
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 AUGUST 26, 2019 AT 5:30 O'CLOCK P.M.
MARK LUFT * CHAIR * PRESIDING

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mark 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	4:25 PM
Rick Hilst	Councilman	Present	4:26 PM
Karen Hohimer	Councilwoman	Present	5:17 PM
Dave Nutter	Councilman	Present	4:26 PM
Lloyd Orrick	Mayor Pro-Tem	Present	4:23 PM
John P Abel	Councilman	Present	4:22 PM
Mark Luft	Mayor	Present	4:25 PM

APPROVE AGENDA

3.1. Motion to: **Approve agenda**

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

APPROVAL OF MINUTES

4.1. Motion to: **Approval of Minutes**

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

4.2. **City Council - Regular Meeting - Aug 12, 2019 5:30 PM**

PUBLIC INPUT

Scott Shipp spoke regarding agenda item 8.5 pertaining to the petition to vacate an alley adjacent to his property on 1125 Derby Street that meets his property on 12th street. Mr. Shipp described many issues when he purchased property that included loitering and drugs. Pictures were sent to the City with debris. Mr. Shipp used his resources to clean this area and would like to have property back and construct a new building.

CONSENT AGENDA

6.1. **June 12, 2019 and July 10, 2019 Minutes of Pekin Plan Commission**

6.2. **June 12, 2019 and July 10, 2019 Minutes of the Pekin Zoning Board of Appeals**

- 6.3. July 2019 Building Department Report**
- 6.4. Financial Reports June, 2019**
- 6.5. Accounts Payable Bill Run through 08/23/19**
- 6.6. Motion to: Motion to Approve Consent Agenda**
Mayor Luft read through the five consent agenda items.

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

COMMUNICATIONS, PETITIONS, REPORTS

7.1. CDBG 2015-2019 Consolidated Plan and 2019 Action Plan Amendment

Mayor Luft announced that the public hearing for the 2015-2019 CDBG Consolidated Plan and 2019 Action Plan Amendment began at 5:41 PM.

Melissa Eaton, CDBG Program Manager, began the hearing by discussing the plan currently in place. Mrs. Eaton continued to explain the entitlement grant funds that if not used are rolled over into the next fiscal year. The plan needs amended to include \$592K for public infrastructure and \$50K for a code enforcement officer in low income areas.

Council discussed that the activities would take place in low to moderate census blocks. The current rehab allocation of funds close to \$600K cannot be spent in the time required by HUD therefore reallocating these funds to public infrastructure is necessary in order to spend down these funds.

Mr. Rothert added that the goal is to focus on code enforcement, rehab projects and public infrastructure upgrades in specific neighborhoods to have a greater impact. All of these funds are granted to the City each year through the CDBG Program.

The public hearing ended at 5:54 PM.

NEW BUSINESS

8.1. Lease Amendment with Illinois Central College

City Manager, Mr. Mark Rothert, presented the resolution authorizing the City Manager to execute documents to enter into a lease amendment with the option to purchase with Illinois Central College regarding city owned property at 225 Hanna Drive. ICC has expressed an interest to extend the lease for five years with an option to purchase the property. Over the last 11 years the college has made a substantial investment in the property, \$642K in lease payments. The college has shown an interest to stay in Pekin and staff recommends approval of this action. Before 2008, there was Council discussion to sell the building for \$750K, although it never went to council. This benchmark seems reasonable to sell the building for that amount.

Mayor Luft and Councilmember Abel spoke in favor of the agreement.

Councilmember Hilst spoke against the purchase but in favor of the lease, as he felt the upgrades to the building was the college's responsibility per the original agreement and that the college level classes offered in Pekin were not what was initially planned to be offered.

RESULT:	APPROVED [6 TO 1]
MOVER:	John P Abel, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Garrison, Hohimer, Nutter, Orrick, Abel, Luft
NAYS:	Rick Hilst

8.2. Ordinance No. 1462-A362 An Ordinance Amending Title 8, Chapter 1, Section 3 of the Traffic Code of the City of Pekin to Adopt the Illinois Vehicle Code by Reference

City Manager, Mr. Mark Rothert, explained the agenda item to adopt the Illinois Vehicle Code into the City of Pekin Code allowing the City to use laws already in state statutes.

Police Chief John Dossey added that by adopting the Illinois Vehicle Code it would allow the City to use laws already in state statutes, like parking violations. As state laws change, the City would not have to update the code as it is already adopted through the Illinois Vehicle Code.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Hilst, Councilman
SECONDER:	Dave Nutter, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

8.3. Ordinance No. 2843-19/20 Ordinance Amending Title 3, Chapter 1 Adding Appeal Process, and Update to Chapters 8 and 9 Of The City Code Regarding Peddlers and Transient Merchants.

City Manager, Mr. Mark Rothert, introduced the agenda item to amend Title 3, Chapters 1, 7 & 8, regarding peddlers and transient merchants and explained that this largely updates the appeal process in the ordinance, along with terminology, and updated fee structure. Mr. Rothert added that this will help regulate the amount of reputable companies coming into the community and taking advantage of our residents.

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

8.4. Petition for Map Amendment to Rezone Property at 904 N. 10th Street
Building Inspections Supervisor, Mr. John Lebegue, introduced the agenda item regarding the recommendation from the Pekin Plan Commission to deny a petition for the rezoning of property at 904 N. 10th Street. The property is currently R-4, One-Family Residential and the petition is requesting to rezone it to RT, Two-Family Residential for the purpose of allowing a two family use at the property. The building used to be a church, then office use, not a residential zoned type of use, and was found incompatible by the Plan Commission.

Councilmembers led a discussion on the use of the building and the occupancy rate. A proposed ordinance would have to be taken back to Council if the vote was to rezone the use.

RESULT:	FAILED [0 TO 7]
MOVER:	Michael Garrison, Councilman
SECONDER:	Dave Nutter, Councilman
NAYS:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

- 8.5. Motion to: Motion to Approve**
A motion was made by Councilmember Orrick, seconded by Councilmember Garrison that the Council approve the rezoning of certain property located at 904 N. 10th Street.

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

- 8.6. Petition for the Vacation of City Alleys North of Derby Street**
Building Inspections Supervisor, Mr. John Lebegue, introduced the agenda item on the recommendation of the Pekin Plan Commission to deny a petition for the vacation of city alleys North of Derby Street. Mr. Lebegue explained that the commission did want to vacate the property if both parties were not in agreement. Mr. Shipp, the requester, wishes to clear the overgrown brush from the east/west alley and construct a retaining wall to stop erosion that has taken place.

Council Members discussed the improvements to the property made by Mr. Shipp.

RESULT:	FAILED [0 TO 7]
MOVER:	Michael Garrison, Councilman
SECONDER:	John P Abel, Councilman
NAYS:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

- 8.7. Site Plan Approval for Construction of Automatic Car Wash at 2900 Court Street**
Building Inspections Supervisor, Mr. John Lebegue, presented the agenda item to approve a recommendation from the Pekin Plan Commission for the construction of an automatic car wash located at 2900 Court Street. Mr. Lebegue explained that this is a very attractive development by Beck's Oil and presents no issues relative to site circulation and design. Landscaping along Court Street would be added and the location will be easier to gain access as it is across from the gas station, which is complimentary between the two.

Councilmembers discussed two kiosks, the high number of cars it will hold and the timeline on construction.

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

- 8.8. Authorization to Procure Budgeted Network Licensing and Hardware Support**
City Manager, Mr. Mark Rothert, introduced the agenda item to approve the authorization to spend budgeted funds earmarked for network licensing and hardware support.

I.T. Administrator, Mr. David Hess, explained that this is three years of coverage for the price of two. Viruses are typically released at the beginning and ending of college and leads to vulnerability. He continued to explain that the brand is not identified and kept confidential to avoid hacks, but assures it is world class software. The hardware replacement is included along with next business day replacement that gets the network back up and running the next day. It also includes updates that happen 24/7 with an interactive system.

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

8.9. In June, Governor Pritzker signed the Cannabis Regulation and Tax Act into law. The law legalizes the possession and private use of cannabis for those 21 years of age and older. The law allows municipalities to implement a variety of regulatory provisions including prohibiting the sale of adult-use cannabis in their community. Preliminary discussion of properly implement the new law in the best way to fit locally for Pekin

City Manager, Mr. Mark Rothert, led the discussion regarding the Cannabis Regulation and Tax Act and how to implement the new law in the best way that fits locally for Pekin.

Attorney Kate Swise added that the legalization of recreational cannabis goes into effect January 1, 2020. The new law allows municipalities to sell recreational cannabis. The Council will need to consider if the City wants to allow dispensaries and if so, to restrict zoning regulations. The law also allows the City to tax the sale at a rate up to 3% in addition to other sales tax. The act authorizes 500 dispensaries by 2024 and by May 20, 2020, 75 dispensaries will be authorized to the medical dispensaries already in existence to sell recreational cannabis.

Mayor Luft commented to the community that if they want a dispensary and want to utilize it as a revenue source. There are a lot of misconceptions of the control of the dispensaries; they are very controlled, monitored and licensed. The community is encouraged to educate themselves.

Attorney Kate Swise added that the dispensaries are regulated by the state, in this case the state has not made restrictions we see in other areas. The state has not limited location based on schools or churches but have left those restrictions to the municipalities. The City has the option to prohibit sales outright or could allow it and zone the area, or basically do nothing at all and it would be treated as any other retail use. The City cannot regulate possession and use.

Councilmembers continued the discussion with regards to the federal government, banks, public hearings and testing for use.

Mayor Luft encouraged citizens to submit their opinion.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Bear Groch approached the podium, along with Jennifer Long, managing partner at Soul Restoration, representing the majority of licensed massage therapists at the meeting, spoke with regards to the recently adopted ordinance regarding bodywork establishment requirements. They feel that their establishments cannot comply in the time frame requested and feel that the ordinance is demeaning towards their line of work. They also requested changes to the ordinance, including the fee.

Mayor Luft responded by suggesting to have a sit down with the City and the businesses to see where changes could possibly be made.

Becky Sabin spoke in favor of the bodyworks establishment ordinance to protect the community from human trafficking.

Trent Lawrence, owner of a grow operation, spoke to Council regarding the sale and use of recreational marijuana. In order for a city to benefit from the tax they have to partake. Mr. Lawrence added that it is still federally illegal but over 25% of the states in the country has legalized it. You do not hear about imprisonment. Mr. Lawrence is looking for a location here or in Delevan where it is proven friendly. It is an option to spend money safely, create jobs, raise tax revenue, educate children and help the community build. The image in downtown Pekin can be changed with these things in place, it is proven that marijuana can be issued as a prescription option to opioids.

Elaine Ritchie also spoke in favor of recreational cannabis sale and use.

Charity Gullett invited Council to come to the next event this Saturday at the Riverfront to help clean up for the Marigold festival.

John McNish approached Council regarding the public hearing on CDBG, the new car wash, council emails, the excavator at the street department to tear down homes, bodywork establishments, and requested a presentation on Council achievements.

Councilmembers followed up that not a lot of specifics are in front of them regrading recreational cannabis, that no license system is set up yet and the USDA does not have rules yet.

EXECUTIVE SESSION 5 ILCS 120/2 (C)

ADJOURN

The motion was made by Council Member Orrick to adjourn seconded by Council Member Abel. There being no further action to come before Council, Mayor Luft adjourned the meeting at 8:15 PM.