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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
ON MONDAY, MAY 24, 1999, AT 5:30 O'CLOCK P.M.
R. DAVID TEBBEN * MAYOR * PRESIDING

PRESENT: COMMISSIONERS, ORRICK, BARRA , JONES AND RICHMOND

ABSENT: NONE

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The **Pledge of Allegiance** was led by Tourism Coordinator Michelle Small.

Roll was called and all Commissioners were present.

Agenda

Motion by Com'r. Richmond, seconded by Com'r. Orrick, that the **Agenda be amended by adding under New Business: #21, Supplemental Street Maintenance Program and #22, Suspending Council Meeting of June 14, 1999 and setting Special Meeting.** On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Barra, that the **Agenda be approved as amended.** On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Orrick, that the **Minutes of the Regular Council Meeting of May 10, 1999, be approved as written**. On roll call vote, all present voted Aye.

Consent Agenda

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

1. Resolution No. 3 - Approving Payroll No. 11 for pay period ending 05/15/99 in the amount of $303,740.54; Claim Schedule dated 05/21/99 in the amount of $757,786.40; and Manual Payables for April in the amount of $53,594.51.

2. Receive and File Monthly Reports: Police, Wastewater Treatment, Traffic Safety Committee

3. Proclamations: IHSA Girls Class A Softball Week May 31 - June 5, 1999

4. Charitable Solicitation: Roy L. King Post 1232 of the Veterans of Foreign Wars VFW Poppy Days Friday, May 28 and Saturday, May 29

5. Receive and File Petition for Owners of 211 Court Street to Repair Building

6. Receive and File DCCA Information for Governor's Home Town Awards - LC 2000

7. Receive and File the Minutes Water Study Advisory Committee dated Thursday, May 6, 1999

8. Receive and File the Minutes Pekin Planning Commission dated May 12, 1999

9. Receive and File Pekin Planning Commission Hearings:
   a. #1328 - recommends approval of the Special use request, submitted by Harper Oil Company, 1201 Court Street for outdoor sales and display.
   b. #1329 - approve site plan submitted by Harper Oil Company for property at 1201 Court Street for outdoor sales display
   c. #1330 - recommends approval of the Special Use request, submitted by Loren & Tammy Martin, 2216 Crestview Drive for a Home Day Care, subject to approval by the State of Illinois
   d. #1331 - approve site plan submitted by Loren & Tammy Martin, 2216 Crestview Drive for a Home Day Care
   e. #1332 - recommends approval of the size change of political signs to a maximum of twelve (12) square feet, in all zoning districts

   f. #1333 - recommends approval of the back yard setback change from thirty-five (35) feet to thirty (30) feet in the R-4 zoning district

g. #1334 - recommends approval of the RE Zoning District landscape changes as submitted, with the additional wording changes: in number 7., fifth line, remove the word "perceived"; and in number 1, second line, before the words, thirty (30) linear feet, insert the word "approximately".

On roll call vote all present voted Aye.

Communications, Petitions, Reports

A Public Hearing was opened at 6:35 p.m. for the purpose of discussing the sale to United Way of Pekin of Lots 1 and 2 in Block 74 in the Original Town, known as 206 N. Fourth Street. The Clerk verified that notice was published in the *Pekin Times* on May 5, 1999. Mayor Tebben informed Council that the organization offered to purchase the empty lot for $9,750 to physically relocate their office building for additional and more convenient parking. No comments were received. The hearing closed at 6:36 p.m.

A second Public Hearing was opened at 6:36 p.m. for the purpose of considering the sale to David L. and Rosemary L. Milam. The Clerk verified the public was notified by publication in the *Pekin Times* on May 7, 1999. Mayor Tebben asked if anyone wanted to be heard on the potential disposition of land located at 14th & Broadway. No comments were received on the exchange of right-of-way for private property that was needed for the intersection project improvement. The hearing was closed at 6:37 p.m.

A Public Hearing was opened at 6:38 p.m. for the purpose of considering and hearing testimony to an ordinance authorizing the execution of an amendment to an annexation agreement for the tract of property known as Lutticken's Cove. Proper notice was published in the newspaper on May 7, 1999. Sandra Birdsaw addressed Council on behalf of Cullinan Real Estate and explained that the change removed public use of the lake buffer area which is to be used by home owner association members only. She answered questions from Council regarding additions to the trail system. No other comments were received. The hearing was closed at 6:40 p.m.

New Business

Motion by Com'r. Richmond, seconded by Com'r. Barra, that the **SPECIAL USE REQUEST SUBMITTED BY HARPER OIL COMPANY** for property at 1201 Court Street for outdoor sales and display be approved. Com'r. Orrick questioned the process of presenting special use permits for out door sales to Council for approval. He suggested a more expedient permit process. Ed Basch, Planning and Development Director, was asked to review that section of the Zoning Code. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Orrick, that the **SITE PLAN SUBMITTED BY HARPER OIL COMPANY** for property at 1201 Court Street for outdoor sales and display be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Barra, that the **SPECIAL USE REQUEST SUBMITTED BY LOREN AND TAMMY MARTING,** 2216 Crestview Drive for a Home Day Care, subject to approval by the State of Illinois. A general discussion followed on special use for day care facilities and their inconsistency in being approved. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Orrick, that the **SITE PLAN SUBMITTED BY LOREN AND TAMMY MARTIN,** 2216 Crestview Drive for a Home Day Care, subject to the installation of a barrier sufficient to prevent contact between the children attending the day care center and the dog(s) inhabiting the adjoining property, be approved. On roll call vote, all present voted Aye.

ORDINANCE NO. 2155-OA
AMENDING SECTION 9-10-8 BEING THE ZONING CODE OF THE CITY OF PEKIN 1995 REGARDING PORTABLE SIGNS

Motion by Com'r. Orrick, seconded by Com'r. Barra, that Ordinance No. 2155-OA be adopted. The change would limit political signs in all zoning districts to 12 square feet. The enforcement policy and procedure of the amended section of the Code was discussed. On roll call vote: Ayes, Orrick, Barra, Richmond and Tebben; Nay, Jones. Motion carried. Clerk Note: There is an Ordinance No. 2155.

ORDINANCE NO. 2156-OA
AMENDING SECTION 9-9-1 BEING THE ZONING CODE OF THE CITY OF PEKIN 1995

REGARDING SETBACKS IN R-4 ONE FAMILY RESIDENTIAL AREAS

Motion by Com'r. Orrick, seconded by Com'r. Barra, that Ordinance No. 2156-OA be adopted. Mr. Basch explained that the change to minimum rear yard setback to 30 feet would accommodate improvements to the smaller lots in the older sections of the city. On roll call vote, all present voted Aye.

ORDINANCE NO. 2157

AMENDING TITLE 10, CHAPTER 6, SECTION 6 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING R.E. (RESIDENTIAL ESTATES) ZONING DISTRICTS

Motion by Com'r. Orrick, seconded by Com'r. Barra, that Ordinance No. 2157 be adopted. On roll call vote: Ayes, Jones, Richmond and Tebben; Nays, Orrick and Barra. Motion carried.

ORDINANCE NO. 2158

ACCEPTING AN AGREEMENT TO PURCHASE AND AUTHORIZING THE SALE AND TRANSFER OF MUNICIPALLY OWNED REAL PROPERTY WITHIN THE CITY OF PEKIN/UNITED WAY

Motion by Com'r. Orrick, seconded by Com'r. Barra, that Ordinance No. 2158 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2159

AUTHORIZING THE PURCHASE AND SALE OF MUNICIPALLY OWNED REAL ESTATE AND AGREEMENT/MILAM

Motion by Com'r. Orrick, seconded by Com'r. Barra, that Ordinance No. 2159 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2160

APPROVING AMENDMENT TO ANNEXATION AGREEMENT/LUTTICKEN

Motion by Com'r. Orrick, seconded by Com'r. Barra, that Ordinance No. 2160 be adopted. On roll call vote: Ayes, Orrick, Barra, Richmond and Tebben; Nay, Jones. Motion carried

Motion by Com'r. Barra, seconded by Com'r. Orrick, that Council adjourn until the **MEETING OF THE BOARD OF LOCAL IMPROVEMENTS** is adjourned. (6:30 p.m.) On roll call vote, all present voted Aye.

Mayor Tebben declared the City Council reconvened at 6:50 p.m.

RESOLUTION NO. 4

FINAL PLAT LUTTICKEN'S COVE

Motion by Com'r. Orrick, seconded by Com'r. Richmond, that Resolution No. 4 be adopted. Joe Stutz representing the engineering firm of Maurer Stutz, Inc., pointed-out the differences in the preliminary and final plats including the additional trails recommended by the Planning Commission. On roll call vote, all present voted Aye.

RESOLUTION NO. 5

FINAL PLAT HICKORY HILLS ESTATES SECTION TWO

(supplemental survey plat for access easement to sewer lift station)

Motion by Com'r. Jones, seconded by Com'r. Orrick, that Resolution No. 5 be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 6

PLAT OF TRACT LIFT STATION AND EASEMENT HICKORY HILLS ESTATES

Motion by Com'r. Jones, seconded by Com'r. Orrick, that Resolution No. 6 be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 7

AUTHORIZING AN ECONOMIC FINANCIAL ASSISTANCE PROGRAM EDFAP LOAN TO AYTEN GRAHAM FOR KELLY AVENUE GRILL

Motion by Com'r. Jones, seconded by Com'r. Orrick, that Resolution No. 7 be adopted. Council expressed concerns in the overall security of the $100,000.00 loan. The City would have first position lien on the equipment but the corporation did not own any hard assets. On roll call vote: Ayes, Orrick, Barra; Nays, Jones, Richmond, and Tebben. Motion failed.

RESOLUTION NO. 8

DEFINING THE LIMITS OF AN 80,000 POUND TRUCK ROUTE/RIVERWAY DRIVE

Motion by Com'r. Jones, seconded by Com'r. Richmond, that Resolution No. 8 be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 9

APPROVING LICENSE AGREEMENT/ANTONINI

Motion by Com'r. Jones, seconded by Com'r. Richmond, that Resolution No. 9 be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 10

APPROVING RENEWAL OF AGREEMTN REGARDING COORDINATOR OF TOURISM

Motion by Com'r. Jones, seconded by Com'r. Barra, that Resolution No. 10 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A159

AMENDING TITLE 8, CHAPTER 4, SECTIONS 1.F. AND 1.E.(3) OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING RESTRICTED PARKING AND BUS LOADING ZONES

Motion by Com'r. Barra, seconded by Com'r. Orrick, that Ordinance No. 1462-A159 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2161

PROVIDING FOR THE IMPROVEMENT OF THE ALLEY BETWEEN PARK AVENUE AND WINTER STREET PAVING IMPROVEMENT NO 99-B

Motion by Com'r. Barra, seconded by Com'r. Richmond, that Ordinance No. 2161 be adopted. On roll call vote, all present voted Aye.

Motion by Com'r. Barra, seconded by Com'r. Richmond, that the City Manager be authorized to proceed with engineering and testing phases to construct a City owned **WATER SYSTEM TO SERVE THE HICKORY HILLS AND LUTTICKEN'S COVE SUBDIVISIONS**. On roll call vote, all present voted Aye.

Motion by Com'r. Barra, seconded by Com'r. Orrick, that the **SUPPLEMENTAL STREET MAINTENANCE PROGRAM,** appropriated MFT Funds through Resolution No. 400, be approved and the Mayor and City Clerk be authorized to execute and file all documents required on behalf of the City. The project would include three miles of additional street improvement in the Holiday Hills area. On roll call vote, all present voted Aye.

Motion by Com'r. Barra, seconded by Com'r. Orrick, that the request to **RESCHEDULE THE REGULAR COUNCIL** Meeting of Monday, June 14, 1999 to Tuesday, June 15, 1999 at 6:30 p.m. be approved. On roll call vote, all present voted Aye.

Other Business

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

Motion by Com’r. Barra, seconded by Com’r. Orrick, that Council move to **Executive Session** to discuss Litigation, Collective Bargaining, Acquisition of Real Estate, Personnel at 7:30 P.M. On roll call vote, all present voted Aye.

Motion by Com’r. Barra, seconded Com’r. Orrick, that Council **adjourn**. Motion carried by voice vote.

COUNCIL ADJOURNED AT 8:15 P.M.

Sue E. McMillan
City Clerk