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PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF THE CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY, JULY 28, 2003 AT 5:30 O'CLOCK P.M.
LYNDELL N. HOWARD * MAYOR * PRESIDING

PRESENT: COMMISSIONERS, MADDOX, RICHMOND, JONES, AND MASSAGLIA

ABSENT: NONE

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The **Pledge of Allegiance** was led by Mayor Howard.

Roll was called and all commissioners were present

Agenda

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **agenda be approved as presented.** On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **Minutes of the Regular City Council Meeting of July 14, 2003, and the Council/Staff Retreat of July 21, 2003, be approved as written**. On roll call vote, all present voted Aye.

Public Input

Marge Melchers 1821 Highwood, expressed her concern that Council was considering allowing the sale of beer next to a community park.

Betty Scott 1022 South Third Street, read from a prepared statement her opposition to the selling of alcohol at the Pier. She felt the park system was special and the sale near Miller Park was a bad influence on children and families. Ms. Scott also opposed the request to issue a liquor license next to the Christ Centered Store on Court Street. She urged Council to vote no when presented the ordinance and special use hearing request.

Rev. Frank Noyes Pastor of Gethsemane Church, stated he opposed alcohol because he had seen what it does to people's lives. He said the use of alcohol would discourage family activities at the riverfront.

Ed Bradley 1811 Victoria Street, addressed the Council at length on the each section of the proposed ordinance to permit the sale of beer on City owned property. Judy Noyes stated the City should be dry and yielded her input time to Mr. Bradley.

Bryan Steward told Council as a taxpayer he was opposed to allowing the sale of alcohol at the Pier because of the additional police security that would be required at such events.

Bob Monge owner of Arcade Building stated he was opposed to the ordinance eliminating parking on the north side of Elizabeth Street. Reading from a prepared statement he felt there was no consideration of the adjacent businesses in completing the parking arrangement of new County Complex. He questioned if the County was exempt from TIF requirements. Mr. Monge was invited to attend the Traffic Safety Committee meeting on Friday.

Director Emily Lambe spoke on behalf of the Pekin Main Street Board. She presented the Board's position of opposing the request to allow a tavern in the 300 block of Court Street next to a religious bookstore. The bar did not meet the goals to make downtown a desirable destination in the community.

Wayne Thompson 353 Court Street opposed an additional tavern located downtown because of the lack of parking. He felt 4 bars in one and one-half blocks was enough and that it would be sacrilegious to allow the business to be placed next to a Christian Center.

Tim Berger urged Council to vote in favor of his request to open a tavern that would serve food once established. He stated the establishment would be respectable and that Council could not turn down the request based on parking.

Consent Agenda

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **Consent Agenda be approved as presented.**

1. Receive and File Monthly Reports: Wastewater Treatment
2. Charitable Solicitation: Ray Ewing Benefit
3. Receive and File Resignation of Althea Geiser from the Historic Preservation Commission
4. Receive and File Bids for Streetscape Phase III

C & G CONCRETE INC.	WM. AUPPERLE & SONS, INC.	R. A. CULLINAN & SON	P. J. HOERR, INC.	ESTIMATE
$731,598.10	$717,400.48	$738,266.11	$629,213.53	$776,377.40

5. Receive and File Zoning Board of Appeals Minutes dated July 9, 2003
6. Receive and File Pekin Planning Commission Minutes Dated July 9, 2003
7. Receive and File Pekin Planning Commission Hearings and Recommendations:
   a. Hearing #1576 – approval of the Preliminary Plat submitted for Lot 1 East Court Village
   b. Hearing #1577 – approval of the Special Use for a drive-up window submitted by Taco Bell for the property at1920 Court Street
   c. Hearing #1578 – approval of the Site Plan for a drive-up window submitted by Taco Bell, 1920 Court Street
   d. Hearing # 1579 – no recommendation for Special Use request, submitted by Tim Berger for a tavern, serving food at 345 Court Street
   e. Hearing 1580 – approval of the Site Plan for a tavern serving food at 345 Court Street
   f. Hearing 1574 – (tabled) approval of the rezoning request of B-3 for the southern half of Lot 37, Pekin Edgewater Park

On roll call vote all present voted Aye.

Unfinished Business

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2333 be removed from the table. On roll call vote all present voted Aye. Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2333 as amended by the ordinance presented to Council at tonight's meeting be approved. Each Council member addressed the ordinance creating a Class F liquor license that allowed the sale of liquor at riverfront special events. Com'r. Maddox said he was not influenced by special interest group but his interest was getting events to make the riverfront successful. He stated that DARE was not against legal consumption of alcohol. Com'r. Massaglia said the City has been void of a place for outside events. Mayor Howard indicated the designated area was temporary until the Riverfront Park is completed. Com'r. Richmond reconsidered his opposition for use by commercial entities but wants to see the original idea of use and development. Com'r. Jones suggested that the Council revisit the terms of allowing the sale of alcohol at the riverfront January 1, 2004. On roll call vote all present voted Aye.

New Business

ORDINANCE NO. 2336
AMENDING TITLE 8, CHAPTER 3, SECTION 14 (N) OF THE CODE REGARDING PERMIT FEES

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2336 be adopted. Attorney Oberle explained that the change was housekeeping to eliminate applicants for Pier events being charged double. On roll call vote, all present voted Aye.

RESOLUTION NO. 15 – 03/04
PRELIMINARY PLAT LOT 1 EAST COURT VILLAGE

Motion by Com'r. Massaglia, seconded by Com'r. Richmond, that Resolution No. 15-03/04 be adopted. On roll call vote, all present voted Aye.

Motion by Com’r. Massaglia, seconded by Com'r. Maddox, that the **SPECIAL USE REQUEST FOR A DRIVE-UP WINDOW** submitted by Taco Bell for property at 1920 Court Street be approved. City Engineer Joe Wuellner addressed Council’s concerns regarding entrances and exits from the drive through on to Court Street and clearance for truck deliveries. The section of street did not meet warrants for traffic signal at this time but site plan was contingent on IDOT permit. On roll call vote, all present voted Aye.

Motion by Com’r. Massaglia, seconded by Com'r. Maddox, that the **SITE PLAN FOR A DRIVE-UP WINDOW** submitted by Taco Bell for property at 1920 Court Street be approved. On roll call vote, all present voted Aye.

Motion by Com’r. Massaglia, seconded by Com'r. Maddox, that the **SPECIAL USE REQUEST FOR A TAVERN SERVING FOOD** submitted by Tim Berger for property at 345 Court Street be approved. Com’r. Jones suggested the request be sent back to Planning Commission for a recommendation. Discussion followed. Comr’s. Maddox and Richmond expressed concern that there was no kitchen on the site plan to serve food or for a restaurant to open in 18 months. Com’r. Massaglia stated that the request was for a legal business with no reason to deny. The investment would improve the empty, deteriorating building. The community would determine the success of another tavern by their support. On roll call vote, Nays, Jones, Maddox, Richmond and Howard; Aye, Massaglia. Motion failed.

No motion was heard on the Site Plan for a tavern serving food submitted by Tim Berger for property at 345 Court Street.

ORDINANCE NO. 1568-A137
PROVIDING FOR THE ZONING OF CERTAIN PROPERTY / MIKE DEVER
LOT 37 EDGEWATER PARK TO B-3

Motion by Com’r. Jones, seconded by Com'r. Richmond, that Ordinance No. 1568-A137 be adopted. Commissioner Massaglia stated he had a conflict of interest on the ordinance presented and he exited the chambers. Com’r. Richmond questioned the purpose of the request to rezone. Mayor Howard received no objections from Council to allow Mr. Dever to speak to the issues of adjacent condo construction, I-1 zoning and possible construction of mini storage. On roll call vote, all present voted Aye. Commissioner Massaglia absent. Motion carried.

Commissioner Massaglia returned to the meeting.

Motion by Com’r. Jones, seconded by Com'r. Richmond, that the **BID FOR STREETSCAPE PHASE III** be accepted and the contract be awarded to P.J. Hoerr in the amount of $629,213.53. City Engineer Joe Wuellner recommended the low bid from the extremely good bids received for the section of the project on Court to Second Street. On roll call vote, all present voted Aye.

Motion by Com’r. Jones, seconded by Com'r. Richmond, that the **ACCESS AGREEMENT WITH AMERENCILCO** be approved. Council received explanation that the agreement allowed CILCO to enter property south of the south grain elevator at the riverfront to remediate old coal gasification site. On roll call vote, all present voted Aye.

RESOLUTION NO. 16 – 03/04
AUTHORIZING EDFAP ASSISTANT PROGRAM / EXCALIBUR

Motion by Com’r. Jones, seconded by Com'r. Richmond, that Resolution No. 16-03/04 be adopted. Director of Planning and Development Kim Uhlig reported the company was expanding the building site and would be bringing additional jobs to the business from a Peoria based associate. The funds were budgeted, Community Development Block Grant monies not Build Illinois. On roll call vote, all present voted Aye.

Motion by Com’r. Richmond, seconded by Com'r. Massaglia, that the **DEDICATION OF PERPETUAL SEWER EASEMENT FROM RER ENTERPRISES, LLC** be approved. Public Works Director Dennis Kief explained that the easement was needed for a slight alteration in the sewer alignment for construction of the car wash in Market Square development site. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **INTERGOVERNMENTAL AGREEMENT WITH GROVELAND TOWNSHIP FOR EXCHANGE OF MANPOWER** be approved. Director of Public Works Dennis Kief commended the Township for the excellent working relationship in providing respective services and equipment for a more economical joint effort. On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A212
AMENDING TITLE 8, CHAPTER 4, SECTION 1 OF THE CODE
OF THE CITY OF PEKIN 1995
REGARDING NO PARKING / ELIZABETH STREET

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that Ordinance No. 1462-A212 be adopted. Com'r. Richmond invited Mr. Monge who addressed the Council at the beginning of the meeting with concern to attend the Traffic Safety Committee meeting on Friday, August 1 to discuss the issue. Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that Ordinance No. 1462-A212 be tabled. On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A213
AMENDING TITLE 8, CHAPTERS 1 AND 4 OF THE CODE
OF THE CITY OF PEKIN 1995
REGARDING NO PARKING REGULATIONS / MOTOR HOMES

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that Ordinance No. 1462-A213 be adopted. On roll call vote, all present voted Aye.

Other Business

Com'r. Jones presented an editorial "Opinion" printed in the Journal Star in which the columnist indicated that under such deficit conditions the federal government will be unable to aid struggling state and local governments. Com'r. Jones then referred to state mandates that make local financing difficult. Public Works Director Dennis Kief indicated that because of a recent Illinois Environmental Protection Agency mandate the City made the first $40,000.00 payment for the "privilege" of using the Illinois River at the Wastewater Treatment Plant. He then updated the Council on the efforts to solve sewer problems in the James and 18th Street area, including televising, measuring flow, and possibly a retention basin at Derby Street.

Reporters from the *Peoria Journal Star, Pekin Daily Times* were given the opportunity to ask questions.

Director Planning and Development Kim Uhlig reported that the application for an OSLAD grant was sent with a letter of recommendation from Senator Shadid and Representative Smith endorsing the requested funding for a park at the riverfront.

It was announced that the Council will tour City projects on a Bus Trip scheduled for August 18 @ 3:30 p.m.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia that Council move to Executive Session at 7:05 p.m. to discuss Personnel (ILCS 120/2 (c) (1.) and Pending Litigation (ILCS 120/2 (c) (11.) On roll call vote, all present voted Aye.

No further business to come before the Council, a motion was made by Com'r. Richmond, seconded by Com'r. Jones that Council adjourn. Motion carried by Voice Vote.

COUNCIL ADJOURNED AT 7:55 P.M.

Sue E. McMillan
City Clerk