
**PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF CITY HALL
111 SOUTH CAPITOL STREET**

ON MONDAY, FEBRUARY 24, 2014 AT 5:30 O'CLOCK P.M.

LAURIE L. BARRA * MAYOR * PRESIDING

**PRESENT: COUNCIL MEMBERS, ABEL, MCCABE, GILLESPIE, GOLDEN, ORRICK,
HENDRICKS AND BARRA,**

ABSENT: NONE

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

Roll was called. All members were physically present. A quorum was present.

AGENDA

Motion by Council Member Orrick, seconded by Council Member Gillespie that the **agenda be approved as presented**. On roll call vote all present voted Aye.

MINUTES

Motion by Council Member Orrick, seconded by Council Member Gillespie that the **minutes of the Regular City Council Meeting of February 10, 2014 be approved as written**. On roll call vote, all present voted Aye.

PUBLIC INPUT ON AGENDA ITEMS

Joe Schott, 2507 Cherry Lane, read a circumstance of vehicle impoundment to demonstrate his opposition to the ordinance. He stated it was not fair to the owner of the vehicle.

Robert Bramham, 2108 Velde Drive, commented on the Transfer of Volume Cap Ordinance. His opinion was the City was so far in debt it had to have the City of Aurora's help and the public could not afford payment of another bond.

Christine Schott, 2507 Cherry Lane, addressed the Council regarding the Impound Ordinance and asked Council to use common sense.

Brandon Dentino, 2675 Allentown Road, spoke in opposition the revised Impound Ordinance in that it was an unnecessary tax to bring in revenue.

Janet Nelms, 1604 Memorial Drive, voiced her opinion on several items of new business.

CONSENT AGENDA

Motion by Council Member Orrick, seconded by Council Member McCabe that the **CONSENT AGENDA be approved as presented**. The following was presented for consideration of the Consent Agenda items by Omnibus Vote.

7.1 Receive and File Monthly Reports: Liquor Commission Meeting January 30, 2014, Tazewell County Animal Control January Report and Traffic Safety Committee Minutes February 7, 2014.

7.2 Receive and File Pekin Planning Commission Minutes dated December 11, 2013

7.3 Receive and File Pekin Planning Commission Hearings and Recommendations: a. Hearing #12-1874 recommends approval of the Special Use for Loft Living above Hawaiian Sun Tanning located at 357 Court Street and zoned B-2 (Central Business District) contingent upon an approved floor plan be provided to City Staff.
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On roll call vote all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS

ILLINOIS STRONG

Larry VonBehren, team leader for Crisis Counseling Program for the Tazwood Center for Wellness briefed the Council on the status of the outreach program. He said a Department of Mental Health (SAMSA) \$70,000 grant

funded Illinois Strong to provide disaster relief services to Tazewell County for victims of the November 17, 2013 tornados. Ten people were hired to carry out the mission to provide support to those impacted by directing them to resources. They would begin by going door to door in targeted areas close to the destruction to provide assistance. Mr. VonBehren provided flyers to distribute to City offices.

PUBLIC HEARING

Mayor Barra opened a public hearing at 5:50 p.m. for the purpose of discussing vacating a portion of California Road. City Manager Joseph Wuellner advised the public that the right-of-way was abandoned lying next to Veterans Drive between Broadway Road and Sheridan Road. The City had agreed to vacate the property once Veterans Drive was completed in an Annexation Agreement dated September 10, 2007 with Veterans Drive Investments, LLC, William J. Leman Trustee of Letrout Land Trust; and Wedge Development, LLC. City Clerk Sue McMillan confirmed that the notice was properly published in the Peoria Journal Star on February 7, 2014. Robert Bramham, 2108 Velde Drive, questioned if the property was going to the land owners. Mr. Braham disapproved of just giving the property away. City Manager Joseph Wuellner addressed questions of the Council in regards to maintaining ditches and plowing California Road. No other comments were heard. Mayor Barra closed the hearing at 5:53 p.m.

NEW BUSINESS

ORDINANCE NO 2695-13/14 AMENDING TITLE 6, CHAPTER 2, SECTION 11 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING IMPOUNDMENT OF VEHICLES

Motion by Council Member Abel, seconded by Council Member Gillespie that **Ordinance No. 2695-13/14** be adopted. City Manager Joseph Wuellner introduced the ordinance. He stated that some of the Council Members had expressed an interest in revisiting the provisions of a section of the Code for impoundment of vehicles that had been repealed August 8, 2011. Police Chief Greg Nelson advised the Council that many believed that the ordinance was good and that it simply needed to be modified. A proposal was presented after drawing upon past experiences, consulting other municipalities, considering the perspectives of the citizen's concerns, the hearing officer, legal counsel, officers and clerical employees. He stated vehicle impoundment ordinances existed to make vehicle owners responsible and those causing more burdens on police services help bear the costs. Pekin was a dwindling minority of surrounding municipalities without the law. The Chief noted the following in critiquing the provisions:

- Allows more instant discretion on the street but uses on-duty supervisors to approve any exceptions.
- Removes some of the minor offenses from triggering a vehicle impoundment.
- Adds some serious offences that were not previously included.
- Owners could attend a hearing and if found not responsible for violation of the law would have cash bond returned.

Discussion followed regarding the purpose of the ordinance and how the impound ordinance was carried out. Council Member Golden stated he would support community service for violators but was told by the Chief that the City did not have that option by law. He then stated the City should just enforce the laws that they have. He gave examples of the use of headlights when required. In respond to the Chief reporting that past experience showed a correlation with a reduction in certain offenses, Council Member Orrick asked for statistics during the ordinance enactment and subsequent repeal. Council Member Gillespie spoke in support of the ordinance in that it holds the criminals responsible not the taxpayers. Council Member Abel spoke in support of the ordinance, echoing that crime had been reduced. Council Member McCabe presented questions to provisions regarding 3 day notification, hearings being conducted every 2 weeks, and the City's loss of money in the event of an abandoned towed vehicle. Council Member McCabe expressed that he still had questions and concerns that the ordinance was not needed. Council Member Hendricks stated he had voted to repeal the original ordinance. He noted it was not necessary to deter crime; the police already had the ability to punish crimes by impounding vehicle. Council Member Golden expressed his opinion that parents should not have to pay for an offense committed by their teenagers. Mayor Barra spoke in support of enacting the ordinance. On roll call vote, Ayes, Gillespie, Abel, and Barra: Nays, Golden, McCabe, Hendricks, and Orrick. Motion Failed.

ORDINANCE NO. 2696-13/14

VACATING MUNICIPALLY OWNED RIGHT-OF-WAY

Motion by Council Member Golden, seconded by Council Member Orrick that Ordinance No. **2696-13/14** be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2697-13/14

**APPROVING THE TRANSFER OF VOLUME CAP IN CONNECTION WITH PRIVATE
ACTIVITY BOND ISSUES AND RELATED MATTERS**

Motion by Council Member Hendricks, seconded by Council Member Orrick that Ordinance No. **2697-13/14** be adopted. Council was advised that under terms of the ordinance the City of Pekin transfers its volume cap allocation to Aurora to be applied toward the issuance of single family mortgage revenue bonds for the Assist Program. The program provides families the opportunity to buy their own home with funds to pay all or most of the closing costs and down payment. The participation agreement with other communities has no cost to the City. Council Members generally spoke in support of the worthwhile annual ordinance. On roll call vote, all present voted Aye.

Motion by Council Member McCabe, seconded by Council Member Abel that **TOURISM FUNDS TO SPONSOR 2014 IHSA MARCH MADNESS EXPERIENCE in the amount of \$5,000.00 be approved.** The recommendation of the Tourism Committee to contribute \$5,000.00 as a regional sponsor for the IHSA Boys State Basketball Tournament was presented. The Illinois High School Association request for support of the March Madness Experience was discussed. Council Member Orrick spoke in non-support of the contribution. He felt the money could be used for tourism locally. Council Member Golden noted he had previously pointed out during the financial statement presentation that the expenditure for tourism was increasing and less money was being received from the hotel tax. He stated locally he sees no funds spent to attract mountain biking which he felt is a popular local tourism attraction. Council Member McCabe expressed concern that staff had not documented an increase in stays in hotels or increase in spending of visitors at local establishments. Council Member Gillespie spoke in support of the contribution's worth regionally attracting the tournament. Council Member Hendricks told the members he had attended the tournament last year and did not see much marketing of Pekin. Mayor Barra spoke in support in its value as a team player to the region. On roll call vote, Ayes, Abel, Gillespie, and Barra; Nays Hendricks, Golden, Orrick, and McCabe. Motion failed.

Motion by Council Member Gillespie, seconded by Council Member Orrick that the **CHANGE ORDER #7 FOR PHASE 2A to the Agreement for the Wastewater Treatment Plant in the amount of \$10,043.00, be approved.** The City Manager informed the Council that the change included additions for 2 items and the deduction for 1 item due to some of the last changes once initial construction was completed. Council Member Orrick noted that there was only \$771.00 remaining in the original 3% loan contingency. He was told the project was 99% complete. Council Member Golden was informed that the plant had kept up through the construction with no issues. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

City Manager Joseph advised the public that the right turn lane would be closed on Broadway at Veterans Drive and to be careful of all other potholes. The Streets Department would repair as time allowed between snow events.

Council Member McCabe congratulated the High School speech team for attending State competition; Broadmor students in Destination Imagination; and St Jude Runners Kick-off attendants. He expressed disappointment that the Kroger store hired outside workers for their remodeling when the area has skilled construction laborers

Council Member Abel reminded the members that the Impoundment Ordinance violations were approximately \$230,000.00 and warned to keep that in mind during budget discussion.

Council Member Golden thanked the public for clearing the sidewalk after snow events. He question from the Managers weekly report which city projects were being hindered by the weather.

Mayor Barra encouraged the public to attend the *USFIRST* Regional Competition. The robot constructing teams and organization was formed to encourage high school students to enter the engineering and science fields. The event would be held at Avanti's Dome on February 27, 2014-March 1, 2014.

Twyla Ginger, 2014 Avon, pointed out issues she had with the Inspections Department regarding notice of violations to code she received for off street parking of a trailer. She found exception to the length contained in the summons to rectify the violation and that a minor child was given the notice of hearing. Robert Bramham, 2108 Velde Drive, noted violations were one sided in comparing a violation he also received for a camper on his property

Christine Schott, 2507 Cherry Lane, expressed praise to the work that was being done through Illinois Strong. She reminded the Council that tax dollars pay the inspectors salaries. She noted in regards to Council Member McCabe's comments about Krogers that the Pekin store has no control over the corporation decisions.

Janet Nelms, 1604 Memorial Drive, spoke on the following:

- Thanked the Mayor for a letter she wrote in the newspaper
- Expressed appreciation to Council Members that voted against the impound ordinance and the \$5,000 contribution to March Madness.
- Stated the City ran out of salt
- Advised the Council that tree cutting trucks were out cutting the trees and felt there needed to be control

Mayor Barra in defense of the staff not being able to address some of Council's questions or concerns with direct answers told the Council Members that if the questions were given to the departments in advance statistics and reports would have been available at the meeting.

EXECUTIVE SESSION

Motion by Council Member Abel, seconded by Council Member Orrick that the Council move to Executive Session at 7:00 p.m. to discuss 65 ILCS 120/2 (c) (2.) Collective Bargaining. On roll call vote, all present voted Aye.

No further business to come before the Council, motion by Council Member Gillespie, seconded by Council Member Orrick that Council adjourn. Motion carried voice vote. Mayor Barra adjourned the meeting in open session.

COUNCIL ADJOURNED AT 7:02 P.M.

Sue E. McMillan
City Clerk