45 month (3.75 year) term. One-fifth of the loan is forgiven every nine months.
- The loan will be secured by a mortgage on the property.
- The Developer (Maquet) shall meet a performance metric each year or pay a performance penalty. The annual performance goal that needs met each year is to achieve and sustain a 10% growth in “net” municipal sales taxes provided to the City over and above a baseline level set for 2018 (January – December).
- If the Developer falls below the 10% goal, he will be given credit for what he did achieve

and pay a prorated performance penalty.

Staff is recommending approval as it is believed that this project will promote economic growth and downtown revitalization of the City through the attraction of public and private investment.

FINANCIAL IMPACT:

Central Business District TIF Fund

Line Item:	270-270-583000
Budget:	\$800,000
Remaining Funds (unaudited) as of 9/19/18:	\$761,211
Request:	\$389,000

NEIGHBORHOOD CONCERNS: N/A

IMPACT IF APPROVED: Business expansion and downtown redevelopment.

IMPACT IF DENIED: Business expansion and downtown redevelopment does not occur.

ALTERNATIVES: N/A

RELATED TO EFFICIENCY STUDY: N/A

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more than 2 boxes. Copy this check mark √ and paste it to the left of the relevant theme.]

√	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
√	A High Quality of Life. To support or provide services that improve the quality of life for Pekin's residents.
	An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES

Department Directors and City Staff:

Date:

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Ordinance No.2803-18/19 Redevelopment Agreement with Maquet, Inc. and SPWT, LLC for use of Central Business District Tax Increment Financing for redevelopment of 223 Court Street, Pekin, Illinois.

WHEREAS, The Mayor and City Council of the City of Pekin, Tazewell County, Illinois, an Illinois home rule municipality (the “City”), have determined that the TIF Redevelopment Agreement with Maquet, Inc. and SPWT, LLC (the “Developer”) attached hereto as **Exhibit A** is in the best interest of the citizens of the City of Pekin.

NOW THEREFORE, be it ordained by the Mayor and City Council of Pekin, Illinois, in the County of Tazewell, as follows:

1. The TIF Redevelopment Agreement with Maquet, Inc. and SPWT, LLC (the “Developer”) attached hereto as **Exhibit A** is hereby approved.
2. The Mayor is hereby authorized and directed to enter into and execute on behalf of the City said Redevelopment Agreement and the City Clerk of the City of Pekin is hereby authorized and directed to attest such execution.
3. The Redevelopment Agreement shall be effective the date of its approval on the 24th day of September, 2018.
4. This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

MAYOR

ATTEST:

CITY CLERK

TAX INCREMENT FINANCING DISTRICT REDEVELOPMENT AGREEMENT

by and between

CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS

and

**MAQUET, INC. AND
SPWT, LLC**

**PEKIN CENTRAL BUSINESS DISTRICT
TAX INCREMENT FINANCING DISTRICT**

SEPTEMBER__, 2018

Attachment: REDEVELOPMENT AGREEMENT- MAQUET TIF Updated 9-21-18 (1516 : Redevelopment Agreement with Maquet, Inc. and SPWT,

**TIF REDEVELOPMENT AGREEMENT
BY AND BETWEEN
CITY OF PEKIN
&
MAQUET, INC. AND
SPWT, LLC**

PEKIN CENTRAL BUSINESS DISTRICT TIF DISTRICT

THIS TIF REDEVELOPMENT AGREEMENT (including Exhibits) (“Agreement”) is entered into this——th day of September, 2018, by the **City of Pekin** (the “City”), an Illinois Home-Rule Municipal Corporation, Tazewell County, Illinois, and **Maquet, Inc., an Illinois Corporation and SPWT, LLC, an Illinois Limited Liability Company** (collectively, the “Developer”).

PREAMBLE

WHEREAS, the City has the authority to promote the health, safety, and welfare of the City and its citizens and to prevent the spread of blight and deterioration and inadequate public facilities by promoting the development of private property thereby increasing the tax base of the City and providing employment for its citizens; and

WHEREAS, pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4.4 *et seq.*, as amended (the “Act”), the City has the authority to provide incentives to owners or prospective owners of real property to develop, redevelop, and rehabilitate such property by reimbursing the owners for certain costs from resulting increases in real estate tax revenues; and

WHEREAS, on November 11, 1986, recognizing the need to foster the development, expansion and revitalization of certain properties which are vacant, underutilized or undeveloped, the City adopted Tax Increment Financing under the Act, approved a Redevelopment Plan and designated a Redevelopment Area known as the **Pekin Central Business District Tax Increment Financing District** (the “TIF District”); and

WHEREAS, one such property is owned or to be acquired by the Developer and is located at 223 Court Street, Pekin Illinois 61282 (PIN# 04-04-34-432-015 (the “Property”) and said Property is in need of development and integral to the development of the TIF District; and

WHEREAS, the Developer is proceeding with plans to expand the current business operations of the business known as the Rail House onto the Property which is adjacent thereto (the “Project”) based upon incentives made available by the City; and

WHEREAS, it is the intent of the City to encourage economic development which will increase the real estate tax, which increased taxes will be used, in part, to finance incentives to assist this Developer’s Project; and

WHEREAS, the City has the authority under the Act to incur Redevelopment Project Costs (“Eligible Project Costs”) and to reimburse Developer for such costs; and

WHEREAS, pursuant to Illinois Statute 65 ILCS 5/8-1-2.5, the City has the authority to appropriate and expend funds for economic development purposes, including without limitation, the making of grants to any commercial enterprise that is necessary or desirable for the promotion of economic development within the municipality; and

WHEREAS, the Developer has requested that incentives for the development be provided by the City from incremental increases in real estate taxes of the City and its Project and that such incentives include the reimbursement of Eligible Project Costs; and

WHEREAS, the City has determined that this Project requires the incentives requested and that said Project will, as a part of the Plan, promote the health, safety and welfare of the City and its citizens by attracting private investment to prevent blight and deterioration, to develop underutilized property, and to provide employment for its citizens and generally to enhance the economy of the City; and

WHEREAS, the City and the Developer (the “Parties”) have agreed that the City shall provide a forgivable loan to the Developer for the reimbursement of the Developer’s Eligible Project Costs (*Exhibit 2, “Promissory Note”*) of an amount not to exceed **Three Hundred Eighty-Nine Thousand and No/100 Dollars (\$389,000.00)** to be paid from the Pekin Central Business District TIF District Special Tax Allocation Fund as specified below in *Section C, Incentives*; and

WHEREAS, in no event shall cumulative maximum reimbursements for the Developer’s TIF Eligible Project Costs under this Agreement exceed **Three Hundred Eighty-Nine Thousand Dollars and No Cents (\$389,000.00)**; and

WHEREAS, the City is entering into this Agreement to induce the Developer to acquire the Property and complete the Project; and

WHEREAS, in consideration of the execution of this Agreement and in reliance thereon, the Developer has proceed with its plans to complete the Project as set forth herein.

AGREEMENTS

NOW, THEREFORE, for good and valuable consideration, the receipt of which is acknowledged, the Parties agree as follows:

A. PRELIMINARY STATEMENTS

1. The Parties agree that the matters set forth in the recitals above are true and correct and form a part of this Agreement, and are to be construed as binding statements of this Agreement.
2. Any terms which are not defined in this Agreement shall have the same meaning as they do in the Act, unless indicated to the contrary.
3. The Developer shall remain in compliance with all municipal ordinances relating to property development, property condition, zoning, subdivision and building codes. Failure to cure the violation of any such ordinance within thirty (30) days upon being provided written notice of the same by the City shall be cause for the City to declare the Developer in Default and unilaterally terminate this Agreement, except where such failure is not reasonably susceptible to cure within such 30-day period, in which case the Developer shall have such additional time to cure as is reasonably necessary, provided that the Developer has commenced such cure within such 30- day period and continues to diligently prosecute the same to completion.

- 4 The Developer shall complete the Project within eighteen (18) months from the date this Agreement is executed, subject to extension due to Force Majeure (defined below). The Project will be deemed complete when the expansion on the Property is complete and the City has issued a certificate of occupancy thereon.
- 5 Each of the Parties represents that it has taken all actions necessary to authorize its representatives to execute this Agreement.

B. ADOPTION OF TAX INCREMENT FINANCING

The City has created a Tax Increment Financing District known as the “Pekin Central Business District TIF District” which includes the Developer’s Property. The City has approved certain Redevelopment Project Costs, including the types described in *Exhibit 1* for the Developer’s Project which shall be known as the **“Rail House Expansion Redevelopment Project”**.

C. INCENTIVES

In consideration for the Developer completing its Project, the City agrees to extend to Developer the following incentives to assist Developer’s Project:

1. The City agrees to loan to the Developer (also, the “Borrower”) by separate Promissory Note (attached hereto as *Exhibit “2”*) the sum of **Three Hundred Eighty-Nine Thousand Dollars (\$389,000.00)** (the “Loan”) from the Pekin Central Business District TIF District Special Tax Allocation Fund for TIF Eligible Project Costs incurred as a result of the Developer’s Project. The terms and conditions for the Loan shall be as follows:
 - a The City shall reimburse the Developer for its cost to acquire the Property, up to an amount not to exceed \$252,000.00, within 30 days following the date the Developer acquires the same and upon verification of the purchase price for the Property pursuant to *Section E* below. Such sum shall be paid from the City’s TIF District Special Tax Allocation Fund.
 - b The remainder of the Loan amount, not otherwise disbursed pursuant to *paragraph 1* above, shall be disbursed by the City to the Developer upon completion of the Project and verification of total TIF Eligible Project Costs (including land acquisition) of at least \$389,000.00 pursuant to *Section E* below.
 - c A separate Promissory Note is attached as *Exhibit “2”*.
 - d The interest rate for the Loan shall be Three Percent (3%) per annum, and shall begin to accrue on the date the Loan funds are dispersed to the Developer.
 - e The term of the Loan shall expire on August 1, 2022.
 - f The Promissory Note shall be secured by a mortgage (attached hereto as *Exhibit “3”*) to be granted by the Developer and given to the City. The City agrees to subordinate its mortgage to that of a primary lender for the project upon request of the Developer.

- g. One-fifth (1/5) of the principal of the Loan amount, plus any accrued interest thereon, shall be forgiven based on July 31, 2019, April 30, 2020, January 31, 2021, October 31, 2021, and July 31, 2022 provided the Developer has been at all times in full compliance with every term of this Agreement, including the following:
- i. The Developer completes the Project within eighteen (18) months from the date of execution of this Agreement with certificates of occupancy issued by the City.
 - ii. The Developer shall annually provide verification of the payment of the real estate taxes for the property.
 - iii. The Developer does not file for bankruptcy or otherwise become insolvent.
 - iv. The Property is not the subject of foreclosure proceedings.
 - v. The Developer does not sell or otherwise convey the Property during the term of the Loan.

2. Project Performance Metrics/Penalties: The Developer agrees to meet certain benchmarks with respect to “net” municipal sales tax revenues generated by the Project located on the Property. The Developer and the City agree that upon completion of the Project, the Developer’s business located thereon, known as the Rail House, shall annually generate at least an additional ten percent (10%)(the “Annual Performance Goal”) over the “net” municipal sales tax revenues collected from the Rail House’s 2018 fiscal year (January – December)(the “Base Year Revenue”). To the extent “net” municipal sales tax revenues generated by the Rail House and actually received by the City are less than a ten percent (10%) increase over the Base Year Revenue in any of the calculation years set forth below, the Developer shall pay a performance penalty (the “Performance Penalty”) calculated as follows:

- a. Determine the new Annual “net” municipal sales tax revenues generated and actually received by the City, for the particular calculation year, by the Project (“A”) from the sales tax reports submitted to the City by the Illinois Department of Revenue.
- b. Determine the Base Year Revenue (“B”) from the sales tax report submitted by the Illinois Department of Revenue to the City.
- c. Determine the change in revenue from the Base Year Revenue
 - i. $(A-B)$
- d. Determine the percent (%) change in revenue
 - i. $(A-B)/B = “C”$
- e. Determine the percent of the Performance Goal that is achieved
 - i. $(C/10\%) = “D”$
- f. Determine Performance Penalty Percentage
 - i. $100\% - D = “E”$

- g Determine Annual Performance Penalty Amount
- i $E \times \$38,900 = \text{Maximum Annual Performance Penalty Amount}$ (In no event shall the Performance Penalty owed by the Developer to the City pursuant to this *subsection 2* exceed \$38,900.)

The Performance Penalty shall be applicable to the following three calculation years:

- June 1, 2019 - May 31, 2020
- June 1, 2020 - May 31, 2021
- June 1, 2021 - May 31, 2022

The Performance Penalty for any calculation year shall be due within 30 days of City providing written demand of the same to the Developer.

- a To the extent “net” municipal sales tax revenues generated by the Rail House exceed ten percent (10%) over the “net” municipal sales tax revenues collected from the Rail House’s “Base Year Revenue” in any calculation year, the amount of any such excess shall be added to the Annual “net” municipal sales taxes revenue factor of the calculation for the following year.
- b To the extent there is a Force Majeure (as defined below) delay in business operations of the Rail House, there shall be an automatic extension of the calculation dates set forth herein.
3. For the purpose of this Agreement, “net” municipal sales tax revenues shall be defined as the City’s base municipal rate (which is currently one percent 1% of all sales) of Retailer’s Occupation Tax and Service Occupation Tax, Home Rule Sales Tax (which is currently 0.75% of all sales), and Food and Beverage Tax (which is currently 2.00% of all sales).
4. **Direction of Payment:** All reimbursements to be made by the City hereunder for TIF Eligible Project Costs incurred by the Developer (whether incurred by Maquet, Inc. or SPWT, LLC) shall be paid to the Developer, Maquet, Inc.

D. LIMITATION OF INCENTIVES TO DEVELOPER

1. In no event, shall the maximum cumulative reimbursements for the Developer’s TIF Eligible Project Costs pursuant to *Section C(1)* above exceed Three Hundred Eighty-Nine Thousand Dollars and No Cents (\$389,000.00) as set forth herein.
2. It is not contemplated that, nor is the City obligated, to use any of its proportionate share of the monies generated by this Project for any of Developer’s Eligible Project Costs, but rather the City shall use such sums for any purpose under the Act as it may in its sole discretion determine.

E. PAYMENT OF ELIGIBLE PROJECT COSTS

1. Payment to the Developer for Eligible Project Costs as set forth by the Act shall be made by a Requisition for Payment of Private Development Redevelopment Costs (“Requisition”, ***Exhibit “4”*** attached hereto) submitted from time to time to Jacob & Klein, Ltd. and the Economic Development Group, Ltd. (collectively the “Administrator”) and subject to their approval of the costs and availability of funds in the Special Account.

2. All Requisitions must be accompanied by verified bills or statements of suppliers, contractors, or professionals together with mechanic's lien waivers (whether partial or full) from each of the parties entitled to a payment that is the subject of the Requisition as required by the City.
3. The Developer shall use such sums as reimbursement for TIF Eligible Project Costs only to the extent permitted by law and the Act and may allocate such funds for any purpose for the Term of this Agreement or the term of the TIF District whichever is longer.
4. The Administrator shall approve or disapprove a Requisition by written receipt to the Developer within thirty (30) business days after receipt of the Requisition. Approval of the Requisition will not be unreasonably withheld. If a Requisition is disapproved by the Administrator, the reasons for disallowance will be set forth in writing and the Developer may resubmit the Requisition with such additional information as may be required and the same procedures set forth herein shall apply to such re-submittals.
5. All TIF Eligible Project Costs approved shall then be paid by the City from the Special Account to the Developer, or to others as directed by the Developer, pursuant to the Redevelopment Plan and as allowed by Illinois Law. Payments shall be made within forty-five (45) days after approval of the TIF Eligible Project Costs subject to the terms of this Agreement.
6. The Parties acknowledge that the determination of Eligible Project Costs, and, therefore, qualification for reimbursement hereunder are subject to changes or interpretation made by amendments to the Act, administrative rules or judicial interpretation during the term of this Agreement. The City has no obligation to the Developer to attempt to modify those decisions, but will reasonably assist the Developer in every respect to obtain approval of Eligible Project Costs.
7. The Developer may submit for prior approval by the City as TIF Eligible Project Costs under the Act estimates of costs before they are incurred subject to later confirmation by actual bills.

F. VERIFICATION OF TAX INCREMENT

1. It shall be the sole responsibility of the Developer to provide to the City as requested the following:
 - A. Copies of all **PAID** annual real estate tax bills for the Property.
2. The failure of Developer to provide any information required herein after notice from the City, including verification of Eligible Project Costs, and the continued failure to provide such information within thirty (30) days after such notice, shall be considered a material breach of this Agreement and shall be cause for the City to deny payments hereunder to the Developer, which payments are conditional upon receipt of the foregoing information.

G. LIMITED OBLIGATION

The City's obligation hereunder to pay the Developer for Eligible Project Costs is a limited obligation to be paid solely from the TIF District Special Tax Allocation Fund. Said obligation does not now and shall never constitute an indebtedness of the City within the meaning of any State of Illinois constitutional or statutory provision, and shall not constitute or give rise to a pecuniary liability of the City or a charge or lien against the City's general credit or taxing power.

H. CITY PUBLIC PROJECTS

The City intends to use part of its share of the Project's real estate tax increment to fund other public projects in the TIF Redevelopment Area.

I. LIMITED LIABILITY OF CITY TO OTHERS FOR DEVELOPER'S EXPENSES

There shall be no obligation by the City to make any payments to any person other than the Developer, nor shall the City be obligated to make direct payments to any other contractor, subcontractor, mechanic or materialman providing services or materials to the Developer for the Project. This Agreement shall not create any third-party rights and the Developer shall indemnify and hold the City harmless on any claims arising out of the Developer's construction activities.

J. COOPERATION OF THE PARTIES

The City and the Developer agree to cooperate fully with each other when requested to do so concerning the development of the Developer's Project. This includes without limitation the City assisting or sponsoring the Developer, or agreeing to jointly apply with the Developer, for any grant, award, or subsidy which may be available as the result of the Developer's or City's activities. This also includes without limitation the Developer assisting or sponsoring the City, or agreeing to jointly apply with the City, for any grant, award or subsidy which may be available as the result of the City's or Developer's activities.

K. DEFAULT; CURE; REMEDIES

In the event of a default under this Agreement by any party hereto (the "Defaulting Party"), which default is not cured within the cure period provided for below, then the other party (the "Non-defaulting Party") shall have an action for damages, or in the event damages would not fairly compensate the Non-defaulting Party's for the Defaulting Party's breach of this Agreement, the Non-defaulting Party shall have such other equity rights and remedies as are available to them at law or in equity. Any damages payable by the City hereunder shall be limited to the real estate tax increment payable to the Developer under the terms of this Agreement.

In the event a Defaulting Party shall fail to perform a monetary covenant which it is required to perform under this Agreement, it shall not be deemed to be in default under this Agreement unless it shall have failed to perform such monetary covenant within thirty (30) days of its receipt of a notice from a Non-defaulting Party specifying that it has failed to perform such monetary covenant. In the event a Defaulting Party fails to perform any non-monetary covenant as and when it is required to under this Agreement, it shall not be deemed to be in default if it shall have cured such default within thirty (30) days of its receipt of a notice from a Non-defaulting Party specifying the nature of the default, provided, however, with respect to those non-monetary defaults which are not capable of being cured within such thirty (30) day period, it shall not be deemed to be in default if it commences curing within such thirty (30) days period, and thereafter diligently and continuously prosecutes the cure of such default until the same has been cured.

L. TIME; FORCE MAJEURE

For this Agreement, time is of the essence. The Developer agrees to complete the Project within eighteen (18) months following the execution of this Agreement. Failure to do so shall be cause for the City to declare the Developer in default and unilaterally terminate the Agreement. However, the Developer and the City shall not be deemed in default with respect to any obligations of this Agreement

on its part to be performed if the Developer or City fails to timely perform the same and such failure is due in whole, or in part, to any strike, lock-out, labor trouble (whether legal or illegal), civil disorder, inability to procure materials, weather conditions wet soil conditions, failure or interruptions of power, restrictive governmental laws and regulations, condemnation, riots, insurrections, war, fuel shortages, accidents, casualties, Acts of God, acts caused directly or indirectly by the City (or the City's agents, employees or invitees) when applicable to Developer or third parties, or any other cause beyond the reasonable control of Developer or the City.

M. ASSIGNMENT

The rights and obligations of the Developer under this Agreement shall be fully assignable by the Developer provided written notice is provided to the City and The City's consent is obtained prior to such assignment. The City's consent shall not be unreasonably withheld provided that the nature of the Project is not substantially changed and further provided that the assignee is financially capable of fulfilling the obligations of the assignor. Any such assignment shall be subject to all the terms and conditions contained in this Agreement. Further, no such assignment shall be deemed to release the assignor of its obligations to the City under this Agreement unless the consent of the City to the release of the assignor's obligations is first obtained.

N. WAIVER

Any party to this Agreement may elect to waive any remedy it may enjoy hereunder, provided that no such waiver shall be deemed to exist unless the party waiving such right of remedy does so in writing.

No such waiver shall obligate such party to waive any right of remedy hereunder, or shall be deemed to constitute a waiver of other rights and remedies provided said party pursuant to this Agreement.

O. SEVERABILITY

If any section, subsection, term or provision of this Agreement or the application thereof to any party or circumstance shall, to any extent, be invalid or unenforceable, the remainder of said section, subsection, term or provision of this Agreement or the application of same to parties or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby.

P. MUNICIPAL SALES TAX CALCULATION

1. In order for the City to calculate "net" municipal sales tax revenues as set forth in Section C above, the Developer agrees to provide such information as is necessary to verify "net" municipal sales tax revenues generated on the Property. The Developer agrees to provide, or cause any of its Tenants located on the Property to provide PTAX 1002-21, *Authorization to Release Sales Tax Information to Local Governments* (**Exhibit "5"** attached hereto) or a successor form to the City to enable it to obtain from the Illinois Department of Revenue (the "Department") verification of retail sales generated on the Property by an Taxpayer located thereon during the Term of this Agreement. "Taxpayers" are defined as parties who are required to file Department Form ST-1 sales and Use Tax Returns, or comparable tax returns which may be substituted therefore with the State of Illinois.

In the event that the Developer is unable to arrange for the Department to report such information to the City, the Developer and any Taxpayer located on the Property shall maintain and have available for inspection by the City upon request copies of the forms submitted to the State with any non-applicable information redacted, if the developer so desires. Additionally, the Developer and any owner of all or any part of the Property shall maintain and have available or cause to be maintained and have available

for inspection by the City copies of any and all sales tax returns, sales tax reports, amendments, proof of payment or any other sales tax information filed with the State of Illinois or other appropriate governmental entity, which documents are being held available for the City for purposes of identifying “net” municipal sales tax revenues collected pursuant to this Agreement.

2. Any municipal sales tax revenues generated by businesses located on the Property that are unable to be verified under this Section shall not be used to calculate “net” municipal sales tax revenues for the purpose of *Section C* above.

3. To the extent permitted by law, the City shall endeavor to maintain the confidentiality of the information provided to it, but shall be permitted to disclose such information and documents to employees and consultants of the City in order to monitor compliance and audit this Agreement provided that such employees and consultants also agree to maintain such confidentiality. The Developer understands and agrees that the provisions of this Agreement will be a matter of public record as will any and all payments to the Developer pursuant to this Agreement.

4. Any amounts of “net” municipal sales tax revenues calculated hereunder shall be reduced by the amount of any and all collection fees imposed upon the City by the State of Illinois or the Illinois Department of Revenue for collection of municipal sales tax revenues.

Q. NOTICES

All notices, demands, requests, consents, approvals or other instruments required or permitted by this Agreement shall be in writing and shall be executed by the Party or an officer, agent or attorney of the Party, and shall be deemed to have been effective as of the date of actual delivery, if delivered personally, or as of the third (3rd) day from and including the date of posting, if mailed by registered or certified mail, return receipt requested, with postage prepaid addressed as follows:

To Developer:

Maquet, Inc.
c/o Dustin J. Maquet
1903 El Camino Drive
Pekin, Illinois 61554

SPWT, LLC

c/o Dustin J. Maquet
1903 El Camino Drive
Pekin, Illinois 61554

To City:

City Clerk
City of Pekin
111 S. Capitol Street
Pekin, Illinois 61555
Telephone: (309) 477-2300

With copy to:

Jacob & Klein, Ltd.
Economic Development Group, Ltd.
1701 Clearwater Avenue
Bloomington, Illinois 61704
Telephone: (309)664-7777

R. SUCCESSORS IN INTEREST

Subject to the Provisions of *Section M* above, this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

S. NO JOINT VENTURE, AGENCY, OR PARTNERSHIP CREATED

Neither anything in this Agreement nor any acts of the Parties to this Agreement shall be construed by the Parties or any third person to create the relationship of a partnership, agency, or joint venture between or among such Parties.

T. INDEMNIFICATION OF CITY

It is the understanding of the Parties that the position of the Illinois Department of Labor is that the Illinois Prevailing Wage Act does not apply to TIF increment received by developers as reimbursement for private TIF Eligible Project Costs. This position of the Department of Labor is stated as an answer to a FAQ on its website at: <https://www.illinois.gov/idol/FAQs/Pages/prevailing-wage-faq.aspx>. The Developer shall indemnify and hold harmless the City, and all City elected or appointed officials, officers, employees, agents, representatives, engineers, consultants and attorneys (collectively, the Indemnified Parties), from any and all claims that may be asserted against the Indemnified Parties or one or more of them, in connection with the applicability, determination, and/or payments made under the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et. seq.), the Illinois Procurement Code, and/or any similar State or Federal law or regulation. In addition, the Developer agrees to indemnify and hold harmless the City for any claim asserted against the City arising from the Developer's Project and/or this Agreement or any challenge to the eligibility of project costs reimbursed to the Developer hereunder. This obligation to indemnify and hold harmless obligates Developer to defend any such claim and/or action, pay any liabilities and/or penalties imposed, and pay all defense costs of City, including but not limited to the reasonable attorney fees of City.

U. ENTIRE AGREEMENT

The terms and conditions set forth in this Agreement and exhibits attached hereto supersede all prior oral and written understandings and constitute the entire agreement between the City and the Developer with respect to the subject matter hereof.

V. WARRANTY OF SIGNATORIES

The signatories of Developer warrant full authority to both execute this Agreement and to bind the entity in which they are signing on behalf of.

W. TERM OF THE AGREEMENT

This Agreement shall expire on October 31, 2023. The Agreement shall expire sooner if the Developer files for bankruptcy or otherwise becomes insolvent, the Property becomes the subject of foreclosure proceedings or upon any other default by the Developer of this Agreement or the Promissory Note attached hereto.

IN WITNESS WHEREOF the Parties hereto have caused this Agreement to be executed by their duly authorized officers on the above date at Pekin, Illinois.

CITY OF PEKIN, ILLINOIS

MAQUET, INC., an Illinois Corporation

By: _____
Mayor

By: _____

Name: _____

ATTEST:

Title: _____

City Clerk

and

SPWT, LLC, an Illinois Limited Liability Company

By: _____

Name: _____

Title: _____

Attachment: REDEVELOPMENT AGREEMENT- MAQUET TIF Updated 9-21-18 (1516 : Redevelopment Agreement with Maquet, Inc. and SPWT,

EXHIBIT 1**SUMMARY OF ESTIMATED TIF ELIGIBLE PROJECT COSTS****Maquet, Inc. & SPWT, LLC
“Rail House Expansion Redevelopment Project”**

Pekin Central Business District TIF District, City of Pekin, Tazewell County, Illinois

Project Description: The Developer is proceeding with plans to expand the current business operations of the business known as the Rail House onto the Property which is adjacent thereto.

Location: 223 Court Street, Pekin, Illinois 61554

Parcel Number: 04-04-34-432-015

Estimated Eligible Project Costs:

Land Acquisition	\$252,000
Demolition.	\$5,000
Professional Fees (Engineering, Architectural, Legal, Accounting, etc.)	\$16,500
Rehabilitation and Renovation	\$125,000
Public Infrastructure	\$4,000
Interest Buy-Down (30% of Interest Costs)	\$8,400
Total <i>Estimated</i> Eligible Project Costs	\$410,900

*The Developer’s total reimbursement of Eligible Project Costs under Sections C(1) of the Agreement shall not exceed **\$389,000.00**.

EXHIBIT 2
PROMISSORY NOTE

EXHIBIT 3
MORTGAGE

EXHIBIT 4

**CITY OF PEKIN, ILLINOIS
PEKIN CENTRAL BUSINESS DISTRICT TIF DISTRICT**

**PRIVATE PROJECT
REQUEST FOR REIMBURSEMENT
BY
MAQUET, INC. AND SPWT, LLC**

Date_____

Attention: City TIF Administrator, City of Pekin, Illinois

Re: TIF Redevelopment Agreement, dated September_____, 2018
by and between the City of Pekin, Illinois, and Maquet, Inc. & SPWT, LLC (the “Developer”)

The City of Pekin is hereby requested to disburse funds from the Special Tax Allocation Fund pursuant to the Redevelopment Agreement described above in the following amount(s), to the Developer and for the purpose(s) set forth in this Request for Reimbursement. The terms used in this Request for Reimbursement shall have the meanings given to those terms in the Redevelopment Agreement.

1. REQUEST FOR REIMBURSEMENT NO. _____
2. PAYMENT DUE TO: Maquet, Inc.
3. AMOUNTS REQUESTED TO BE DISBURSED:

Description of TIF Eligible Project Cost	Amount
Total	

4. The amount requested to be disbursed pursuant to this Request for Reimbursement will be used to reimburse the Developer for Redevelopment Project Costs for the Project detailed in ***Exhibit “1”*** of the Redevelopment Agreement.
5. The undersigned certifies and swears under oath that the following statements are true and correct:

- (i) the amounts included in (3) above were made or incurred or financed and were necessary for the Project and were made or incurred in accordance with the construction contracts, plans and specifications heretofore in effect; and
- (ii) the amounts paid or to be paid, as set forth in this Request for Reimbursement, represent a part of the funds due and payable for TIF Eligible Redevelopment Project Costs; and
- (iii) the expenditures for which amounts are requested represent proper Redevelopment Project Costs as identified in the "Limitation of Incentives to Developer" described in *Section "D"* of the Redevelopment Agreement: have not been included in any previous Request for Reimbursement; have been properly recorded on the Developer's books; are set forth with invoices attached for all sums for which reimbursement is requested; and proof of payment of the invoices; and
- (iv) the amounts requested are not greater than those necessary to meet obligations due and payable or to reimburse the Developer for its funds actually advanced for Redevelopment Project Costs; and
- (v) the Developer is not in default under the Redevelopment Agreement and nothing has occurred to the knowledge of the Developer that would prevent the performance of its obligations under the Redevelopment Agreement.

Any violation of this oath shall constitute a default of the Redevelopment Agreement and shall be cause for the City to unilaterally terminate the Redevelopment Agreement.

6. Attached to this Request for Reimbursement is ***Exhibit "1"*** of the Redevelopment Agreement, together with copies of invoices, proof of payment of the invoices, and Mechanic's Lien Waivers relating to all items for which reimbursement is being requested.

BY: _____ (Developer)

TITLE: _____

CITY OF PEKIN, ILLINOIS

BY: _____

TITLE: _____ DATE: _____

JACOB & KLEIN, LTD. & THE ECONOMIC DEVELOPMENT GROUP, LTD.

BY: _____

TITLE: _____ DATE: _____

**Authorization to Release Sales Tax Information to Local Governments****General Information**Complete this form *only* if you

- make retail sales of tangible personal property from a permanent location in Illinois or conduct a tent sale where you complete ST-556 forms for individual transactions; and
- want to authorize us (Illinois Department of Revenue) to disclose to your local government its share of sales tax received from your business.

Incomplete requests will be returned to the local government.

Step 1: Provide the retail business details

1 _____
Illinois Account ID number (Sales Tax number)
Enter your Illinois Account ID ← here, **not** your Federal Employer Identification Number (FEIN).

2 _____
Taxpayer/business name

IL

Address (actual address of retail location) City County State Zip

3 I authorize this release for the reporting periods _____ through _____
(month, year) (month, year)

Note: All requests must have a beginning and ending date.

4 This information is to be released to the (circle one) village, city, town or county of _____

Note: All Financial Reporting requests will be mailed to the Treasurer of the local government. No additional copies will be sent by the Department.**5 Sign below**

I, as the owner or authorized officer, authorize the Illinois Department of Revenue (IDOR) to disclose to the designated village, city, town, or county the amount of the local government's share of sales tax received from the taxpayer for the reporting period specified above.

Signature of owner or authorized officer of the business_____
Title

() -

Print Name_____
Telephone number**Step 2: Give this form to your local government designated to receive the tax information Step 3: To****be completed by the local government official receiving information**

Type of request (circle one): _____ group/district _____ stand-alone

If group/district, enter name here: _____

I, as the local government official, verify that this form is accurate and complete.

Signature of local government official_____
Title_____
Telephone number**IL**

Address City State Zip

Completed forms should be returned to: Illinois Department of Revenue, Local Tax Allocation Division 3-500, PO Box 19014, Springfield, IL 62794-9014 or by fax to 217 524-0526**Questions?** Call 217 785-6518
PTAX-1002-21 (R-7/11)This form is authorized by the Retailers' Occupation Tax Act 35 ILCS 120/11. Disclosure of this information is VOLUNTARY.
This form has been approved by the Forms Management Center. IL-492-4561



REQUEST FOR COUNCIL ACTION

To: Council Members

Date: September 18, 2018

From: John Lebegue, Building & Inspections

AGENDA ITEM: Request for Special Use Authorization for a private park use on a vacant parcel on Black Street

AGENDA DATE REQUESTED: September 24, 2018

ACTION REQUESTED: Recommendation from the Pekin Plan Commission to the City of Pekin City Council to approve a petition granting Special Use Authorization to establish a private park on a vacant parcel on Black Street located in the B-3, General Business District.

DESCRIPTION: Alice Neville, applicant, has submitted a petition for Special Use Authorization to establish a private park use on a vacant parcel on Black Street, currently located in the B-3, General Business District, located to the north of 1307 Derby Street and to the south of 1219 Black Street. Ms. Neville proposes to construct the private park to provide a safe play environment for the neighborhood children, as no public park is located in that area of the city. No use category for a public or private park use exists in any of the use districts of the current zoning code, therefore the proposed private park use is being considered a special use and being reviewed for its appropriateness at the proposed location by the Plan Commission.

PROPERTY INFORMATION

Relevant Zoning Code Section: Section 9-6C-3, (F): Accessory structures and uses.

Property Address: The vacant parcel currently does not possess a street address, but is located to the north of 1307 Derby Street and to the south of 1219 Black Street.

Current Zoning Classification: B-3, General Business District

Current Use: Vacant, unimproved parcel.

Use of Adjacent Property & Zoning:

North: R-4, One-Family Residential District

South: B-3, General Business District

East: B-3, General Business District

West: B-3, General Business District

ANALYSIS AND DISCUSSION

Alice Neville, who resides at 1212 Black Street, had filed a petition for Special Use authorization to establish a private, neighborhood park on a currently vacant parcel of land located to the north of the commercial property at 1307 Derby Street and south of the single family residence at 1219 Black Street. In order to establish the private neighborhood park, Ms. Neville entered into a rental agreement with Michael Fort, the owner of the subject property, and also obtained liability insurance coverage for the proposed park use. The vacant parcel where the private park is being proposed was previously used as a small trailer park and has been vacant for more than 15 years. As detailed on the proposed park plan, a chain link fence exists along the rear lot line and the north, side property line to provide additional safety and security for children who may play in the park. The existing chain link fence along the north, side property line appears to be in need of repair in some areas and in the opinion of staff, additional fencing should be installed across the front and south side property line, to completely enclose the park area. While the parcel being proposed for the private park use is currently located in the B-3, General Business District, the property is not located on Derby Street, a highly traveled commercial thoroughfare, but directly abuts a residentially zoned property to the north.

Applicants Alice Neville and Michael Neville appeared before the Pekin Plan Commission in regard to the proposed private park use at the September 12, 2018 meeting. Michael Neville explained that they were proposing to take a privately owned, vacant lot and create a small private park for the several children that live in that neighborhood, and to provide a safe play environment. Mr. Neville continued by stating that the back yards of the properties on Black Street are very small and don't provide much room for kids to play and that was another reason for proposing the establishment of the private park on the vacant parcel. Mr. Neville further stated that they had entered into a one year lease with owner Michael Fort to utilize the vacant lot as a private park and have also obtained liability insurance coverage for the park. Applicant Michael Neville stated that if they obtain Special Use approval for the private park that they would likely hold a fundraiser to raise money to pay for the proper and approved playground equipment and cost of improving the lot to meet the design requirements.

Upon consideration of the petition for Special Use Authorization to establish a private park use on a vacant parcel of land on Black Street located in the B-3, General Business District, the members of the Pekin Plan Commission found the use to be appropriate for the vacant parcel and commended the applicant for taking the initiative to establish the park. The members of the Plan Commission felt for security for children using the park, that the existing fencing at the west and north side of the proposed park be repaired where needed. During discussion, members of the Plan Commission felt that parameters of some type should be placed on the private park use and that all playground equipment purchased for the park meet established

standards and guidelines for parks. Chairman Bill Craig stated that a condition should be placed on the use if approved, that during the annual renewal process for a Special Use, a valid, Certificate of Insurance be submitted with the Special Use renewal to affirm that the required liability insurance is maintained throughout the life of the private park. By a unanimous vote, the members of the Pekin Plan Commission recommended approval of a petition for Special Use Authorization to establish a private park use on a vacant parcel on Black Street located in the B-3, General Business District, with the condition that a valid, Certificate of Insurance be annually submitted with the Special Use renewal to affirm that the required liability insurance is maintained throughout the life of the private park. .

FINANCIAL IMPACT: N/A

NEIGHBORHOOD CONCERNS: No neighborhood concerns were voiced in regard to the petition for Special Use Authorization to establish a private park use on a vacant parcel on Black Street.

IMPACT IF APPROVED: Development of an underutilized, vacant parcel of land to provide a safe play environment for children of the Black Street neighborhood. The subject parcel of land has been vacant for more than 15 years and the proposed private park use will greatly improve the appearance and meet the needs of the Black Street neighborhood.

IMPACT IF DENIED: An underutilized and unattractive vacant parcel of land would remain unchanged and the children of the Black Street neighborhood would continue to lack a safe play environment.

ALTERNATIVES: <Insert Alternatives>

RELATED TO EFFICIENCY STUDY: <Efficiency Study>

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more than 2 boxes. Copy this check mark ✓ and paste it to the left of the relevant theme.]

	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
✓	A High Quality of Life. To support or provide services that improve the quality of life for Pekin's residents.
	An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES

Department Directors and City Staff:

Date:

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Pekin Planning Commission Meeting
111 S. Capitol Street
City Council Chambers 2nd Floor
September 12, 2018
5:30 PM

Pledge of Allegiance

- I. Roll Call
- II. Agenda Approval
- III. Minutes Approval for August 8, 2018 meeting
- IV. City Council Action Report
- V. Applications and Hearings
- VI. Informal
- VII. Public Input
- VIII. Adjourn

Application #1: Consideration of a Special Use petition submitted by Alice Neville for Special Use Authorization to establish a private park use on a vacant parcel located in the B-3, General Business District at property located on Black Street, with a Legal Description of SEC 2 T24N R5W Pekin Gardens Addn. N. 35 Feet of Lot 16 and all of Lot 17 BLK 33 S1 ¼ in Tazewell County, Illinois, with the following P.I.N.# 04-10-02-409.027.

Public Input:

Adjourn:

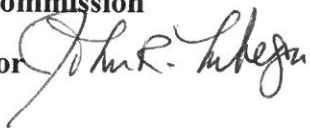
John R. Lebegue, Secretary
Pekin Planning Commission

MEMORANDUM

TO: William Craig, Chairman and Members of the City of Pekin Plan Commission
FROM: John R. Lebegue, Building Inspections / Development Director 
DATE: September 7, 2018
RE: City Council Action Report

At the August 27, 2018 regular meeting of the Pekin City Council, the members of the City Council concurred with the recommendation of the Plan Commission and by a vote of 6 to 1 (Councilmen Abel voting nay), denied the petition for Special Use authorization for a home occupation to operate a dog daycare use of less than 3 animals at 1102 Chestnut Street. The City Council also concurred with the recommendation of the Plan Commission and by a unanimous vote, granted Site Plan Approval for the construction of an employee parking lot at 313 S. 6th Street.

MEMORANDUM

TO: William Craig, Chairman and Members of the City of Pekin Plan Commission
FROM: John R. Lebegue, Building Inspections / Development Director 
DATE: September 4, 2018
RE: Petition for Special Use Authorization to establish a private park use on a vacant parcel located in the B-3 General Business District

SUMMARY AND BACKGROUND OF SUBJECT MATTER

Alice Neville, applicant, has submitted a petition for Special Use Authorization to establish a private park use on a vacant parcel on Black Street, currently located in the B-3, General Business District, located to the north of 1307 Derby Street and to the south of 1219 Black Street. Ms. Neville proposes to construct the private park to provide a safe play environment for the neighborhood children, as no public park is located in that area of the city. No use category for a public or private park use exists in any of the use districts of the current zoning code, therefore the proposed private park use is being considered a special use and being reviewed for its appropriateness at the proposed location by the Plan Commission.

PROPERTY INFORMATION

Relevant Zoning Code Section: Section 9-6C-3, (F): Accessory structures and uses.

Property Address: The vacant parcel currently does not possess a street address, but is located to the north of 1307 Derby Street and to the south of 1219 Black Street.

Current Zoning Classification: B-3, General Business District

Current Use: Vacant, unimproved parcel.

Use of Adjacent Property & Zoning:

North: R-4, One-Family Residential District

South: B-3, General Business District

East: B-3, General Business District

West: B-3, General Business District

ANALYSIS AND DISCUSSION

Alice Neville, who resides at 1212 Black Street, has filed a petition for Special Use authorization to establish a private, neighborhood park on a currently vacant parcel of land located to the north

of the commercial property at 1307 Derby Street and south of the single family residence at 1219 Black Street. In order to establish the private neighborhood park, Ms. Neville entered into a rental agreement with Michael Fort, the owner of the subject property, and also obtained liability insurance coverage for the proposed park use. The vacant parcel where the private park is being proposed was previously used as a small trailer park and has been vacant for more than 15 years. As detailed on the proposed park plan, a chain link fence exists along the rear lot line and the north, side property line to provide additional safety and security for children who may play in the park. The existing chain link fence along the north, side property line appears to be in need of repair in some areas and in the opinion of staff, additional fencing should be installed across the front and south side property line, to completely enclose the park area. While the parcel being proposed for the private park use is currently located in the B-3, General Business District, the property is not located on Derby Street, a highly traveled commercial thoroughfare, but directly abuts a residentially zoned property to the north.



ILLINOIS
Community. Opportunity. Home.

City of Pekin- Zoning and Inspections Department
111 S. Capitol Street, Pekin, Illinois 61554 - (309) 477-2315

SPECIAL USE APPLICATION

Address of Requested Special Use: 1221-1229 Black st. Pekin, IL 61554

Applicant Name: Alice Neville

Address: 1212 Black st. Pekin, IL 61554

Phone #: 309 6204010 Cell Phone #: Same E-Mail: Allie. three boys are my world@gmail.com

Owner Name: Michael Fort + Alice Neville

Address: 17 Cape Ct. Pekin, IL 61554

Phone #: → Cell Phone #: 309 6130529 E-Mail: autohiker@gmail.com

Attorney / Representative: Low Miller of Bagley + Miller

Address: 6th S. 4th St Pekin, IL 61554

Phone #: 309 346 2161

Cell Phone #: _____

Phone #: _____ Cell Phone #: _____ E-Mail: _____

Property Information:

Lot Area: 9,350 Zoning District: B-3 Present Use: Vacant land

Use of Adjacent Property & Zoning:

North: B-3

South: B-3

East: B-3

West: B-3

Property Identification Number: 04-10-02-409-027

Legal Description: (Attach Separate Page)



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111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2315

Brief Summary and Reason for Request: *Building a Park for the neighborhood*

children. There are no local parks where children would not have to cross a main thoroughfare, thus leaving all the children playing in the middle of the roads. → 8

No Special Use shall be recommended for approval by the Plan Commission unless there is a concurring vote of a majority of all members regarding findings of fact. Clearly explain how the requested Special Use meets each of the following findings of fact standards:

- 1.) The proposed Special use is consistent with the intent of the Comprehensive Plan.
- 2.) The establishment, Maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- 3.) The Special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish property values within the neighborhood.
- 4.) The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 5.) Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.
- 6.) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 7.) The Special Use is necessary for public convenience at this location.

CERTIFICATION BY THE APPLICANT

I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief.

Ali Neill

8/22/18

Applicant Signature

Date

CERTIFICATION BY PROPERTY OWNER

I certify that I am the owner of the property, which is the subject of this request. The applicant has received my approval to proceed with this request.

Ali Neill

8/22/18

Owner Signature

Date

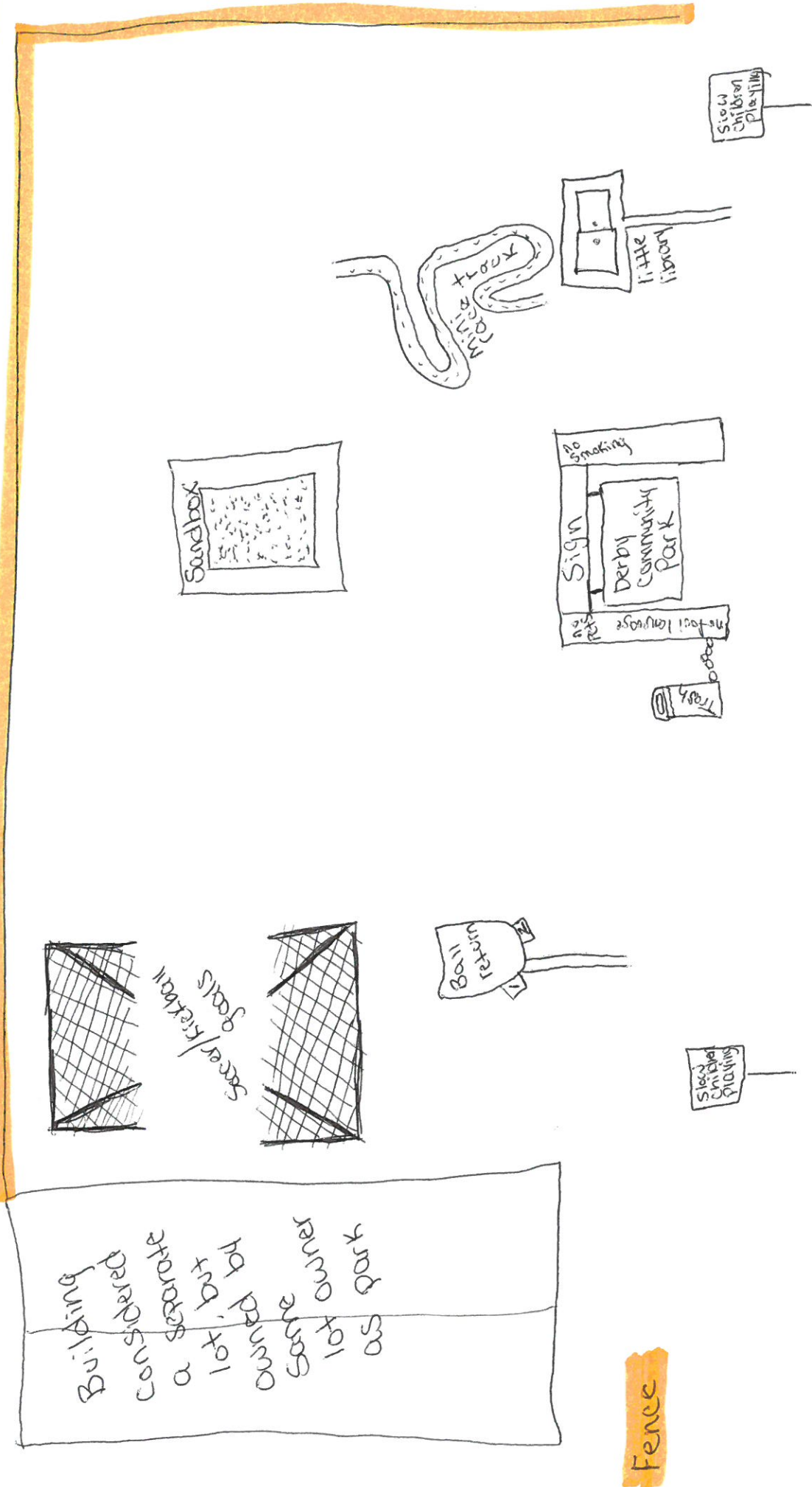
Tazewell County GIS



- I-155 — IL 29 — US 24
- I-474 — IL 98 — Streets
- I-74 — US 150



Tazewell County GIS parcel and map records contained herein are for property tax purposes only. This information has been compiled from the most accurate source data from the public records of Tazewell County. This information must be accepted and used with the understanding that the date was collected primarily for the use and purpose of creating a Property Tax Roll per Illinois Statute. The information contained herein is for reference purposes only, and should not be relied upon as a legal authority for any matter. The information contained herein is at the user's own risk. The Tazewell County GIS assumes no responsibility for any errors or omissions, and shall not be liable for any loss resulting therefrom. Users of Tazewell County GIS site assume all risk and liability when accessing any third-party site linked to this site. All data is subject to change.



Black Street

LEASE

THIS AGREEMENT made and entered into at Pekin, Illinois, this 1st day of September, 2018, by and between MICHAEL R. FORT, hereinafter called "LANDLORD", and ROCKYTOP REAL ESTATE, INC., an Illinois Corporation, hereinafter called "TENANT".

1. LEASED PREMISES: WITNESSETH that the said LANDLORD, for and in consideration of the covenants and agreements hereinafter mentioned to be kept, observed and performed by the TENANT and its assigns, has demised and leased to said TENANT the vacant lot legally described as follows, to-wit:

P.I.N. 04-10-02-409-027

THE NORTH 35 FEET OF LOT 16 AND ALL OF LOT 17 IN BLOCK 33 IN PEKIN GARDENS, AN ADDITION TO THE CITY OF PEKIN, SITUATED IN THE COUNTY OF TAZEWELL, IN THE STATE OF ILLINOIS.

and commonly known as Black Street, Pekin, IL 61554 (hereinafter referred to as "premises").

2. PURPOSE: The premises described above are to be used for a playground and park.

3. TERM: The term of this Lease shall commence on the date hereof, and shall continue thereafter for one (1) year. Unless otherwise specifically indicated herein, wherever the word "term" is used in this Lease, it shall be construed to include the extension period if the original term is extended in accordance with the provisions hereof.

4. AUTOMATIC EXTENSION: It is mutually agreed that the term of the Lease herein referred to shall automatically extend from year to year on the same terms and conditions unless written notice of terminating it shall be given one party to the other as provided in Paragraph 5 below.

5. TERMINATION OF LEASE: Either party may elect to terminate this Lease at any time by giving the other party at least seven (7) days prior written notice of such election. In the event either party elects to terminate this Lease early, there will be no refund of any annual rent payment.

6. RENT: TENANT agrees to pay as rent for the said leased premises an annual rental of ONE AND 00/100 DOLLARS (\$1.00) per year, payable on the first day of the commencement of the term of this Lease, as set forth above, and continue yearly thereafter on the first day of each and every lease year. All rents due under this Lease shall be paid to the LANDLORD at 17 Cape Ct., Pekin, IL 61554, or at such other place as the LANDLORD shall, from time to time, designate in writing.

7. REPAIRS: TENANT agrees that during the entire term of this Lease it will have the full and sole responsibility for the maintenance of the leased property including but not limited to mowing the premises and keeping the premises free and clear of any litter or trash. All expenses incurred in such maintenance shall be solely TENANT'S expense, it being the intent of the parties hereto that LANDLORD shall have no responsibilities for the maintenance of the premises during the term of this Lease.

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8. INSURANCE INDEMNITY:

a) The TENANT shall, at its sole cost and expense but for the mutual benefit of the LANDLORD and the TENANT maintain general public liability insurance against claims for personal injury, death, or property damage occurring upon, in, or about the premises or on, in, or about the adjoining streets, and passageways, such insurance to afford protection to the limit of not less than ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00) with respect to any one accident, and to the limit of not less than ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00) with respect to property damage.

b) All policies of insurance shall be written in companies authorized to do business in the State of Illinois and satisfactory to the LANDLORD and to any mortgagee. Such policies shall be delivered to the LANDLORD or to any mortgagee endorsed "Premium Paid" by the company or agency issuing the same or accompanied by other evidence satisfactory to the LANDLORD or to any mortgagee that the premiums thereon have been paid, not less than fifteen (15) days prior to the expiration of any then current policy.

c) TENANT further agrees to save harmless and indemnify the LANDLORD for all loss, damage or liability, or expense incurred, suffered or claimed by reason of any person or property of others upon the leased premises resulting from the negligence of the TENANT, and in addition thereto, shall also save harmless and indemnify the LANDLORD from any injury sustained by any person on the leased premises or entering or leaving the leased premises; and further that TENANT will defend and bear the cost of any suit brought against the LANDLORD by any such person or persons by reason or any injuries or claims of injuries occasioned by the items in this paragraph set forth.

9. TAXES: LANDLORD agrees to pay the general taxes and all other taxes of every kind including special assessments that may be levied against the premises during the term of this Lease or any extension thereof.

10. USE OF THE PREMISES:

a) The premises may be used only for the purpose set forth in Paragraph 2 herein and for no other purpose or purposes.

b) TENANT agrees to keep said premises clean and free of rubbish, in accordance with the Ordinances of the City of Pekin, State of Illinois, and of the United States, the State of Illinois Ordinances, or the Ordinances of the County of Tazewell. TENANT agrees not to permit the premises to be used for the purpose of storage of dangerous explosives or any purpose that may increase the insurance rate of said premises.

c) TENANT agrees that no mechanic's lien or other lien shall be suffered or permitted to attach to or be against or upon the premises which shall or may be superior to the rights of the LANDLORD and which is not thereafter released or bonded over by TENANT within seven (7) days thereafter by payment or TENANT contesting the validity of such lien by appropriate legal proceeding.

11. RE-ENTRY: TENANT agrees to quit and deliver up possession of said premises to the LANDLORD, his successors or assigns when this Lease terminates by limitation or forfeiture in as good condition as when the same were entered upon and taken possession of by TENANT, save only the wear thereof from reasonable and careful use.

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12. RIGHTS OF TENANT: TENANT, at the termination of this Lease, assuming that TENANT is not in default in any particular term of the Lease, shall have the right to remove from said premises, any fixtures, furnishings or other properties installed by TENANT within said premises, provided the removal of such fixtures does not cause any permanent or irreparable injury to the premises and provided further that if any damage to the premises is caused by the removal of said fixtures by TENANT, the TENANT shall compensate the LANDLORD for the damage.

13. DEFAULT OF TENANT: If the TENANT defaults in compliance with any term or covenant on TENANT'S part herein contained to be performed, the LANDLORD shall give the TENANT seven (7) days written notice by registered or certified mail to cure said default. In the event that said default is not cured within the time specified in said notice, the LANDLORD may, at his election, declare said term ended and enter into possession of said premises and sue for and recover all rents and damages accrued or accruing under this Lease or arising out of any violation thereof, or LANDLORD may sue and recover without declaring this Lease determined on entering into the possession of the premises.

If TENANT shall file a Petition in voluntary bankruptcy, or be adjudicated a bankrupt in involuntary bankruptcy proceedings, or if a receiver or trustee be appointed of the TENANT'S property, or if the TENANT shall assign the TENANT'S estate or effects for the benefits of creditors, or if this Lease or the right to occupy all or any part of the demised premises shall otherwise by operation of law or by act of the TENANT without the written consent of LANDLORD as hereinafter provided, devolve or pass from the TENANT to any other person, firm or corporation, then, and in any such event the LANDLORD may, at his option, without notice, terminate this Lease and re-enter upon and take possession of the demised premises and in any such event may remove all personal property belonging to the TENANT from the demised premises, using such force as may be necessary to accomplish such purpose, and may thenceforth hold and enjoy the demised premises as of the LANDLORD'S former estate for all purposes as if these presents had not been made, without prejudice, however, to any other right of action or remedy which the LANDLORD may have with respect to any breach by the TENANT of any of the terms or covenants herein contained, including LANDLORD'S right to file and recover the maximum claim in bankruptcy permitted under the Bankruptcy Act then in effect; and the TENANT shall indemnify the LANDLORD against all unavoidable loss of rent and expense of re-letting which the LANDLORD may incur by reason of such termination of this Lease during the remainder of the term above specified.

14. SUBORDINATION AGREEMENT: TENANT agrees to execute any subordination agreement required by a proposed mortgagee if LANDLORD desires hereafter to place a mortgage upon the premises.

15. ALTERATIONS: TENANT agrees not to make any alterations in and about said premises.

16. NOTICE: Any notices that are required under the terms of this Lease shall be mailed to the parties at the following addresses:

LANDLORD: MICHAEL R. FORT
17 Cape Ct.
Pekin, IL 61554

TENANT: ROCKYTOP REAL ESTATE, INC.
c/o _____, Its _____
1212 Black St.
Pekin, IL 61554

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17. ENFORCEMENT OF LEASE: The TENANT shall pay and discharge all costs and attorneys' fees and expenses that shall be incurred for the enforcement of the covenants and agreements of this Lease by the LANDLORD.

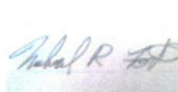
18. NO WAIVER: LANDLORD and TENANT agree that time is of the essence of this Agreement. It is expressly agreed by the TENANT that failure to pay the rent on due dates and other payments due under the terms of this Lease on due date, and acceptance by the LANDLORD at various times thereafter does not waive any provision as to the time of payment, nor does it waive a strict compliance with the terms of this Lease.

19. ENTIRE AGREEMENT: The terms and conditions as set forth in this Agreement supersede all prior oral or written understandings, constitute the entire agreement between the parties, and may not be changed except as mutually agreed upon in writing after this Agreement has become effective.

20. DUPLICATE COPIES: This Agreement consisting of four (4) typewritten pages is executed in duplicate, each of the parties retaining one signed copy.

21. BINDING EFFECT: Whenever the word LANDLORD is used herein it shall be construed to include the heirs, executors, administrators, successors, assigns or legal representatives of the LANDLORD; and the word TENANT shall include the heirs, executors, administrators, successors, assigns or legal representatives of the TENANT, and the words LANDLORD and TENANT shall include single and plural, masculine and feminine, individual, firm or corporation, subject always to the restrictions herein contained, as to subletting or assignment of this Lease.

IN WITNESS WHEREOF, the LANDLORD has affixed his hand and seal and the TENANT has caused these presents to be signed by its duly authorized officers, attested by its Secretary and the corporate seal affixed, all pursuant to proper resolution of its Board of Directors the day and year first above written.




MICHAEL R. FORT

"LANDLORD"

ROCKYTOP REAL ESTATE, INC., an
Illinois Corporation,

By: _____
Its _____

"TENANT"



CERTIFICATE OF LIABILITY INSURANCE

9.3.a

DATE (MM/DD/YYYY)

08/07/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Primary Source Insurance Agency Inc 121 E Park Square Owatonna MN 55060		CONTACT NAME: Lori Krouze PHONE (A/C, No, Ext): (800) 760-2809 FAX (A/C, No): (877) 446-4631 E-MAIL ADDRESS: LKrouze@fedins.com	
INSURED Rocky Top Real Estate 1212 Black St Pekin IL 61554		INSURER(S) AFFORDING COVERAGE INSURER A: Northfield Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 18-19 GL **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:			WS353698	08/03/2018	08/03/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRE AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N ☐ N/A						PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTHOLDER IS LISTED AS ADDITIONAL INSURED PER POLICY ENDORSEMENT

CERTIFICATE HOLDER

MICHAEL FORT
1221 BLACK ST

PEKIN

IL 61554

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

L. Lohner

POLICY NUMBER: WS353698

COMMERCIAL GENERAL LIABILITY
CG 20 11 01 96

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED - MANAGERS OR LESSORS OF
PREMISES**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You):
1221 Black Street, Pekin, IL 61554

2. Name of Person or Organization (Additional Insured):
Michael Fort, 1221 Black Street, Pekin, IL 61554

3. Additional Premium:

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.



Official Certificate of Publication as Required by State Law and IPA By-Laws

Certificate of the Publisher

Gatehouse Media certifies that it is the publisher of the Peoria Journal Star. Peoria Journal Star a secular newspaper, has been continuously published daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City Peoria, County of Peoria, Township of Peoria, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time in Peoria Journal Star, namely one time per day for 0 successive weeks. The first publication of the notice was made in the newspaper, dated and published on **August 25 2018**, and the last publication of the notice was made in the newspaper dated and published on **August 25 2018**. The notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.

In witness, the Peoria Journal Star has signed this certificate by Gatehouse Media, its publisher, at Peoria, Illinois, on **August 25 2018**.

City of Pekin
Ad #4648974

By:

Douglas R. Bigelow

Doug Bigelow
Legal Notice Representative
Peoria Journal Star – Gatehouse Media

Publisher

(Note: Unless otherwise ordered, notarization of this document is **not** required.)
Ad attached



Community. Opportunity. Home.

City of Pekin- Zoning and Inspections Department

111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2315

Current Resident/Owner,

Notice is hereby given that a **PUBLIC HEARING** will be held for consideration of a Special Use Petition submitted by Alice Neville to establish a private park use on a vacant parcel located in the B-3, General Business District at a property located on Black Street, with a Legal Description of SEC 2 T24N R5W Pekin Gardens Addn. N. 35 Feet of Lot 16 and all of Lot 17 BLK 33 SE ¼ in Tazewell County, Illinois, with the following P.I.N.# 04-10-02-409-027.

Said review of the above petition to be held at a regular Meeting of the **Pekin Plan Commission**, 111 South Capitol Street, City Hall, City of Pekin, Illinois, on the **12th day of September, 2018**, at the hour of **5:30 P.M.**

All persons having an interest there in may appear to be heard.

John R. Lebegue
Building Inspections / Development Director
City of Pekin

John R. Lebegue
Building Inspections / Development Director
jrlebegue@ci.pekin.il.us
Office: (309) 478-5370



REQUEST FOR COUNCIL ACTION

To: Council Members

Date: September 18, 2018

From: Bob Schaich, Network Administrator

AGENDA ITEM: IT Server Refresh

AGENDA DATE REQUESTED: September 24, 2018

ACTION REQUESTED: Authorize Interim City Manager to direct IT to purchase a new server with 3 years maintenance in the amount of \$13,332.48.

DESCRIPTION: The city IT Department proactively replaces servers due to age at 4 to 5 year intervals. Once a server reaches 5 years of age its reliability decreases rapidly and failure of that server becomes increasingly likely. Server failure can affect several core city applications such as Email, GIS, E-Ticketing (Dacra), and the file servers that all city users use to store their work files. The oldest two servers in the City's Server Environment are both 4 years old. By replacing one of the two oldest servers this year, the city will successfully have all servers on a two per year replacement schedule with all replacements happening in a timely manner within the 4 to 5 year timeframe. This will allow for easier budgeting for the IT Department as well as ensure the server environment continues to operate at peak reliability and efficiency.

The server replacement is a budgeted expense.

FINANCIAL IMPACT:

IT Budget Line Item 100-009-599802 (Hardware) as of 9/18/2018: \$98,299.64.

Server Purchase amount: \$13,332.48

Remaining Hardware Budget after purchase: 84,967.16

NEIGHBORHOOD CONCERNS: N/A

IMPACT IF APPROVED: Server environment will remain reliable and efficient

IMPACT IF DENIED: multiple servers will need to be purchased at one time in subsequent budget years potentially straining future budgets.

ALTERNATIVES: None

RELATED TO EFFICIENCY STUDY: N/A

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more

than 2 boxes. Copy this check mark ✓ and paste it to the left of the relevant theme.]

	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
	A High Quality of Life. To support or provide services that improve the quality of life for Pekin's residents.
✓	An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES

Department Directors and City Staff:

Date:

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date: