
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 23, 2019 AT 5:30 O'CLOCK P.M.
MARK LUFT * CHAIR * PRESIDING

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Luft. The Clerk confirmed all Council Members were present. A quorum was declared by Mayor Luft.

Attendee Name	Title	Status	Arrived
Michael Garrison	Councilman	Present	4:14 PM
Rick Hilst	Councilman	Present	4:17 PM
Karen Hohimer	Councilwoman	Present	4:11 PM
Dave Nutter	Councilman	Present	4:14 PM
Lloyd Orrick	Mayor Pro-Tem	Present	4:20 PM
John P Abel	Councilman	Present	4:11 PM
Mark Luft	Mayor	Present	4:17 PM

APPROVE AGENDA

3.1. Motion to: Approve agenda

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John P Abel, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

APPROVAL OF MINUTES

4.1. Motion to: Approval of Minutes

4.2. City Council - Regular Meeting - Sep 9, 2019 5:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dave Nutter, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

PUBLIC INPUT

Charity Gullett directed her comment towards Councilmember Garrison to inform him that the founding fathers committed treason writing the Declaration of Independence.

Jesi Sciortino expressed concern regarding the rezoning of 4th Street and Hanna Drive. Suggested that the Park District acquire the "buffer" area that the City owns. Also expressed concern for the zoning of light industrial.

CONSENT AGENDA

Mayor Luft read the through the 7 Consent Agenda items.

6.1. Accounts Payable Bill Run through 09-20-19

6.2. General Fund Revenue and Expense Reports

- 6.3. **August 2019 Building Department Report**
- 6.4. **August 14, 2019 Minutes of the Plan Commission**
- 6.5. **Police Department Monthly Stats - August 2019**
- 6.6. **Tazewell County Animal Control Billing - August 2019**
- 6.7. **Vista Grande Storm Water Improvement Rebid**
- 6.8. **Motion to: Motion to Approve Consent Agenda**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	Michael Garrison, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

NEW BUSINESS

- 7.1. **Contract for the rebid of the Vista Grande Storm Sewer Improvement**
City Engineer, Mr. Michael Guerra, presented the agenda item to award the contract for the rebid of the Vista Grande Storm Sewer Improvement. Originally when this was bid out it came back out of the range of the City's estimate. After adjustments to the project, the City received a few more bidders with the low bid coming in from Heins Construction. The Infrastructure Committee felt the bid was good and acceptable to proceed with Council approval.

City Manager, Mr. Rothert, clarified that the motion made was for a different amount and correct amount was \$354,962.19.

Councilmembers questioned Mr. Guerra regarding the details of the project.

Mr. Guerra explained to Council that the adjustments to the project allowed for availability and amount of area to work with. Work is allowed to begin November 1st due to some of the tree removals. Mr. Guerra stated that a pcp pipe was also chosen as part of the adjustments to the project.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	John P Abel, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

- 7.2. **Ordinance No. 2845-19/20 Amending the text of the Zoning Code to Convert the Zoning Board of Appeals to an Advisory Body**
City Manager, Mr. Mark Rothert, introduced the agenda item to amend the text of the zoning code to convert the zoning board of appeals to an advisory board.

Building Inspection Supervisor, Mr. John Lebegue, gave a summary of the opinions of the zoning board.

Mayor Luft, questioned Mr. Rothert, on whether these items would come through the consent agenda.

Mr. Rothert explained that is up to the Council how they would want to proceed, he recommends putting items under the consent agenda.

Councilmembers discussed the types of items that would come to Council for approval.

City Attorney, Ms. Swise, added that the Zoning Board of Appeals would still be the appeal body for building inspections and permits; the only change is

variances would have to go to Council, they would not be an appeal if they are only making a recommendation.

Councilmember continued the discussion that included posting committee members' personal information on the website.

Mayor Luft felt that the recommendation process for the Zoning Board of Appeals was to not take away from anything but to increase communication.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Garrison, Councilman
SECONDER:	John P Abel, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.3. Ordinance No. 1568-A211-19/20 Amending the Zoning Classification of City-Owned Property Within the Riverway Business Park from PUD, Planned Unit Development to I-1, Light Industrial

City Manager, Mr. Mark Rothert, introduced the agenda item to amend the zoning classification of City owned property with the Riverway Business Park from Planned Unit Development to Light Industrial. Mr. Rothert explained that pursuant to the direction of City Council, the Plan Commission conducted a Public Hearing at the September 11, 2019 meeting to consider amending the zoning classification and upon consideration, the committee voted unanimously to approve the rezoning of the buffer areas at the intersection of Hanna Drive and S. 5th Street. Mr. Rothert continued to explain that the rationale for rezoning is get the parcels into more of a marketable space so staff can market them more efficiently.

Mayor Luft questioned what it would take to satisfy that buffer zone going down to Hanna Drive to reassure homeowners in that area. City Attorney, Ms. Katherine Swise, described the rezoning as a matter of subdividing the parcel and that the City would maintain ownership of that strip subject to the City's subdivision requirements. Ms. Swise added that the rezoning to Light Industrial is subject to restrictive covenants, such as landscaping building material requirements consistent with others in that park, another avenue in which the City can exercise some control. Ms. Swise also stated that slaughter houses and refineries are already prohibited.

Jesi Sciortino voiced concern of the City taking care of the parcel and suggested again that the Pekin Park District acquire that area. Ms. Sciortino also was concerned what will go there if the land is sold.

Councilmembers discussed subdividing the parcel, the idea that it could be deeded to the Park District and the timing of the complete ordinance coming back to Council.

A motion was made by Councilmember Orrick to table Ordinance No. 1568-A211-19/20 to the first meeting in October.

Mr. Lebegue stated that he would need 15 days before the Plan Commission's next meeting of October 9, 2019 to send for publication.

Ms. Swise added that staff would need time to put a legal description on the property in order to subdivide the parcel.

Mr. Rothert clarified that there is interest in the property and the longer the delay rezoning it puts the property in jeopardy.

A motion was made by Councilmember Garrison to move into executive session to discuss 5 ILCS 120/2 (c) 6. Setting Price for Sale and Lease of Municipal Properties, seconded by Councilmember Orrick. On roll call vote all present voted Aye. Motion adopted.

Councilmember Orrick made a motion to withdraw his motion to table agenda item 7.3 seconded by Councilmember Garrison. Motion withdrawn.

Mayor Luft restated that a motion is on the table to adopt Ordinance No. 1568-A211-19/20 amending zoning classification of City Owned Property within the Riverway Business Park to PUD Planned Unit Development to I-1, Light Industrial.

Mayor Luft stated that there is a consensus that the buffer zone would be taken care of.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Garrison, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.4. Motion to: Motion to move to executive session

A motion was made by Councilmember Garrison to move into executive session to discuss 5 ILCS 120/2 (c) 6. Setting Price for Sale and Lease of Municipal Properties, seconded by Councilmember Orrick. On roll call vote all present voted Aye. Motion adopted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Garrison, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.5. Ordinance No. 2846-19/20 Amending Title 9, Chapter 10B of the City Code Regarding the Parking of Boats, Personal Watercraft and Boat Trailers in Residential Districts

City Manager, Mr. Mark Rothert presented the agenda item. Mr. Rothert described the request to adopt Ordinance 2846-19/20 amending Title 9, Chapter 10 Residential Use Parking Requirements for Parking Boats, Personal Watercraft and Boat Trailers in Residential Districts. Mr. Rothert explained that at the July 22, 2019 regular Council meeting the members discussed the issue of amending the City Code to allow the parking of boats and boat trailers in the front yard on residential driveway in residential zoning districts which is current prohibited by the City Code. At the August 12, 2019 regular City Council meeting, members directed the Plan Commission to conduct a Public Hearing to review the matter at its September 11, 2019 meeting. Upon consideration of the proposed amendment several concerns were addressed, ultimately denying the recommendation.

Building Inspections Supervisor, Mr. John Lebegue, stated that the Plan Commission conducted a Public Hearing on September 11, 2019 in regard to the proposed amendment to allow the parking of boats, personal watercraft and boat trailers in all yards in the residential districts. Upon consideration of that amendment the Plan Commission expressed concerns including the absence of the size of boats, taking up the entire driveway, obstructing vision, increased parking in the street and congestion in the street. Also concerns relative to

untailored boats sitting on the driveway, this was not considered in the ordinance. The City Attorney advised the committee of any concerns that changes could be suggested but the Plan Commission did not feel they wanted to go that route. Another concern, allowing boats and watercrafts would open the door to the parking of RV's in the driveway as well. Following the discussion, the Plan Commission ultimately rejected the draft ordinance and did not recommend any revisions to the zoning code.

Mayor Luft added that as long as it wasn't in violation of any other ordinance all would be covered.

Councilmembers discussed the concerns with the amendment including line of sight, corner lots, and issues backing out if a neighbor has a boat.

Councilmember Abel and Councilmember Hohimer spoke against the request to allow the amendment to the zoning code.

RESULT:	ADOPTED [4 TO 3]
MOVER:	John P Abel, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Michael Garrison, Rick Hilst, Lloyd Orrick, Mark Luft
NAYS:	Karen Hohimer, Dave Nutter, John P Abel

7.6. Ordinance No. 2847-19/20 An Ordinance Imposing Municipal Cannabis Retailers' Occupation Tax on the Retail Sale of Cannabis Within the City of Pekin

City Manager, Mr. Mark Rothert, presented the agenda item to adopt the ordinance to impose a Municipal Cannabis Retailers' Occupation Tax on the retail sale of cannabis within the City of Pekin. Mr. Rothert explained that effective June 25, 2019 the Illinois Cannabis Regulation and Tax Act, authorized the City to impose a municipal sales tax on the sales of adult-use recreational cannabis within the City. Per the Act, collection of municipal taxes on the sale of cannabis would not start until September 2020. It is anticipated that legislation will be brought forth in the upcoming session of Illinois General Assembly to amend the Act to allow for collection of municipal sales taxes on cannabis, starting January 1, 2020. In anticipation of this amendment, the Illinois Municipal League has advised municipalities to adopt any desired sales tax rate on cannabis sales prior to October 1, 2019 so that the Illinois Department of Revenue has time to process such changes. Mr. Rothert continued to explain that the attached ordinance calls for a 2% municipal tax on the sale of cannabis, this 2% will be in addition to other local sales taxes collected by the City for a total of 4.75%.

Councilmember Orrick made a motion to amend the ordinance from a 2% occupation tax to a 3% occupation tax, seconded by Councilmember Nutter. On roll call vote, Councilmembers Garrison, Nutter, Hilst, Orrick and Mayor Luft voted Aye, Councilmembers Abel and Hohimer voted Nay. Motion carried and the amendment was adopted.

Upon Council discussion, Council Hilst and Councilmember Nutter suggested the opportunity to earmark this revenue for fire and police pensions. Councilmember Hilst made a motion to amend agenda item 7.5 to add language that the revenue from the Cannabis Retailer's Occupation Tax on the retail sale of cannabis be spent 60% on fire pension and 40% on police pension funds.

City Attorney, Ms. Katherine Swise, stated that the proposed language would amend subsection A from 2% to 3% Retailers' Occupation Tax on the retail sale of cannabis, and the second amendment would add a new subsection C, Revenue of Tax to include that the City Finance Director is directed to designate 60% of revenue to the Fire Pension fund and 40% of the tax revenue to the Police Pension Fund.

After an electronic vote, all members present voted Aye with the exception of Councilmember Abel, who abstained. Motion adopted as amended.

7.7. Motion to: Motion to Direct Proceed from Municipal Cannabis Retailers' Occupation Tax to Fire and Police Pension

Councilmember Hilst made a motion to amend agenda item 7.5 to add language that the revenue from the Cannabis Retailer's Occupation Tax on the retail sale of cannabis be spent 60% on fire pension and 40% on police pension funds.

RESULT:	ADOPTED [6 TO 0]
MOVER:	Rick Hilst, Councilman
SECONDER:	Dave Nutter, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Luft
ABSTAIN:	John P Abel

7.8. Motion to: Motion to Pass as Amended

City Attorney, Ms. Katherine Swise, stated that the proposed language would amend subsection A from 2% to 3% Retailers' Occupation Tax on the sale of cannabis and the second amendment would add a new subsection C, Revenue of Tax to include that the City Finance Director is directed to designate 60% of revenue to the Fire Pension fund and 40% of the tax revenue to the Police Pension Fund.

RESULT:	ADOPTED [4 TO 2]
MOVER:	Michael Garrison, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Rick Hilst, Dave Nutter, Lloyd Orrick, Mark Luft
NAYS:	Karen Hohimer, John P Abel
ABSTAIN:	Michael Garrison

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Jim Mangan suggested to Council that the budget process be changed to the appropriation process.

City Manager, Mr. Mark Rothert made announcements regarding Council Goals, the recent IML Conference, code enforcement openings and Front Street bids.

Councilmember Nutter inquired as to whether the CDBG Audit was complete and Mr. Rothert explained that it will be finished with the Audit when it arrives.

Councilmember Nutter also inquired about transferring funds from the Southern Industrial TIF to the Central Industrial TIF.

Council also discussed the Front Street Project, red lids on the recycling and garbage carts, the county lot near CJ's Café, and motorized bikes.

Mayor Luft ended with additional announcements from the past weekend's events.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 6. SETTING PRICE FOR SALE AND LEASE OF MUNICIPAL PROPERTIES

ADJOURN

The motion was made by Councilmember Abel to adjourn, seconded by Councilmember Orrick. There being no further action to come before Council, Mayor Luft adjourned the meeting at 8:08 PM.