****
****

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 JULY 10, 2023 AT 5:30 O'CLOCK P.M.
MAYOR MARY BURRESS PRESIDING

****
****

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Abel.

CALL TO ORDER

City Clerk, Ms. Sue McMillan, called the roll and confirmed all Councilmembers were present.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:22 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:06 PM
Dave Nutter	City of Pekin	Councilman	Present	5:07 PM
Becky Cloyd	City of Pekin	Mayor Pro tem	Present	5:16 PM
Mary Burress	City of Pekin	Mayor	Present	5:15 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:08 PM
John P Abel	City of Pekin	Councilman	Present	5:06 PM

APPROVE AGENDA

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Becky Cloyd, Mayor Pro tem
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

APPROVAL OF MINUTES

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Becky Cloyd, Mayor Pro tem
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

4.1. City Council - Regular Meeting - Jun 26, 2023 5:30 PM

PUBLIC INPUT

Diana Lee publicly withdrew her application for the historic preservation committee. She mentioned sending an email to all members of the commission. Additionally, she spoke about the ethics of Mayor Buress and Councilmember Hohimer, stating that it was unethical to be told she would never be appointed because the Mayor and Councilmember Hohimer did not like her. She compared her experience to when Councilmember Cloyd was Mayor Pro Tem and felt welcome and supported. Diana thanked Councilmember Cloyd and also thanked Debbie Montgomery for her work in starting the commission.

Ann Witzig expressed agreement with Diana Lee's comments. She mentioned being accused by the previous mayor of not liking Pekin but clarified that she does like Pekin but not the government. Ms. Witzig criticized the Mayor for allowing Dustin Maquet to speak during the TIF application agenda item while restricting others from conversing with the staff. She perceived such actions as collusion and corruption. Ms. Witzig further questioned the city's direction, citing issues like unkempt streets and sidewalks. She also expressed concerns about the Airbnb ordinance, leadership, finances, and inspections, stating that the lack of inspections indicates a lack of care for the city.

Matthew Johnson focused on agenda item 10.2 concerning drones. He mentioned that he wasn't arguing about the legal side but pointed out that the agenda packet lacked information about a maintenance plan for the drones. Matthew suggested that the council ask staff about the plan. He also raised questions about insurance coverage for the drones and requested an example of a 911 call in which a drone would be utilized. Matthew expressed concerns about the possibility of drone crashes but also shared a positive note about enjoying his paddle boat on the lake.

Brenda Fausli recounted a recent incident involving a 4-year-old at her house who needed medical attention, emphasizing the importance of first responders over drones. She expressed agreement with Ann Witzig's observations about previous meetings and urged the council to focus strictly on business matters. Brenda expressed satisfaction with the addition of Councilmembers Hilst and Councilmember Nutter but felt that city hall and the council seemed to be against the public. She criticized the distribution of TIF grant awards, mentioning that Maquet's Rail House received too much funding while others received none. Ms. Fausli questioned the city's plans for hiring a city manager and suggested the council consider monitoring themselves instead of hiring an attorney. She also mentioned the need to fill vacant buildings beyond downtown.

Deborah Montgomery publicly thanked Diane Lee for her assistance, acknowledging her helpfulness. She raised another issue regarding a property at 917 Park Ave covered with trees, where rumors suggested the presence of rodents. Deborah wanted to bring this matter to the council's attention.

Jim Mangan spoke about the drones, emphasizing that the council needs to establish a policy before using them, as required by law. He requested that the public be given the opportunity to review and discuss the policy before drone implementation. Mr. Mangan also expressed confusion about agenda item 10.1, the procurement policy, and suggested tabling it until the purpose is discussed. He further asked the mayor to explain the subject matter of the closed session, specifically referring to pending litigation. The Mayor declined to answer his questions, stating that it was Mr. Mangan’s time to speak. Mr. Mangan also mentioned an email exchange with the IML (Illinois Municipal League) regarding closed meetings, quoting parts of the email that supported transparency and open meetings. He expressed the public's right to know what the council discusses behind closed doors and referred to a lawsuit about video gaming fees that went unnoticed until it concluded. Jim provided the city clerk with written questions.

Elaine Ritchey spoke about the recycling program, expressing her initial support for it due to environmental benefits. However, she received a note stating that the program no longer accepts many items. Elaine mentioned her grandson, who worked for XWaste and claimed that all recycling ends up in the landfill. She questioned the program's purpose if it doesn't uphold its commitment to pick up recyclable materials like aluminum cans and cardboard. Elaine also mentioned an incident where her sister was fined by an inspector for a mattress left in her alley, which she felt was unfair. Additionally, she criticized the lack of maintenance on city properties, such as overgrown grass near the bus department, suggesting the need for additional yard crew.

Keith Dunkelbarger, as a business owner, spoke about profit and advised the council that seeking advice is not a sign of weakness. He commended the disc golf events held at Sunset Hills Golf Course and mentioned the positive feedback from 333 disc golfers who found it to be a beautiful course. However, he noted that few of them stayed in Pekin, highlighting the need to attract more visitors. Mr. Dunkelbarger referred to the upcoming Ledgestone Disc Golf Classic and suggested offering discounts at local motels to encourage participants to stay in Pekin. He questioned the decision to donate money to charity rather than investing it in promoting Pekin. Keith also proposed erecting a sign in Pekin to celebrate hosting the 2023 World Junior and increase awareness of the accomplishment.

DISCUSSION

6.1. Cullinan Properties

Interim City Manager and Police Chief John Dossey, led the discussion explaining an opportunity at East Court Village and expressed the need for council discussions. He invited Diane Cullinan to present to the council.

Diane Cullinan, owner, and Toni Ramadani, Vice President, representing Cullinan Properties, expressed their love for Pekin and presented a slideshow on the East Court Village redevelopment. They currently own the mall property at East Court Village and the center across the mall and praised Pekin for its performance, with a nearly 20% increase in activity since before the pandemic. They discussed plans for phase 1 redevelopment, including the addition of Marshalls, Ross, and Five Below, along with conceptual renderings.

Councilmember Hohimer asked about the locations of these new developments.

Ms. Cullinan responded that they would need to tear down the Bergner's building and possibly elongate the existing building, potentially adding a store like Maurice's. However, these plans were not set in stone. They also mentioned the purchase of the center across the street and spoke about other successful developments in East Peoria, The Streets of St. Charles, and Grand Prairie in Peoria.

Mr. Ramadani spoke about sales leakage, where people travel outside of Pekin for shopping and dining. They estimated that Pekin could receive up to $4 million in annual sales tax revenue, amounting to around $80 million in total sales revenue.

Mayor Burress inquired about letters of intent.

Ms. Cullinan explained that while they have some leases in hand, they cannot execute them yet. They have letters of intent but nothing is guaranteed. They sought consensus from the council to work with staff and legal teams to move the project forward and come back in approximately 10 days to keep the retailers interested.

Councilmember Cloyd had questions regarding the current contract expiration.

Mr. Ramadani clarified that the current contract expires in September 2023.

Councilmember Cloyd noted that the last time Cullinan Properties was present was in 2020, and the contract arrangement dates back to 2020. She inquired about Cullinan Properties' activities since 2001 at East Court Village in Pekin and mentioned that the contract has been modified multiple times.

Mr. Ramadani from Cullinan Properties said he would provide that information.

Councilmember Cloyd also asked about the incentives Cullinan Properties is providing to retailers and raised the issue of the city being behind on audits. She requested to see agreements from the retailers and emphasized the need for accountability.

Ms. Cullinan explained that all the retailers they are bringing in are new, which is a significant difference. Councilmember Cloyd again asked for accountability to the city.

Councilmember Hilst asked about the reimbursement of taxes in the current agreement.

Ms. Cullinan clarified that the limit is 12 retailers, and any additional sales tax revenue beyond that would go to the city. She mentioned the $9 million they would pay in interest. They also highlighted the ancillary sales tax revenue from hotels, gas stations, and restaurants that would be generated. Ms. Cullinan also mentioned other options besides bond issuance.

Councilmember Hilst also expressed concerns about the interest rates on the bonds due to the city being three years behind on audits.

Police Chief Dossey assured the council that they would explore various options based on the council's consensus to move forward. They would work on an agreement to present to the council.

PUBLIC HEARING

7.1. 2022 CDBG Consolidated Annual Performance and Evaluation Report

Mayor Burress opened the public hearing at 7:31 PM.

CDBG Program Manager, Ms. Tina Hauk, explained the purpose of the hearing to the public and to Council stating that it was to comply with the Citizen's Participation Plan providing the public an opportunity to review and comment on ways in which CDBG program funds are used by the City to meet its goals and to comply with HUD's guidance each program year. The CDBG Program assisted with 322 homeless persons including 160 survivors of domestic violence utilizing approximately $84,000 in Coronavirus funding. Additionally, a new fire truck was ordered and paid for with a Section 108 loan, eliminated some slum and blight with the demolition of one structure and rehabilitated 10,000 linear feet of sewer pipe reaching upward of 2,000 Pekin citizens.

No public comment was received.

Mayor Burress closed the public hearing at 7:36 PM.

CONSENT AGENDA

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Becky Cloyd, Mayor Pro tem
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

8.1. Resolution No. 30-23/24 Mayor's Appointment of Roy Bockler to the Economic Development Advisory Committee

8.2. Pekin Fire Department Monthly Incident Reports June 2023

8.3. Accounts Payable To Be Paid Proof List thru June 09, 2023

UNFINISHED BUSINESS

9.1. Financial Reports April 2023

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

Motion to: **Remove Councilmember Becky Cloyd from the Public Infrastructure Improvement Committee**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Becky Cloyd, Mayor Pro tem
SECONDER:	Dave Nutter, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

9.2. 3582 : Resolution No. 23-23/24
Annual Appointments as Amended

Councilmember Cloyd requested that her name be removed from the Public Infrastructure Improvements Committee.

RESULT:	**APPROVED AS AMENDED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

NEW BUSINESS

10.1. Resolution No. 31-23/34 Amendment to City of Pekin Procurement Policy

Interim City Manager and Police Chief John Dossey brought up the matter of HUD's recent outreach regarding the addition of language to the city's Solid Waste Act compliance. According to the CDBG Program Manager, Ms. Tina Huak, HUD had conducted remote monitoring of the city and identified a compliance gap with the Solid Waste Act. As a result, they issued a finding, and federal statute required the inclusion of this language to maintain eligibility for CDBG funding. Ms. Hauk proposed an amendment to the policy to ensure that the city makes a concerted effort to use recyclable materials, especially in construction, specifically for the CDBG program.

Councilmember Hohimer expressed concern about a potential conflict with the Supreme Court's decision to strike down affirmative action. She questioned how the CDBG program could proceed if the federal government disallowed such actions. In response, Ms. Hauk clarified that the proposed amendment solely pertained to the CDBG program and did not involve affirmative action. She mentioned that the remaining aspects of the procurement policy were currently under review by staff.

Councilmember Nutter sought clarification on who would be responsible for implementing the proposed CDBG amendments. Ms. Hauk explained that the responsibility lies with the city, and any renovation project exceeding a threshold of $10,000, regardless of whether it involves houses, roadways, or multi-use structures, should prioritize the use of recyclable materials in construction to comply with the amended policy.

Responding to Cloyd's inquiry, Ms. Hauk confirmed that HUD had reached out and issued two findings regarding the compliance issues. The councilmembers acknowledged the importance of addressing these matters promptly and ensuring the city's adherence to the amended policy for CDBG funding. It was agreed that HUD's requirements must be met to maintain a positive relationship and eligibility for future funding opportunities. The meeting concluded with the understanding that a comprehensive record of the discussion would be documented in the official meeting minutes for approval and future reference.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John P Abel, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

10.2. Resolution No. 32-23/24 Authorization to Purchase Drones from Axon Enterprise, Inc

Lieutenant Brian Wilmert introduced a new law regarding the use of drones. The law was part of a grant that authorized the purchase of three drones for the city. The council discussed the maintenance plan, and it was clarified that the grant would cover the maintenance costs for the next four years, with the possibility of some minimal additional costs in the future due to technology updates. The drones would not replace the 911 lines; instead, they would be used for specific situations such as searching for missing persons, monitoring traffic flow and parking around schools and events, and aiding in high-risk situations like terrorist attacks.

It was emphasized that the use of drones would be subject to strict policies and regulations, and the city would have to report on their usage to the state on a monthly basis. The drones would be instrumental in preventing the destruction of evidence, reaching out to individuals in hazardous situations, and assisting in public health emergencies. Additionally, they would be cost-effective for activities like bridge inspections and gathering aerial footage for public relations purposes. The police department already had three officers with pilot licenses who were trained to fly the drones, and their policies were constantly updated to comply with the Drone Act.

During the discussion, the Mayor expressed support for the implementation of drones in the city's operations. Councilmember Cloyd inquired about other cities' drone policies, and Lieutenant Wilmert mentioned that while he was not aware of specific city policies, they would be used for investigations and accident scenes in compliance with their existing procedures.

Councilmember Hohimer raised concerns about privacy, to which Lieutenant Wilmert clarified that the drones would not be flying over people's homes 24/7.

Councilmember Orrick inquired about the financial implications for the city, and it was explained that since the drones were purchased through state funds, there would be no additional cost to the city except for possible ongoing training expenses.

The council also discussed the possibility of assisting other cities with their drones when needed, and Lieutenant Wilmert mentioned that they already had a system of mutual assistance with neighboring towns.

After discussing various aspects of the drone implementation, Councilmember Orrick expressed satisfaction with the provided audit and indicated their comfort with moving forward with the plan. The meeting concluded with a general consensus in support of the drone initiative, taking into account the potential benefits and adhering to the necessary regulations to ensure responsible and effective use of this technology in the city.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

10.3. Ordinance No. 4082-23/24 Establishing Regulations for Short-Term Rentals and Updating Related Regulations Under the Pekin City Code Amending Chapter 4, Article III, Division 5 of the City Code

Ordinance No. 4082-23/24 was discussed and brought forward for approval. The ordinance aims to establish regulations for short-term rental services, such as Airbnb and VRBO. Under this proposed ordinance, short-term rentals would only be permitted as a special use in residential districts and the Central Business District (CBD). Property owners would be required to obtain an annual license from the City to operate such rentals, appoint a local property manager, adhere to minimum life safety requirements, and limit the number of rooms and guests on the property. Additionally, the City's chronic nuisance ordinance would apply to short-term rental properties, and the collection of hotel/motel tax for rented rooms would also be mandated.

There were discussions and concerns raised by several councilmembers. Councilmember Nutter and Councilmember Orrick inquired about the existing effect on bed and breakfasts, to which City Attorney, Ms. Kate Swise, clarified that the ordinance primarily targets Airbnb-like rentals and not bed and breakfasts. The inclusion of short-term rentals in the CBD was explained as a measure to incentivize downtown activities. Mr. Maquet expressed concern about life and safety issues related to short-term rentals and highlighted that there are currently around 12 operating in the city.

Councilmember Hilst raised some reservations about the ordinance, particularly in regards to the Central Business District. He suggested that requiring a special use for short-term rentals within the district might be unnecessary since hotels and motels are already allowed, but they would be required to charge hotel tax. Councilmember Hilst proposed that rentals exceeding 29 days should be exempt from this tax.

Fire Chief Reeise discussed the importance of inspections and recommended the use of 10-year sealed batteries for safety.

Ms. Swise clarified that the ordinance mainly focuses on regulating short-term rentals and differentiating them from regular rentals, where the latter wouldn't fall under its purview if rented for more than 30 days. She proposed sending the ordinance back to the Zoning Board of Appeals for further review to address certain issues, such as defining the number of guest rooms in the context of the ordinance and ensuring alignment with recent changes in zoning.

Councilmember Hilst suggested tabling the ordinance until it goes back to the Zoning Board of Appeals for additional discussion and possible adjustments. The question of whether to bring the ordinance back for further discussion or approval was raised, and Hilst stated that it could come back for approval once any necessary changes are made and made known to the council. The meeting concluded with the agreement to table the ordinance until further review and potential revisions are made.

A motion was made by Councilmember Hilst seconded by Cloyd to table the agenda item sending the ordinance back to the Zoning Board of Appeals for revisions. On roll call vote, all present voted Aye. Motion carried.

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Dave Nutter, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Interim City Manager and Chief of Police John Dossey announced the upcoming quarter auction at the Moose Lodge hosted by the Pekin Police Department that raises funds for shopping with a hero and cops for kids.

Councilmember Abel reminded the public that July 28th and July 29th was Bike Night and the Downtown Super Cruise. Councilmember Abel also stated that the city's recycling project is half the cost to haul recycling than regular garbage but it needs to be looked at if recycling is going to the landfill.

Councilmember Hohimer complimented the Chamber of Commerce for the great job they did with the 4th of July fireworks display.

Councilmember Nutter thanked the public for their input and also felt that the city's recycling needs to be put on the agenda with facts from the people that do the recycling.

Councilmember Orrick complimented the street department on crack filling and encouraged businesses to hold fundraisers to give back to the community.

Councilmember Cloyd publicly thanked Diane Lee for her willingness and contributions beyond the Historic Preservation Commission. Councilmember Cloyd also announced that Deborah Montgomery had withdrawn from the Historic Preservation Commission. Lastly, Councilmember Cloyd suggested submitting a request to the Tourism Committee to help fund signs welcoming the participants of the Disc Golf Tournament for next year and for the City of Pekin to become a sponsor.

Councilmember Nutter agreed with Councilmember Orrick complimenting the street department on crack filling throughout the city and pointed out how great Sheridan Road looked to 8th Street. Councilmember Nutter also pointed out that Asher's Bar & Grill also hosted two events this summer raising money for St. Jude.

Mayor Burress expressed appreciation for staff.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 11. PENDING LITIGATION

A motion was made by Councilmember Orrick seconded by Councilmember Nutter to move into Executive Session to discuss 5 ILCS 120/2 (c) 11. Pending Litigation at 8:36 PM. On roll call vote all present voted Aye. Motion carried.

Mayor Mary Burress announced that no action would be taken after Executive Session.

Council returned to open session at 9:30 PM.

ADJOURN

There being no further business to come to the Council, a motion was made by Councilmember Orrick seconded by Councilmember Nutter to adjourn the meeting. Motion carried viva voice vote. Mayor Burress adjourned the meeting at 9:30 PM.