****

PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS, HELD IN THE COUNCIL CHAMBERS OF CITY HALL 111 SOUTH CAPITOL STREET ON MONDAY, MAY 26, 2009 AT 5:30 O'CLOCK P.M. RUSTY DUNN MAYOR PRESIDING

PRESENT: COUNCIL MEMBERS, ABEL, BLANCHARD, STRAND, BARRA, AND SCHMIDGALL

ABSENT: KORTKAMP

****

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

Roll was called and all Council Members were present.

AGENDA

Motion by Council Member Abel, seconded by Council Member Strand, that the **agenda be approved as presented.** On roll call vote, all present voted Aye.

MINUTES

Motion by Council Member Barra, seconded by Council Member Blanchard, that the **minutes of the Regular Rescheduled City Council Meeting of May 11, 2009 be approved as written.** On roll call vote, all present voted Aye.

PUBLIC INPUT ON AGENDA ITEMS

Ed Emmons, 1114 Market Street, presented petitions he had circulated requesting the City Council to amend Ordinance No. 2559 titled Seizure and Impoundment of Vehicles to include "The Innocent Victim Safety Valve." He stated the ordinance punished the innocent more than the guilty parties.

Mary Worrick, 240 Sapp, read from a prepared statement Her account and concern was having her vehicle towed as owner, her son as driver stopped for the passenger violation of the ordinance. She requested the Council to amend the ordinance in situations such as she experienced.

CONSENT AGENDA

Motion by Council Member Schmidgall, seconded by Council Member Blanchard, that the Consent Agenda be approved as presented.

Mayor Dunn read and presented the following for consideration of the Consent Agenda items by Omnibus Vote.

1. **Receive and File Monthly Reports and Minutes:** Airport Commission Minutes Dated May 13, 2009.

2. **Proclamations:** "Public Works Weeks" May 17-23, 2009

3. **Resolution No. 3-09/10 – Mayor's Appointments of Gregg Ratliff, Dr. Tim Schwartz, Paula Davis, Bill Fleming, and Frank Mackaman to the Economic Development Advisory Committee**

4. **Resolution No. 4-09/10 – Mayor's Appointment of Council Member Barbara Strand to the position of Mayor Pro Tem and Alternate Council Member Sue Ann Kortkamp.**

5. **Resolution No. 5-09/10 – Mayor's Appointment of James E. Jones to the Pekin Planning Commission to fill the unexpired term of Chad Schmidgall until May 15, 2010.**

6. **Receive and File announcement Opportunity to Comment for Resurfacing Parkway Drive.**

7. **Receive and File Pekin Planning Commission Minutes Dated May 13, 2009.**

8. **Receive and File Pekin Planning Commission Hearings and Recommendations:**
    a. Hearing #08-1774 – recommends to approve amendments to B-2 Zone (Central Business
    District to allow non-owner in loft living quarters

On roll call vote, all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS
Fire Chief Chuck Lauss advised the Council he was not able to make a **PRESENTATION RECOGNIZING GUSTAV RECOVERY EFFORTS.** The recipients were not able to attend.

A presentation on the Annual **SUMMARY OF FIRE DEPARTMENT ACTIVITIES** was given by Fire Chief Chuck Lauss. He summarized the department's training in Technical Rescue, Hazardous Materials, Emergency Medical Services, and Fire Prevention in 2008.

NEW BUSINESS
Having been delayed by a return plane flight, Mayor Dunn informed the Council that the discussion of the Impoundment Ordinance would take place when Attorney Burt Dancey arrived at the meeting.

Motion by Council Member Strand, seconded by Council Member Abel, that the **COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY & REINVESTMENT ACT OF 2009 ACTIVITIES** for allocated $12,414.00, be approved. Council was informed that the Department of Housing and Urban Development allocated CDBG dollars with additional ARRA requirements. Funding activities outlined included District 108 Social, Emotional, and Behavioral Curriculum; Drop Box Replacement; Salvation Army Rust Transitional Center security system, air conditioners, kitchen and restroom upgrades. On roll call vote, all present voted Aye

Motion by Council Member Blanchard, seconded by Council Member Barra, that the **FAÇADE GRANT APPLICATION FOR HOME HEALTH CARE PLUS SERVICES, INC.** in the amount of $3,060.00, be approved. Request was presented to Council to approve eligible amount under the TIF program guidelines to Debbie Davison for replacing 17 windows to the building at 512 Court Street as part of the business's expansion of 514 location. On roll call vote, all present voted Aye.

Motion by Council Member Abel, seconded by Council Member Blanchard, that the **TAZEWELL COUNTY RESOURCE CENTER BUS AGREEMENT JULY 1, 2009-JUNE 30, 2012,** be approved. Superintendent of Transportation Greg Ranney recommended the renewal of the agreement with TCRC to provide transportation service from Pekin to employment facilities in Morton and Tremont. He noted year one terms were at an increased cost of $175.00 per day, per bus, second and third years increases of 2.5%-5% based on CPI. Fuel considered at base price of $2.50 per gallon and 1% of contract for each 15 cents over. There were two designated buses for this contract. On roll call vote, all present voted Aye.

<u>ORDINANCE NO. 2584-0A-09/10</u>
AMENDING TITLE 9, CHAPTER 10B, SECTION 1-1E AND
TITLE 9, CHAPTER 6B, SECTION 3
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING LOFT LIVING

Motion by Council Member Schmidgall, seconded by Council Member Abel, that Ordinance No. 2584-0A-09/10, be adopted. The amendment would allow for apartments in B-2 Central Business District buildings to be occupied by other than the owner of the business. Director of Main Street, Leigh Ann told Council she expected a boost in multi dimensional development downtown. The change would address parking by establishing a special use protocol for each development reviewed by the Planning Commission. On roll call vote, all present voted Aye.

RESOLUTION NO. 6-09/10

FINAL PLAT LICK CREEK MANOR SUBDIVISION, EXTENSION 2

Motion by Council Member Blanchard, seconded by Council Member Strand, that Resolution No. 6-09/10 be adopted. Council was presented the Final Plat for the 31-lot subdivision. Council approved the Preliminary Plat of the development east of Redwood Drive submitted by Gary Allen & Associates with 2 access points as recommended by the Planning Commission on February 25, 2008. On roll call vote, all present voted Aye.

ORDINANCE NO. 2585-09/10

PROVIDING FOR THE ADDITION OF BROADWAY ROAD FROM SCHRAMM DRIVE TO VETERANS DRIVE TO THE MUNICIPAL STREET SYSTEM OF THE CITY OF PEKIN

Motion by Council Member Barra, seconded by Council Member Abel, that Ordinance No. 2585-09/10, be adopted. Public Works Director Joe Wuellner told Council the ordinance provided for the maintenance of the completed Broadway Improvement to be returned to the jurisdiction of the City and thereby designating it as a municipal street. On roll call vote, all present voted Aye.

Motion by Council Member Strand, seconded by Council Member Blanchard, that Staff be authorized to prepare easements with property owners for **VISTA GRANDE COURT SANITARY SEWER SYSTEM.** Mr. Wuellner presented a request from the homeowners association for the City to accept a sanitary sewer line that the contractor did not install within the City right of way. Requirements that the system be in good working order, survey, televising, legal plat, and easement had been meet. Council Member Abel noted he was one of the 30 homeowners making the request and would abstain from voting. On roll call vote, Ayes, Schmidgall, Strand, Blanchard, Barra, Dunn; Abstain, Abel. Motion Carried.

Motion by Council Member Abel, seconded by Council Member Barra, that the **UTILITY EASEMENT TO CENTURYTEL** be approved. Council was advised the easement was necessary for Century Telephone to install a concrete pad and remote switch along Sheridan Road on old railroad property that the City owned. They had agreed not to interfere with the bike path and be located behind any future sidewalk projects. On roll call vote, all present voted Aye.

Motion by Council Member Blanchard, seconded by Council Member Strand, that the **ILLINOIS DEPARTMENT OF TRANSPORTATION LETTER OF UNDERSTANDING FOR PAVEMENT IMPROVEMENTS ON ROUTES 29** be approved and Joe Wuellner be authorized to execute the documents. The Illinois Department of Transportation planned pavement improvements on Routes 29 from Thornton Avenue in Pekin to Main Street in South Pekin. They had sent a letter requesting City signature to show Project Support and Letter of Understanding for this work. There would be no cost to the City. On roll call vote, all present voted Aye.

Motion by Council Member Schmidgall, seconded by Council Member Abel, that the **PROPOSAL FROM SCHWARTZ ELECTRIC TO INSTALL WARNING LIGHT ON PARKWAY DRIVE AT COAL MINERS PARK** be approved in the amount not to exceed $5,480.00. Traffic Safety Committee Chairman Joe Wuellner recommended installing an amber flashing light over the crosswalk area for safety and awareness of pedestrians walking, bicyclist, traffic congestions, and speed. Questions from Council were addressed concerning the criteria that could not be met to install a traffic signal instead. On roll call vote, all present voted Aye.

REVIEW OF ORDINANCE NO. 2559-08/09
DISCUSSION OF SEIZURES AND IMPOUNDING VEHICLES

City Attorney opened discussion by presenting an overview of a proposal by Council Member Kortkamp that would modify the ordinance to reimburse an owner of a vehicle for impoundment from an established fund if no basis for erroneous stop was proven. Example: State records for suspended license were incorrect. Police Chief Timothy Gillespie expressed concern in modifying the ordinance. He advised Council that the department had internal policies for using discretion and modifications. He stated no other municipality had an "innocent victim" clause that the petitioners were seeking. He felt the ordinance was an important tool for deterring the criminal acts that were sighted in the provisions and that any revision would take the "teeth out" of enforcement.

Each Council Member expressed their thoughts or opinions of what had been discussed. Council Member Blanchard distributed a written proposal for modifications to incorporate into the language of the ordinance providing for 1.) fairness by reimbursing fines to those found innocent and 2.) providing officers personal discretion on case by case stops. Mayor summarized the discussion by stating a variety of options were offered and gave direction to Attorney Dancey to take the couple of important objectives to continue to work on the ordinance. Revisions were to be brought back to Council for further discussion.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Member Blanchard urged the community to give recognition to the millions of military men and women that were serving our county and those who had died for our county on Memorial Day.

Superintendent of Solid Waste and Transportation, Greg Ranney announced that garbage collection would be delayed by one day because of the holiday on Monday. He also indicated there were some municipal bus transfer problems at the UAW and the program would go back to Southside and back out to the Mall.

Ed Emmons addressed the Council and took issue to the insinuation that signatures for the amendment to the Seizure and Impound Ordinance were solicited at liquor establishments.

Mike Blanchard, 1206 South 12th Street addressed the Council regarding the zoning ordinance change to allow for loft living and stated that there had been rental properties above businesses on Court Street for years.

EXECUTIVE SESSION

Motion by Council Member Strand, seconded by Council Member Abel, that **Council move to Executive Session** at 7:24 P.M. to discuss 5 ILCS 120/2 (c.) 1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine it validity and 5 ILCS 120/2 (c) 2. Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. On roll call vote, all present voted Aye.

No further business to come before the Council, in open session, Mayor Dunn called the meeting closed.

COUNCIL ADJOURNED AT 8:05 P.M.

Sue E. McMillan
City Clerk