



City of Pekin

CITY COUNCIL MEETING MONDAY, APRIL 6, 2020 5:30 PM

This will be a Remote Meeting held via "Zoom Meetings". THE PUBLIC CAN ONLY ATTEND THIS MEETING REMOTELY; Due to the Governor's Executive Order regarding COVID-19 and the relaxing of the Open Meeting Act requirements, this meeting will be held remotely via Zoom Meetings without an in-person meeting location for the public to attend. You will be able to listen to the meeting and submit comments during the time for Public Comments by sending a direct message to the meeting host using Zoom Meetings

To join in the meeting follow this link: <https://zoom.us/j/869703417>. By phone, dial in and listen to the Meeting as follows: (toll free) 1-888-788-0099; then enter Meeting ID 869-703-417. Prior to the meeting, you can also submit a public comment remotely by email by sending an email to the City Clerk at smcmillan@ci.pekin.il.us and inserting in the subject line for the email "Public Comment for Meeting on April 6, 2020".

To view meeting online go to: <http://pekinil.iqm2.com> (click banner at the top that states "View live meeting") or Channel 22

1. Pledge of Allegiance

2. Call to Order

3. Approve Agenda

4. Public Input

5. Communications

Work Session #2 Draft Budget FY21

6. New Business

- 6.1. Ordinance No. 2877 - 19/20 Amending Title 5, Chapter 1 of the Pekin City Code Declaring Violations of an Executive Order to be a Public Nuisance and Imposing a Penalty Therefor

ACTION REQUESTED: Approve and Adopt the Ordinance.

- 6.2. Ordinance No. 2878 - 19/20 Renewing Declaration of Local Emergency Within the City of Pekin in Response to the Covid-19 Pandemic and Granting Emergency Powers to the Mayor and City Manager

ACTION REQUESTED: Approve and Adopt the Ordinance.

7.	Any Other Business To Come Before The Council
8.	Adjourn



REQUEST FOR COUNCIL ACTION

Agenda Date: April 6, 2020
To: Council Members
From: Nicole Stewart, Deputy Clerk

AGENDA ITEM: Ordinance No. 2877 -19/20 Declaring Violations of an Executive Order to be a Public Nuisance

ACTION REQUESTED: Approve and Adopt the Ordinance.

DESCRIPTION: An ordinance amending Title 5 Chapter 1 by creating a new Article B declaring violations of the Governor's Executive Order 2020-10, which, among other things, orders all individuals to stay at home except to conduct certain essential activities, and closes all non-essential businesses, including restaurants and bars to be a public nuisance and to impose penalties therefor.

FINANCIAL IMPACT:

Requested Amount:
 Line Item:
 Budgeted Amount:
 Remaining Funds:

IMPACT IF APPROVED:

IMPACT IF DENIED:

ALTERNATIVES:

RELATED TO THE 2019-2021 CITY COUNCIL GOALS:

5 Year CIP. The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

Enhance Code Enforcement Services. The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.

Business Friendly Community. The Council strives to bring new businesses to Pekin while helping to maintain and expand all existing businesses. It is therefore essential to work cooperatively to make Pekin a "Business-Friendly" Community.

Efficient and Effective Municipal Operations. A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness

Police & Fire Pension Obligation. To meet the 90% funding level by the year 2040 it is essential the City plan carefully and maintain financial discipline to meet its \$63 million dollar obligation.

Employee Residency. It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

**Ordinance No. 2877 - 19/20 Amending Title 5, Chapter 1 of the Pekin City Code Declaring
Violations of an Executive Order to be a Public Nuisance and Imposing a Penalty Therefor**

6.1

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 2877 - 19/20

AN ORDINANCE AMENDING TITLE 5, CHAPTER 1 OF THE PEKIN CITY CODE DECLARING VIOLATIONS OF AN EXECUTIVE ORDER TO BE A PUBLIC NUISANCE AND IMPOSING A PENALTY THEREFOR

WHEREAS, the City of Pekin is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, the City of Pekin, as a home rule municipality, may exercise power and perform any function pertaining to its government and affairs, including, but not limited to, the power to legislate for the protection of the public health, safety, and welfare; and

WHEREAS, on March 9, 2020, the Governor of Illinois declared all counties in the State of Illinois as a disaster area in response to the outbreak of the COVID-19 disease; and

WHEREAS, on March 18, 2020, the Mayor declared a Local State of Emergency, pursuant to Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6), Section 11 of the Illinois Emergency Management Agency Act (20 ILCS 3305/11), and Section 1-5A-3 of the City Code, which declaration was subsequently renewed and extended by the City Council; and

WHEREAS, on March 20, 2020, the Governor of Illinois issued Executive Order 2020-10, which, among other things, orders all individuals to stay at home except to conduct certain essential activities, and closes all non-essential businesses, including restaurants and bars; and

WHEREAS, the City Council of the City of Pekin finds it is in the best interest of the City and its residents to amend the City Code as hereinafter provided to impose a penalty on those who fail to obey an executive order issued by the Governor of the State.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. The findings and recitations set forth above are adopted and found to be true and correct.

Section 2. Title 5, Chapter 1 of the City of Pekin, Illinois, Municipal Code is hereby amended by the addition of a new Article B as follows:

ARTICLE B. VIOLATION OF EMERGENCY EXECUTIVE ORDERS

SECTION

- 5-1B-1: Purpose
- 5-1B-2: Violation of Executive Order
- 5-1B-3: Penalty

5-1B-1: **PURPOSE:** Executive Orders in furtherance of the public health, safety, and welfare lawfully issued by the Governor of the State of Illinois by the powers vested in Article 5 of the Illinois Constitution and Section 7 of the Illinois Emergency Management Agency Act (20 ILCS 3305/7), and consistent with the powers in public health laws, shall be observed and obeyed by the citizens of the City of Pekin. Violations of these lawful Executive Orders are hereby declared a public nuisance.

5-1B-2: **VIOLATION OF AN EXECUTIVE ORDER.** It shall be unlawful for any person or entity, or any officer, agent, employee, or personal representative of any person or entity, to violate any Executive Order of the Governor of the State of Illinois issued pursuant to the Governor's powers under Article 5 of the Illinois Constitution and Section 7 of the Illinois Emergency Management Agency Act (20 ILCS 3305/7).

5-1B-3: **PENALTY.** Any person or entity having been found guilty of violating any provisions of this Article shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day a violation occurs or continues shall constitute a separate offense.

Section 3. This Ordinance shall take effect immediately upon its passage due to the immediate urgency of implementing the Governor's Executive Orders issued in response to the COVID-19 public health emergency.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval by a 2/3 majority of all members of the City Council.

PASSED AND APPROVED at the regular meeting of the City Council of the City of Pekin, this _____ day of _____, 20____; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 20____

Mayor

ATTEST:

City Clerk

CERTIFICATE

THE UNDERSIGNED CERTIFIES THAT SHE IS THE CITY CLERK FOR THE CITY OF PEKIN, ILLINOIS, AND THAT THE CITY COUNCIL AT A REGULARLY CONSTITUTED MEETING OF SAID CITY COUNCIL OF THE CITY OF PEKIN ON THE _____DAY OF _____, 20____ ADOPTED ORDINANCE NO. _____ A TRUE AND CORRECT COPY OF WHICH IS CONTAINED IN THIS PAMPHLET

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 20____.

(SEAL)

CITY CLERK



REQUEST FOR COUNCIL ACTION

Agenda Date: April 6, 2020
To: Council Members
From: Nicole Stewart, Deputy Clerk

AGENDA ITEM: Ordinance No. 2878-19/20 Renewing Declaration of Local Emergency in Response to COVID-19 Pandemic

ACTION REQUESTED: Approve and Adopt the Ordinance.

DESCRIPTION: In light of current developments related to the COVID-19 outbreak, the City Council adopted emergency powers for the Mayor and the City Manager pursuant to Ordinance No. 2874-19/20 on March 16, 2020. On March 18, 2020 and on March 23, 2020, the Mayor declared a Local State of Emergency, pursuant to Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6), Section 11 of the Illinois Emergency Management Agency Act (20 ILCS 3305/11), and Section 1-5A-3 of the City Code.

The action before the City Council is for the City Council, as a whole, to declare a Local State of Emergency and to extend that Local State of Emergency until the next meeting of a quorum of the City Council, at which time it may be continued or extended by further actions of the City Council. The Mayor and the City Manager are further authorized to exercise the emergency powers granted to them by Section 1-5A-3 and 1-7-10, respectively, as those sections were amended by Ordinance No. 2874-19/20.

FINANCIAL IMPACT:

Requested Amount:
 Line Item:
 Budgeted Amount:
 Remaining Funds:

IMPACT IF APPROVED:

IMPACT IF DENIED:

ALTERNATIVES:

RELATED TO THE 2019-2021 CITY COUNCIL GOALS:

5 Year CIP. The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

Enhance Code Enforcement Services. The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.

Business Friendly Community. The Council strives to bring new businesses to Pekin while helping to maintain and expand all existing businesses. It is therefore essential to work cooperatively to make Pekin a "Business-Friendly" Community.

Efficient and Effective Municipal Operations. A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness

Police & Fire Pension Obligation. To meet the 90% funding level by the year 2040 it is essential the City plan carefully and maintain financial discipline to meet its \$63 million dollar obligation.

Employee Residency. It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Ordinance No. 2878 - 19/20 Renewing Declaration of Local Emergency Within the City of
in Response to the Covid-19 Pandemic and Granting Emergency Powers to the Mayor and City
Manager

6.2

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 2878 – 19/20**AN ORDINANCE RENEWING DECLARATION OF LOCAL EMERGENCY WITHIN
THE CITY OF PEKIN IN RESPONSE TO THE COVID-19 PANDEMIC, AND
GRANTING EMERGENCY POWERS TO THE MAYOR AND CITY MANAGER**

WHEREAS, the City of Pekin is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, the City of Pekin, as a home rule municipality, may exercise power and perform any function pertaining to its government and affairs, including, but not limited to, the power to legislate for the protection of the public health, safety, and welfare; and

WHEREAS, the Illinois Municipal Code (65 ILCS 5/11-1-6) authorizes the City Council to, by ordinance, grant the Mayor the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the City Council as may be reasonably necessary to respond to the emergency; and

WHEREAS, the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, further provides for and emergency local disaster declaration by the Mayor, as principal executive officer of the City, the effect of which is to activate the emergency operations plan of the City pursuant to the Emergency Management Agency Act and to authorize the furnishing of aid and assistance thereunder; and

WHEREAS, on March 18, 2020, the Mayor declared a Local State of Emergency, pursuant to Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6), Section 11 of the Illinois Emergency Management Agency Act (20 ILCS 3305/11), and Section 1-5A-3 of the City Code; and

WHEREAS, The City Council finds it is in the best interests of the City, its residents, and the public health and safety to extend the Declaration of Local State of Emergency and the emergency powers granted to the Mayor and the City Manager thereunder.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. The findings and recitations set forth above are adopted and found to be true and correct.

Section 2. The Declaration of Local State of Emergency declared by the Mayor on March 18, 2020, is hereby extended until the next meeting of a quorum of the City Council is held, at which time it may be continued or extended by further act of the City Council.

Section 3. The Mayor and the City Manager are further authorized to exercise the emergency powers granted to them by Section 1-5A-3 and 1-7-10, respectively. The State of Emergency and the

Emergency Powers granted herein shall be in continuous effect until the next meeting of a quorum of the City Council is held, at which time it may be continued or extended by further act of the City Council.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED AND APPROVED at the regular meeting of the City Council of the City of Pekin, this _____ day of _____, 20____; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 20____

Mayor

ATTEST:

City Clerk

CERTIFICATE

THE UNDERSIGNED CERTIFIES THAT SHE IS THE CITY CLERK FOR THE CITY OF PEKIN, ILLINOIS, AND THAT THE CITY COUNCIL AT A REGULARLY CONSTITUTED MEETING OF SAID CITY COUNCIL OF THE CITY OF PEKIN ON THE _____DAY OF _____, 20____ ADOPTED ORDINANCE NO. _____ A TRUE AND CORRECT COPY OF WHICH IS CONTAINED IN THIS PAMPHLET

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 20____.

(SEAL)

CITY CLERK