
**PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
CITY HALL COUNCIL CHAMBERS
111 SOUTH CAPITOL STREET
PEKIN, ILLINOIS 61554
ON MONDAY, MAY 23, 2016 AT 5:30 O'CLOCK P.M.
JOHN MCCABE, MAYOR PRESIDING**

PRESENT: COUNCIL MEMBERS, DUNN, GOLDEN, ORRICK, RITCHASON, ABEL, LUFT AND MCCABE

ABSENT: NONE

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

Roll was called and all Council Members were present. A quorum was declared.

AGENDA

Motion by Council Member Luft, seconded by Council Member Dunn that the agenda be approved as presented. On roll call voted Aye.

MINUTES

Motion by Council Member Luft, seconded by Council Member Abel that the **minutes of the Regular City Council Meeting of May 9, 2016 be approved as written**. On roll call vote all present voted Aye.

PUBLIC INPUT

Ann Witzig spoke to the Council on the agenda item to be discussed for the provisions in the City Code for Corporation Counsel. She ask that the Council look at the money being spent for legal counsel and at minimum have guidelines for an attorney to sign so that he performs his duties.

Bob Bramham voiced his opinion on the position of corporation counsel and spoke in favor of replacing the law firm of Elliff, Dancy & Bosich with an in-house attorney. He questioned just how much the attorney salary was. He questioned why we were paying another company to collect fines.

CONSENT AGENDA

Motion by Council Member Luft, seconded by Council Member Ritchason that the **CONSENT AGENDA be approved as now presented**. The following was read and presented by Mayor McCabe for consideration of the Consent Agenda items by Omnibus Vote. Mayor McCabe gave special attention to the proclamation and the Relay for Life Event. A representative encouraged the community to come out and walk.

7.1 Receive and File Monthly Reports and Minutes: Traffic Safety Committee Minutes dated May 6, 2016; Electrical Commission Minutes dated May 5, 2016; and Tourism Committee Minutes dated May 10, 2016.

7.2 Proclamation: American Cancer Society Relay For Life Month of June, 2016

On roll call vote all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS

CHAMBER OF COMMERCE TRANSPORTATION COMMITTEE PRESENTATION

Bill Fleming Executive Director of the Pekin Chamber of Commerce asked to be able to present a short history of the Transportation Committee, presently 28 members from vast transportation backgrounds, who had been meeting since 1992. He introduced Chairman Rich Kriegsman. Mr. Kriegsman acknowledged Carole Shields and Denny Kief as critical players in formation of the committee and securing \$500,000 in funds through a strategic call to then Senator Luft for a feasibility study for a circumference road. Over the 24 years the committee's efforts have resulted in procuring over \$40 million for transportation improvements. He extended appreciation to the Council and talented staff for their support in working together.

DISCUSSION TITLE 1, CHAPTER 8.H CORPORATION COUNSEL

Mayor McCabe stated the discussion was meant to be how the City establishes procedure for hiring and maintaining legal counsel and what changes should be undertaken on the provisions in the Code for the legal department. Council Member Golden noted at a previous meeting that there were sub-sections missing from the table of contents. Discussion followed. Council Member Abel stated the council had received studies of other communities and by far Pekin was the lowest. He would have to be convinced that the City could have the legal work done in house cheaper than Attorney Dancey's present firm. Council Member Dunn addressed his questions to Interim City Manager Sarah Newcomb. She reported the on-going attorney services study started as a result of the original question regarding in-house legal counsel. Previous managers had completed comparisons in other years resulting in a wash for advantages and disadvantages. It was Council Member Dunn's opinion to move forward at a time when it is crucial to hiring a city manager and his/her weighing-in on the decision was of importance. Interim City Manager Sarah Newcomb advised the Council that she had prepared the Request for Proposals for Corporation Counsel and could be sent out but she suggested it would be more feasible to wait for the new City Manager choice of hiring. Council Member Golden provided information from the Galesburg City Clerk that contradicted that Pekin was at the low end of the scale for legal costs. Council Member Orrick stated he had more questions to be answered and felt there should be no rush in replacing the present attorneys or sending RFPs until a City Manager was on board. Council Member Golden felt the opposite that it would be nice to have an attorney in place and ready to work with the new manager. He noted several occasions that the Corporation Counsel was lacking or at fault. He noted the N. Pekin matter that had not been attempted to be resolved in 7 years. He stated the attorney situation was not just a matter of costs but a matter of work performance. Council Member Luft emphasized the importance of hiring a City Manager when continues to hold back on decisions until an attorney is on board

NEW BUSINESS

Motion by Council Member Ritchason, seconded by Council Member Orrick that the **HOUSING REHABILITATION CONSULTING CONTRACT**, be approved. Community Development Director Pamela Anderson recommended to the Council that the contract with the Pekin Housing Authority for the Community Development Block Grant (CDBG) Rehab Coordinator position be renewed for the one year term. She advised the City had participated with the Housing Authority for the last 10 years. The expense of the contract was \$2,791.67 a month budgeted within the current fiscal year CDBG allocation. Discussion followed on Council Member Golden's indication that the document should be signed by the Mayor and that the City Manager did not have the authority to sign the document. The Council Member stated he could not vote on yet another document that was not complete, clear, concise, and correct. Motion by Council Member Golden, seconded by Council Member Luft that the contract be amended by changing the signature of the City of Pekin to Mayor John McCabe. On roll call vote, Golden, Orrick, Luft, Ritchason and McCabe; Nays, Dunn and Abel. Motion Carried. On roll call vote, Ayes, Orrick, Luft, Dunn, Abel, Ritchason and McCabe; Nay Golden. Motion Carried.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Public

Larry Wolfer stated he did not believe the present Corporation Counsel had a contract with the City. He stated that the last version of the budget indicated the amount paid to Corporation Counsel was \$285,000. He suggested to the Council that if they were good stewards of taxpayer money it would be in the best interest to look at other communities as comparables than offered by the Interim City Manager such as Morton, Goodfield, Champaign, Mohomet, and Galesburg. He spoke in opposition to Danville being used as a comparable to Pekin. Mr. Wolfer requested Attorney Dancey being a specialist in Municipal Law. Mr. Wolfer next referred to documents he had regarding North Pekin wastewater treatment payments from 2006-2007 and stated what the City had charged was lower than the payments being charge to Pekin residents. He asked that Council settle the North Pekin agreement and quit allowing the public to subsidize what they owe.

Bob Bramham, presented background information regard several request he had brought to Council's attention of enforcing the paving of parking lots in particular, the County and the Rail House. He indicated that the lots not being completed and the North Pekin wastewater dispute not settle were nonperformance of the City Attorney.

Ann Witzig, stated to the Council that she had PIN numbers for 189 properties identified as the City of Pekin. She next expressed her displeasure with the City Attorney's work. She stated the issue was not about what the Corporation Counsel was paid but a matter of contracting with someone to enforce the law.

Rick Hilst, told the Council that he had filed a Freedom of Information Request that the FOIA Officer had notified him would need to be extended. The documents requested were still not available in the required days. Attorney Dancey explained to Mr. Hilst that the request required review of 6500 pieces of paper to extract those emails exempt from disclosure, then a three day process of the IT department to reproduce the information requested on to a cd. The size of the request was labor intensive. Mr. Hilst next brought to Council's attention that the Transparency financial information on the City of Pekin website were from January 29, 2016. The City Manager informed Mr. Hilst that there were issues with the software uploading and that she and Angie Evans were meeting with the company that week. Mr. Hilst told the Council that he had called the Code Enforcement Department to report tall grass in an empty lot and was told there was a hiring freeze that kept the department from keeping up with the violations. Mr. Hilst stated that by law the budget was to be available to the public 30 days in advance of its adoption and it was not. The City Manager responded that the paper document was available for the public review on the front counter of City Hall Administration and also on the website as required. He questioned if the stormwater fee would be a monthly charge.

John McNisch asked the Council not to wait or postpone matters until a new City Manager was hire but to just clean house now. He told the Council to set the group of comparable cities and to just use that list. He submitted a photo of a house on Orchard Street with overgrown grass and weeds which he indicated he had cut since 2008. He wanted to express thanks to the citizens that had cut it recently. He found it disturbing that Code Enforcement lied about grass cutting matters. He questioned if Mr. Dancey's specialty was Child Custody cases.

Staff

Sarah Newcomb informed the Council Members that GovHR representatives were in City Hall a couple of times and that lots of information had been presented to them. They had interviewed 10 or so employees and had completed their onsite portion of IT services the City uses. She also advised that 6 Request for Proposals had been received for the City Manager Recruitment services. They would be scanned and sent to the Council this week.

Sue McMillan commented that any changes that Council would like to see in a document can well be addressed prior to a Council Meeting packet being distributed. She indicated that staff members were available to answer Council questions and concerns prior to Council seeking answers and additional information during a Council Meeting.

Council

Council Member Abel commented he had heard for several months from previous Council Members, businessmen, and the public that the general trend of this Council was way too much in to operations and not their job. He suggested the matter maybe a discussion item with the new City Manager.

Council Member Dunn noted that PCHS graduated the class of 2016 of over 535 students over the weekend. He stated that Pekin wasn't rotten as stated, that the students were proof of that. They would go on to be doctors, dentists, musicians, etc. to make an impact on this City.

Council Member Orrick said that he, as a grandparent attended the graduation also and was proud of his grandson. He asked if the million dollar transfer from the Bus Department had taken place and was told that the funds were still in Reserves. He drew consensus that Council wanted staff to draw a line on North Pekin sewer issue and that he would like to see staff set a deadline of August 1, September 1 and if that was not the case to proceed with arbitration. He also stated he would like to see and made the recommended the 3rd Monday of the month as a Policy Meeting to set more policies and the vision of the Council. He also would like to see the Treasurers Report presented monthly. He expressed appreciation to all the Veterans for our freedoms and to those serving for our country now.

Council Member Golden stated he would like to hear an example of how this Council was trying to get into administration. He advised he had cited previous mayors participating in negotiations and from what Council Member Abel said maybe those were the same people pointing a finger at this Council. In regards to Council Member Orrick's request on policies he said he did not disagree with but the Council had policies that were not being enforced; a policy on dumpsters and a policy on contracts to be approved by the Council. Council Member Golden read from the City Code provisions on contracts to support his statement and gave the example of the camera purchase for the Bus Department. He stated the chief enforcement person for policies was the City Manager. He felt if policies were not enforced what good would it be to set more. He next pointed out that the IT department at the last meeting determined that the cost to viewer ration wasn't worth the City to invest in the upgrade of the broadcast equipment for the Council Chambers. The Council Member asked how the number 2000 viewers was determined when he had before him from iTV-3 information that viewer tracking was not done by the provider and the City would not have that ability. He stated he had a lot of feedback that there needed to be decent broadcasting and not one person said that it was a waste of money. He felt it was Council's decision. For the policy to see more reports not being followed, Council Member Golden read from the code the provisions that the Council shall ask for written reports from the manager, the clerk, the treasurer on the business of his or her departments. The Council asked for a written report on the North Pekin sewer agreement. Council Member Orrick then asked for a written response back when the staff would meet with North Pekin, what would be presented, the feedback, and action that would be taken and if going to arbitration then. Council Member Golden next noted a policy he felt was not followed for procurement of the cameras for the Bus Department. He read from the City Code the provisions for contracts for public improvements and the purchase authority necessary.

Council Member Luft expressed the importance of pursuing the upgrade of the broadcasting equipment because more people were watching the replays of the Council Meetings. He also expressed his appreciation to all the service men and women and the remembrance on Memorial Day. He voiced his support in the City's consideration of slowing the gaming establishments locating in the City down. Council Member Luft thanked the people that attended the ribbon cutting ceremony for he and his wife's opening of the old Maurie's Candy Shop.

Mayor McCabe gave recognition to Council Members Abel and Luft and himself as members that had served our country. He also noted the PCHS graduation and the re-opening of Maurie's, a 75 year tradition. He brought attention to the volumes of paper that are required in a Freedom of Information Request. He spoke as Liquor Commissioner on the discussions and input in regards to the gaming license establishments. He noted a final decision would come before the Council. The Mayor thanked Mr. McNisch for contributing to the community by mowing the property on Orchard.

EXECUTIVE SESSION

Motion by Council Member Ritchason, seconded by Council Member Orrick that the Council move to Executive Session at 8:00 p.m. to discuss **5 ILCS 120/2 (c) 11. Pending Litigation**. On roll call vote, all present voted Aye.

No further business to come before the Council, motion by Council Member Ritchason, seconded by Council Member Orrick, that Council adjourn. Motion carried viva voce. Mayor McCabe adjourned the meeting.

COUNCIL ADJOURNED AT 8:30 P.M.

Sue E. McMillan
City Clerk