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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, APRIL 26, 1999, AT 5:30 O'CLOCK P.M.
R. DAVID TEBBEN * MAYOR * PRESIDING

PRESENT: COMMISSIONERS, ORRICK, BARRA, AND JONES

ABSENT: COMMISSIONER RICHMOND

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

Roll was called and all Commissioners were present except Commissioner Richmond.

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

Motion by Com'r. Jones, seconded by Com'r. Orrick, that the **Minutes of the Regular Council Meeting of April 12, 1999, be approved as written**. On roll call vote, all present voted Aye.

Consent Agenda
Commissioner Jones requested that item 10. d. - Pekin Planning Commission Hearing #1318 be placed under New Business for discussion. Motion by Com'r. Jones, seconded by Com'r. Barra, that the **Consent Agenda be approved** as changed.

1. Resolution No. 401 - Approving Payroll No. 9 for pay period ending 04/17/99 in the amount of $285,280.54; Claim Schedule dated 04/23/99 in the amount of $479,763.57; and Manual Payables for March in the amount of $29,181.12

2. Receive and File Monthly Reports: Wastewater Treatment

3. Proclamations:
   NALC National Food Drive Day — May 8, 1999
   Motorcycles Awareness Month — May, 1999

4. Charitable Solicitation: Shade Memorial Youth Camp Tag Days June 11-12, 1999

5. Resolution No. 402 - Annual Appointments

6. Resolution No. 403 - Support of Route 9 Improvements

7. Receive and File from United Way an Offer to Purchase 206 N. 4th Street

8. Receive and File the Zoning Board of Appeals Minutes dated March 10 and April 14, 1999

9. Receive and File the Minutes of the Pekin Planning Commission dated April 14, 1999 and Special Meeting dated April 21, 1999

10. Receive and File Pekin Planning Commission Hearings:
    a. #1315 - recommends approval to the Pekin City Council for the Special Use request by Shopko for their property at 3465 Court Street for outdoor sales and display
    b. #1316 - approved the Site Plan submitted by Shopko, for their property at 3465 Court Street for outdoor sales and display
    c. #1317 - recommends approval to the Pekin City Council of the density change on the Preliminary Plat for Pekin Villa's Extension #3
    d.
    e. #1319 - recommends approval to the Pekin City Council for the Subdivision Ordinance changes to the RE Zoning District
    f. #1320 - recommends approval to the Pekin City Council for a definition change for the serving of liquor

    g. #1321 - recommends approval of the Preliminary Plat for a spec building in the Riverway

Business Park

h. #1322 - recommends approval of the change to the original Marigold, Section 1 PRD Plat
i. #1323 - recommends to the Pekin City Council that the Special use request submitted by Mrs. Robbie Bass for a lounge at 433 Court Street, be denied, because of resulting use density and its effect on surrounding properties
j. #1324 - Pekin Planning Commission stated the layout on the site plan was acceptable and approved it
k. #1325 - recommends approval of the special use for liquor sales in a B-3 Zone for Kelly Avenue Grill, 3610 Kelly Avenue, to Pekin City Council
l. #1326 - recommends approval of the special use for outdoor liquor sales in a B-3 Zone for Kelly Avenue Grill, 3610 Kelly Avenue, to the Pekin City Council
m. #1327 - Pekin Planning Commission approved the site plan for Kelly Avenue Grill, 3610 Kelly Avenue

On roll call vote all present voted Aye.

Communications, Petitions, Reports

Rev. John Bussone announced to heighten awareness for the **NATIONAL DAY OF PRAYER** Pekin would conduct praise and worship services. Events would include continuous Bible reading at the union Mission and public prayer gathering in front of the Court House on Thursday at noon.

A **PUBLIC HEARING** was opened by Mayor Tebben at 5:35 p.m. for the purpose of discussing an Ordinance authorizing execution of a contract for private development with Riverway Business Park Development, L.L.C. Notice was published in the *Pekin Daily Times* on April 9, 1999. Council was informed that the agreement would provide for the construction of a spec building to attract businesses that want to locate in the park immediately. No comments or objections were received from the public. The hearing was closed at 5:45 p.m.

Unfinished Business

There was no indication from Council to remove the unfinished business item from the table. No action was taken. Resolution No. 396 **-** Subordination Agreement for Wayne Clifton/Pekin Antiques

New Business

Motion by Com'r. Jones, seconded by Com'r. Barra, that the **SPECIAL USE REQUEST SUBMITTED BY SHOPKO** for property at 3465 Court Street for outdoor sales and display be approved. (#1315) On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Orrick, that the **SITE PLAN SUBMITTED BY SHOPKO** for property at 3465 Court Street for outdoor sales and display be approved. (#1316) On roll call vote, all present voted Aye.

RESOLUTION NO. 404

PRELIMINARY PLAT AND FINAL PLAT PEKIN VILLAS RESUBDVISION EXTENSION THREE LOTS 2A & 2B SUNSET #25 - DENSITY CHANGE

Motion by Com'r. Jones, seconded by Com'r. Barra, that Resolution No. 404 be adopted. (#1317) Questions from Council regarding reduction in lots from 59 originally proposed to 46 and set back variances were addressed by Jack Kluever, Director of Inspections and Code Enforcement Officer. On roll call vote, all present voted Aye.

ORDINANCE NO. 2150

AMENDING SUBDIVISION CODE 10-6-6B AND 6C REGARDING RESIDENTIAL ESTATE DISTRICT LOT SIZE AVERAGES AND MINIMUM NUMBER OF LOTS

Motion by Com'r. Jones, seconded by Com'r. Barra, that Ordinance No. 2150 be adopted. (#1319) On roll call vote, all present voted Aye.

ORDINANCE NO. 2151-OA

AMENDING ARTICLE 9, BEING THE ZONING CODE OF THE CITY OF PEKIN 1995 REGARDING NEW TERM AND DEFINITION - RESTAURANT WITH INCIDENTAL LIQUOR SALES

Motion by Com'r. Jones, seconded by Com'r. Barra, that Ordinance No. 2151-OA be adopted. (#1320) Com'r. Jones expressed his concern that sections of the Code are continually being amended. Director of Planning and Development Ed Basch explained that the subdivision and zoning titles are rewritten to accommodate new trends in development patterns and to correct flaws. Mayor Tebben directed Mr. Basch to report back to Council any changes that will be pursued by the Planning Commission or if the members have an interest in rewriting the zoning and subdivision codes. On roll call vote, all present voted Aye.

RESOLUTION NO. 405

PRELIMINARY PLAT AND FINAL PLAT OF LOT 1 OF BLOCK 1 OF THE RESUBDIVISON OF RIVERWAY BUSINESS PARK

Motion by Com'r. Jones, seconded by Com'r. Barra, that Resolution No. 405 be adopted. (#1321) On roll call vote, all present voted Aye.

Motion by Com'r. Barra, seconded by Com'r. Orrick, that the **AMENDED MARIGOLD SECTION ONE PLAT,** altering new entrance road from Parkway Drive be approved. (#1322) On roll call vote, all present voted Aye.

Motion by Com'r. Barra, seconded by Com'r. Orrick, that the **SPECIAL USE REQUEST SUBMITTED BY MRS. ROBBIE BASS** for property at 433 Court Street for a lounge be approved. (#1323) Mayor Tebben explained the motion as presented was phased in the affirmative. A yes vote would not support the Planning Commission's recommendation to deny the special use for a tavern. A discussion followed on the concentration of that type of business in the 400 block of downtown and the problems that could occur. On roll call vote: Ayes, Comr's. Orrick and Barra; Nays, Com'r. Jones and Mayor Tebben. Motion Failed.

Motion by Com'r. Barra, seconded by Com'r. Orrick, that the **SITE PLAN SUBMITTED BY MRS. ROBBIE BASS** for property at 433 Court Street for a lounge be approved. (#1324) On roll call vote: Ayes, Mayor Tebben, Comr's. Barra and Orrick; Nay, Com'r. Jones. Motion carried.

Motion by Com'r. Barra, seconded by Com'r. Orrick, that the **SPECIAL USE REQUEST** for liquor sales in a B-3 Zone for **KELLY AVENUE GRILL,** 3610 Kelly Avenue, be approved. (#1325) On roll call vote, all present voted Aye.

Motion by Com'r. Barra, seconded by Com'r. Orrick, that the **SPECIAL USE REQUEST** for outdoor liquor sales in a B-3 Zone for **KELLY AVENUE GRILL,** 3610 Kelly Avenue, be approved. (#1326) On roll call vote, all present voted Aye.

Motion by Com'r. Barra, seconded by Com'r. Orrick, that the **SITE PLAN SUBMITTED FOR KELLY AVENUE GRILL,** 3610 Kelly Avenue, be approved. (#1327) On roll call vote, all present voted Aye.

RESOLUTION NO. 406

FINAL PLAT GOLFVIEW ADDITION

Motion by Com'r. Barra, seconded by Com'r. Orrick, that Resolution No. 406 be adopted subject to the approval of the construction drawings. (#1317) Council expressed concern that a possible requirement for curbs and cutters in one of the area was not completely resolved. Com'r. Jones asked that the final determination not hold-up the approval of a final plat longer than necessary. Motion by Com'r. Barra, seconded by Com'r. Orrick, that Resolution No. 406 be tabled. On roll call vote, all present voted Aye.

ORDINANCE NO. 2152

AMENDING TITLE 7, CHAPTER 1A, SECTIONS 1 AND 2 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING THE BUILDING CODE

Motion by Com'r. Barra, seconded by Com'r. Orrick, that Ordinance No. 2152 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2153

AMENDING TITLE 7, CHAPTER 1D OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING THE ELECTRICAL CODE

Motion by Com'r. Barra, seconded by Com'r. Orrick, that Ordinance No. 2153 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2154

AMENDING TITLE 7, CHAPTER 1E, SECTIONS 1 AND 2 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING THE MAINTNENANCE CODE

Motion by Com'r. Orrick, seconded by Com'r. Barra, that Ordinance No. 2154 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2155
APPROVING CONTRACT FOR PRIVATE DEVELOPMENT AND OPTION AGREEMENT AND SALE OF MUNICIPALLY OWNED REAL ESTATE/RIVERWAY BUSINESS PARK DEVELOPMENT L.L.C.

Motion by Com'r. Orrick, seconded by Com'r. Barra, that Ordinance No. 2155 be adopted. On roll call vote, all present voted Aye.

POLICY NO. 5
LOCAL BIDDER PREFERENCE

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

RESOLUTION NO. 407
CDBG HOUSING REHABILITATION LOAN PROGRAM

Motion by Com'r. Orrick, seconded by Com'r. Barra, that Resolution No. 407 be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 408
ACCEPTING DEDICATION OF RIGHT OF WAY (CILCO 14TH & BROADWAY)

Motion by Com'r. Orrick, seconded by Com'r. Barra, that Resolution No. 408 be adopted. On roll call vote, all present voted Aye.

Motion by Com'r. Orrick, seconded by Com'r. Barra, that the **AGREEMENT FOR PROFESSIONAL SERVICES WITH CLARK ENGINEERING MW, INC.** for Highland Sewer Separation Study be approved in an amount not to exceed $4,000.00. On roll call vote, all present voted Aye.

Motion by Com'r. Orrick, seconded by Com'r. Barra, that the correspondence and conceptual plan for **AUDUBON DRIVE @ COURT STREET INTERSECTION IMPROVEMENT** be received and filed. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Barra, that the Pekin Planning Commission Hearing #1318 **-** [recommending approval of the request to change the Lutticken's Cove Annexation Agreement by removing "public use" of the lake buffer area, and inserting, "to be used by Home Association Members only"; subject to the additional pathways and connections that were referred to during the January 13, 1999 Pekin Planning Commission meeting, being made continuous. The pathways and connections must meet substantial compliance with the same pathways that we encouraged our City Council to approve in our recommendation from our January 13, 1999 meeting. We request this in order to ensure more safety for pedestrian foot traffic,] be received and filed. Director of Planning and Development Ed Basch gave a clearer account of the Planning Commission's intentions in stating a condition for approval and explained the advantages in exchanging amended items with the developer. The Council asked that the Planning Commission be poled once again regarding their support or opposition to the request because the minutes reflected that the entire committee was not present or abstained from voting. On roll call vote, all present voted Aye.

Other Business

Garnet J. Meischner, 1401 Janssen asked Council to enforce no smoking regulations at the gas pumps in Pekin. Fire Chief Hamann volunteered to contact mangers of the service stations to remind them of the requirements found in State law.

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. Orrick, seconded by Com'r. Barra, that Council move to **Executive Session** to discuss Collective Bargaining and Sale of Real Estate at 7:00 P.M. On roll call vote, all present voted Aye.

Motion by Com'r. Orrick, seconded Com'r. Barra, that Council **adjourn Sine Die**. On roll call vote, all present voted Aye.

COUNCIL ADJOURNED AT 8:05 P.M.

Sue E. McMillan
City Clerk