
**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, MAY 10, 2004 AT 5:30 O'CLOCK P.M.
LYNDELL N. HOWARD * MAYOR * PRESIDING**

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

ABSENT: NONE

The **Pledge of Allegiance** was led by Scout Troop 35.

Roll was called and all commissioners were present.

Agenda

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **agenda be amended to leave on the table Ordinance No. 2375**, Amending Title 2, Chapter 12 of the Code regarding Pekin Area Convention and Visitors Committee. On roll call vote, all present voted Aye.

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

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **Minutes of the April 26, 2004 City Council meeting be corrected to reflect that the motion to table resolution #55-03/04 was made by Com'r. Massaglia and seconded by Com'r. Maddox**.

Motion by Com'r. Massaglia, seconded by Com'r. Maddox that the **Minutes of the Regular City Council meeting of April 26, 2004 as amended**. On roll call vote, all present voted Aye.

Consent Agenda

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

1. Receive and File Monthly Reports: Police, Inspections, Tazewell County Animal Control, Zoning and Inspections (Building, Code Enforcement, Sewer & Plumbing, Electrical, HVAC)
2. Proclamation: "NALC National Food Drive Day" May 8, 2004
3. Charitable Solicitation: Marine Corps Reserve Toys for Tots "Christmas in July"
PCHS Boys Tennis Boosters "Candy Sale"
Renea Beever Junior Statesman Summer School Benefit

On roll call vote all present voted Aye.

Communications, Petitions, Reports

A **Public Hearing** was opened at 5:34 p.m. by Mayor Howard for Council to contemplate the adoption of an ordinance authorizing execution of a Contract for Sale of Real Estate with Hy-Pride, Inc. for the development and sale of a parcel PIN 04-04-26-308-019 (part). The Notice for sale of property was properly published in the Pekin Times on April 23, 2004. All persons having an interest had the opportunity to be heard. The City Manager Dennis Kief was asked to address the terms and condition of the sale. He explained Mr. Hilst asked to acquire the property west of Hy-Pride Campers existing facility on Kennedy Drive. The sale was originally turned down because the City wanted to retain "Greenspace" but the contract was revised to include 50 feet of "Greenspace." Council's landscaping concerns were addressed to require shrubs. The Council was told the customarily expenses of tile were to be paid by the seller and buyer to be charged for recording.. Com'r. Richmond noted the sales price was \$6,000. The incorrectly written \$6,400 would be changed. Not additional comments were received and the hearing was closed at 5:37 p.m.

Unfinished Business

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that Resolution No. 55-03/04 **be removed from the table**. On roll call vote, all present voted Aye.

RESOLUTION NO. 55-03/04 **ANNUAL APPOINTMENTS**

Com'r. Massaglia, seconded by Com'r. Maddox, that Resolution No. 55-03/04 be adopted. On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2373 **be removed from the table**. On roll call vote, all present voted Aye.

ORDINANCE NO. 2373

AMENDING TITLE 6 OF THE CODE OF THE CITY OF PEKIN REGARDING CURFEW
Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2373 be adopted. Police Chief Tim Gillespie recommended that because the 7th United States Circuit Court of Appeals had ruled that the present ordinance was unconstitutional it was necessary to meet the first amendment concerns in enforcing curfew this summer. Council member's concerns regarding the court ruling being challenged at a later date had been addressed and members were now in agreement. On roll call vote, all present voted Aye.

It was noted Ordinance No. 2375 remained on the table by previous motion to amend the agenda.

New Business.

ORDINANCE NO. 2376

AUTHORIZING THE SALE OF MUNICIPALLY OWNED REAL PROPERTY/HY-PRIDE
Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that Ordinance No. 2376 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2377

**PROHIBITING THE SOLICITATION AND ACCEPTANCE OF GIFTS AND
ADOPTING THE GOVERNMENTAL ETHICS AND STATE GIFT BAN ACT**
Motion by Com'r. Richmond, seconded by Com'r. Maddox, that Ordinance No. 2377 be adopted. Corporation Counsel Patrick Oberle summarized the provisions of the ordinance. Old enactment of Gift Ban was ruled unconstitutional. New restrictions addressed political activities of governmental entity and soliciting, accepting and offering of gifts. Acceptable gifts were described as accepting food not exceeding \$75.00 per person in value on a single day and items from one prohibited source during any calendar year having total value of less than \$100.00. On roll call vote, all present voted Aye.

ORDINANCE NO. 2378

**AMENDING TITLE 1, CHAPTER 10 SECTION 2C OF THE CODE OF THE CITY OF PEKIN
REGARDING THE ENTERPRISE ZONE**

Motion by Com'r. Richmond, seconded by Com'r. Maddox, that Ordinance No. 2378 be adopted. Planning and Development Director Kim Uhlig recommended expansion of the Enterprise Zone as a means of attracting private sector investments and revitalization. She confirmed a Public Hearing had been held on April 13, 2004 for the purpose of discussing the extension of time of the EZ an additional 10 years to 2016. All taxing bodies having an interest were contacted and support had been received from the school districts. On roll call vote, all present voted Aye.

RESOLUTION NO. 58-04/05

AUTHORIZING STATE OPERATING ASSISTANCE GRANT OP-04-09-IL
Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that Resolution No. 58-04/05 be adopted. Public Properties Director Greg Ranney recommended he be authorize to execute the agreements with Illinois Department of Transportation for the annually process to apply for bus operating expense funding. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **SOFTWARE PACKAGE AGREEMENT WITH ABSOLUTE DATA ACCESS** in the amount of \$53,800 be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **AGREEMENT WITH MAXIMUS FOR CITY EMPLOYEE JOB CLASSIFICATION STUDY** not to exceed \$7,000 be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Massaglia, that the **HEALTH INSURANCE PREMIUM RATES FOR PLAN A** for plan year 4-1-04 to 3-31-05 be approved. Com'r Massaglia requested that the retirees be notify 6 months in advance of the change taking place. On roll call vote, Ayes, Massaglia, Richmond, Jones and Howard; Abstain, Maddox

Motion by Com'r. Jones, seconded by Com'r. Richmond, that the **CERTIFICATE OF INCUMBENCY ADDENDUM 1 OF THE CITY OF PEKIN INVESTMENT POLICY** be amended. Director Finance Robert Reis explained that the change would delete Patricia Pollock and add Angela Evans as Assistance Finance Director. On roll call vote, all present voted Aye.

RESOLUTION NO. 59-04/05

RESOLUTION FOR ENACTMENT HEARTLAND BANK AND TRUST AS DEPOSITORY
Motion by Com'r. Jones, seconded by Com'r. Maddox, that Resolution No. 59-04/05 be adopted. Council was informed by Mr. Reis that the opportunity to provide service was solicited by e-mail to local bank businesses. Heartland Bank was one of the acceptable providers of the service. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Maddox, that the **VEHICLE MAINTENANCE AGREEMENT WITH TAZEWEEL COUNTY** be approved. Com'r Massaglia voiced his opposition to the agreement that provided mechanical service to other government entity. He felt the City should not compete in the business of providing a service that takes away from the business in the local community. On roll call vote, Ayes. Jones, Richmond, Maddox, Howard; Nay, Massaglia.

Motion by Com'r. Jones, seconded by Com'r. Massaglia, that the **COUNCIL MEETING OF JUNE 14, 2004 BE SCHEDULED TO BEGIN AT 5:00 P.M.** Mayor Howard asked that Council business be conducted earlier in order for all to be present at the dedication of the Landmark clock at 6:00 p.m. On roll call vote, all present voted Aye.

Police Chief announced that South Capitol would be closed to vehicle traffic on the June 14, 2004 from 5:00 p.m.- 7:00 p.m.

Greg Ranney informed Council that all the numbers were not in for amounts of collected items on Spruce up Pekin Day. He did feel the number of garbage dumpsters filled were down because of the rain.

Commissioner Maddox stated his position in not being able to approve a Special Use Request for the sale of alcohol as the Code presently provides that establishments have "View from the Street." He then referenced the 1959 Code of the City of Pekin in which the provision also applied. He felt the Code was archaic as the 1959. Commissioner Maddox recommended that the Mayor form a committee consisting of a member of Council, a holder of a liquor license, an owner of a community business, Corporation Counsel, and a representative from the fire and police departments to review and revise the Liquor Code. Com'r. Richmond voiced the opinion that the Code has been continually updated. Com'r. Jones questioned the amount of times that the administration has spend on liquor concerns or issues in the last year and recommended time be spent on current budget problems.

Mayor Howard read from a prepared statement his apology to Mr. Dick Cohenour for learning of his not being reappointed to the Planning Commission through the press. He also apologized to the Gianessi family for being drawn into the newspaper coverage in relationship to derogatory articles regarding liquor sales. The Mayor also informed the public he was cable of being mayor in opposition to negative newspaper and editorials being published.

Other Business

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

No further business to come before the Council, a motion was made by Com'r. Jones, seconded by Com'r. Maddox that Council adjourn. On roll call vote, all present voted Aye.

COUNCIL ADJOURNED AT 6:15 P.M.

Sue E. McMillan
City Clerk