****
****

PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF CITY HALL
111 S. CAPITOL ST
ON MONDAY JANUARY 23, 2023 AT 5:30 O'CLOCK P.M.
MAYOR PRO TEM BECKY CLOYD PRESIDING

****
****

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Boy Scouts of America.

CALL TO ORDER

Deputy City Clerk, Ms. Nicole Stewart, confirmed all Councilmembers were present. Mayor Pro Tem Cloyd called the meeting to order at 5:32 PM.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:10 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:11 PM
Dave Nutter	City of Pekin	Councilman	Present	5:10 PM
Becky Cloyd	City of Pekin	Mayor Pro tem	Present	5:10 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:09 PM
John P Abel	City of Pekin	Councilman	Present	5:11 PM
Mark Luft			Absent	

APPROVE AGENDA

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John P Abel, Councilman
SECONDER:	Dave Nutter, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

APPROVAL OF MINUTES

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John P Abel, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel

4.1. City Council - Regular Meeting - Jan 9, 2023 5:30 PM

PUBLIC INPUT

Keith Dunkelbarger addressed the Council regarding the communities population loss and requested the delay of the 4th Fire Station.

Drew Leman with Leman Properties, thanked Council for their support of the McKinley Apartments and to reconsider the recommendation of the Zoning Board of Appeals regarding the additional screening that abuts the multi-family complex to the North.

Travis Regan, a resident that adjoined McKinley Apartments' property requested Council to follow through with the recommendation of the Zoning Board of Appeals regarding the additional screening. Mr. Regan felt that Mr. Leman was retaliating because of Mr. Regan's request to add shrubs on his property. Mr. Regan also stated that the dumpster did not have a fence surrounding it and he had requested code enforcement require him to do so pursuant to the city code. Lastly, Mr. Regan read a letter from another neighbor named Diane stating that garbage was blowing over the dumpster and that there had been an increased level of noise and bright lights of cars going in and out and was in favor of the buffer.

Debra Montgomery requested Council's assistance to help the Schipper and Block building as well as the arcade building from being destroyed. Ms. Montgomery explained that she had a Facebook group with close to 300 signatures petitioning to safe those buildings.

Janet Paplon, a resident of the Hickory Hills subdivision, spoke to Council regarding working together to come to a resolution regarding the Zoning Board of Appeals recommendation of the screening at McKinley Apartments and decisions to be made regarding the fire station.

Ann Witzig approached the Council and spoke against agenda item 7.1 Reader Area Development, Inc. Downtown Report - Strategies for a Revitalized Business District. Ms. Witzig stated that $2M to spend on the downtown along with a downtown manager was not acceptable. Ms. Witzig also pointed out that the sidewalk at 1103 Capitol Street was in disrepair and requested that Council rescind the snow removal policy. Lastly, Ms. Witzig requested an update on the 5 year Capitol Plan described at the end of the Request for Council Action and spoke in favor of code enforcement.

Jim Mangan spoke against agenda item 8.5 Resolution No. 532-22/23

Rescinding Policy No. 22-19/20 in its Entirety and Replacing with Policy No. 25-22/23

Procedure for Placing Items on the Agenda for Meetings of the City Council and agenda item 9.1 Discussion Procurement Policy.

Katherine Jennings spoke in favor of the bike lanes and stated that the water meters were missing parts in the community. Ms. Jennings also stated that the traffic signals were not timed correctly.

CONSENT AGENDA

Councilmember Nutter requested to remove Consent Agenda Item No. 6.3 Resolution No. 529-22/23 Mayor's Appointment of Josie A. Esker to Tri-County River Valley Development Authority for a term until the third Monday of 2026 and place it as New Business Item No. 8.6.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

6.1. Police Department Stats - December 2022

6.2. Resolution No. 533-22/23 Appointment to TC3 Governance and Operations Boards

6.4. Ordinance No. 4037-22/23 Rezoning Request at 901 Broadway Street (Case RZ 2023-01)

6.5. Ordinance No. 4038-22/23 Variance Request at 417 Edgewood Drive (Case V 2023-02)

PRESENTATION

7.1. Reader Area Development, Inc. Downtown Report - Strategies for a Revitalized Business District

Erik Reader from the Reader Area Development, Inc., provided Council with a slideshow of a Downtown Report regarding Strategies for a Revitalized Business District. Mr. Reader's presentation discussed the downtown boundaries, observations, visible blight, unmarked structures signage and residential treatment within the city. Mr. Reader furthered his presentation by discussing the City's strengths, weaknesses, opportunities and threats. Mr. Reader suggested stabilizing buildings through upper story living, tapping into the art community, and branding. Finally, Mr. Reader discussed a recommended annual budget of $2M and the recommended source of funding.

NEW BUSINESS

8.1. 3350 : Ordinance No. 4039-22/23
Variance Request at 100 Ironwood Drive (Case V 2023-01) as Amended

Interim City Manager, Mr. Bruce Marston, presented the request for Council action to approve and adopt an ordinance requesting a variance at 100 Ironwood Drive. Mr. Marston explained the request was submitted by Drew Leman of McKinley Apartments LLC to waive the obscuring wall requirement where the off-street parking was abutted to a residential district. A 4'6" high obscuring wall was required to be provided and maintained on sides abutting or adjacent to a residential district and multi-family residential district for the uses listed in the city code which was approximately 215 feet on the North side. The Zoning Board of Appeals recommended to allow the variance of the obscuring wall requirements to permit a substitution of vegetation at a minimum height of thirty-six inches tall at the time of installation.

City Attorney, Ms. Kate Swise, stated that the resolution recommended a screening vegetation of 36 inches in height and compact and dense enough to create a screen to run the entire length of the parking lot.

Councilmember Hohimer spoke in favor of allowing the vegetation screening.

Councilmember Nutter expressed concern categorizing the length along the driveway and not the parking lot.

Mr. Drew Leman clarified that the language referred to was the driveway to get into the parking lot and that the motion was originally proposed to only target an area of about 20 feet where there could be any kind of light. Mr. Leman stated that the attorney changed the motion to the length of the driveway and that was what was voted on.

Mr. Leman added that they had already planted 18 trees to screen around the dumpster and would be happier to extend it even further.

Mr. Travis Regan spoke asking Council to follow the city code.

Councilmember Orrick and Councilmember Hohimer agreed that this was not a cookie cutter decision.

Councilmember Hohimer questioned whether there was a 35 foot set back from the street. Ms. Swise stated that it would be reasonable to allow for that.

Ms. Swise stated that the resolution was drafted to only include a screening of the parking lot and not the driveway.

Councilmember Orrick stated that the resolution should state that the vegetation screening should run from the east boundary of the property on the north side to the first light standard on the north side of the property.

Mr. Regan requested to Council that the item be tabled.

A motion was made by Councilmember Orrick seconded by Councilmember Hohimer to state in the resolution that the plantings shall start at the northeast corner of the property and run on the North side to the West to the first lighting standard approximately 30-40 feet. On roll call vote all presented voted Aye. Motion to amend the resolution carried.

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

Motion to: **Amend Ord No. 4039-22/23 Section 2 to Redefine Area Covered by the Screening Vegetation**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

8.2. Rescind Ordinance No. 4010-22/23 Amending Chapter 5, Article IV, Division 2, Section 1-7 of the Pekin City Code Regarding the Sidewalk Snow Removal Policy

Interim City Manager, Mr. Bruce Marston, presented the agenda item to Council to rescind Ordinance No. 4010-22/23 Amending Sidewalk Snow Removal Policy. Mr. Marston explained that in August of 2022, Council had amended said ordinance to require residents to be responsible for the removal of snow from sidewalks on residential property.

Mayor Pro Tem Cloyd stated that there had been a great deal of discussion on the ordinance in the past and that Council was under the impression that they needed to pass it in order to be ADA compliant. Mayor Pro Tem felt that it was an undue burden on the residents.

Councilmember Hohimer questioned what the law stated. City Attorney, Ms. Kate Swise, advised that the law under ADA stated that the city was required to make its services to the public and that included sidewalks. The law did not require citizens to clear sidewalks as temporary obstructions did not violate the ADA. Ms. Swise reiterated that it was the city's obligation to keep sidewalks accessible.

Councilmember Hohimer questioned whether the city was set up for liability without a plan to remove the snow. Ms. Swise answered that there was a potential should the city receive snow the same as Buffalo, NY.

Mayor Pro Tem requested that the notice be delivered in the city's wastewater bills. City Manager, Bruce Marston, agreed to have the notice of the rescinded ordinance included in the wastewater bills.

RESULT:	**ADOPTED [5 TO 1]**
MOVER:	Dave Nutter, Councilman
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Nutter, Cloyd, Orrick, Abel
NAYS:	Karen Hohimer
ABSENT:	Mark Luft

8.3. Resolution No. 530-22/23 Approve Intergovernmental Agreement for Guardrail Improvement Project

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution approving an intergovernmental agreement for a guardrail improvement project. Mr. Marston explained that City had recently participated in a grant application for guardrail improvements for multiple counties, cities and townships in the area. The HSIP grant was awarded to fund guardrail improvements at 90% with a 10% local match. Mr. Marston continued to explain that the city applied for improvements on Sheridan Road and a small part of 18th Street with a total cost estimated to be $66,120.91 of which the City would be responsible for $6,612.09.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dave Nutter, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

8.4. Resolution No. 531-22/23 Annual Support for Greater Peoria Economic Development Council

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution giving annual support for the Greater Peoria Economic Development Council to build growth through targeted business assistance, attraction, workforce development and regional marketing. Mr. Marston stated that the city benefits from business attraction efforts with leads generated from site selectors, conferences and tradeshows focused on manufacturing and healthcare industries. Staff recommended supporting the GPEDC.

Councilmember Orrick questioned how many representatives from the city was on the GPEDC.

Christopher Setti, CEO of the Greater Economic Development Council, explained that up until this evening it was the Mayor before he resigned and stated that the Mayor was traditionally part of the Board of Directors. Mr. Setti also pointed out that Economic Development Manager, Mr. Matt Fick was also a member of a working group along with Ms. Amy McCoy from the Pekin Chamber of Commerce.

Mayor Pro Tem Cloyd questioned the attached invoice in the packet as to why it was dated 2022. Mr. Setti answered that the City was invoiced in July of 2022 and would typically invoice each year in that month.

Council discussed the GPEDC's budget for the year and how grant funds were used to help Pekin businesses apply for grants.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dave Nutter, Lloyd Orrick
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

8.5. 3357 : Resolution No. 532-22/23
Rescinding Policy No. 22-19/20 in its Entirety and Replacing with Policy No. 25-22/23
Procedure for Placing Items on the Agenda for Meetings of the City Council as amended

Interim City Manager, Mr. Bruce Marston, presented the agenda item to Council to approve and adopt a resolution rescinding and replacing a policy regarding procedures for setting an agenda for meetings of the City Council. The proposed policy would provide for the City Manager to determine which items are to be brought forth for council consideration and allow for the Mayor and another councilmember or two councilmembers to place items on the city council agenda with a ten calendar day notice. Mr. Marston added that meetings with the Mayor, City Manager, and City Clerk would be conducted to determine agenda items with the goal to publish the agenda and packet the Wednesday before a Monday evening Council meeting.

Mayor Pro Tem Cloyd requested the policy allow for the Mayor and a second councilmember to place items on the agenda as opposed to just the City Manager.

Council continued the discussion in detail of the Mayor, councilmembers and City Manager placing items on the agenda and the role of the Mayor.

Councilmember Hilst proposed adding language to the policy requiring an email be sent to the City Manager or City Clerk requesting items to be placed on the agenda or during a public meeting.

City Attorney, Ms. Kate Swise, stated that it would not be in keeping with the spirit of the policy allowing direction to place items on the agenda via email only. Allowing two Councilmembers to place items on the agenda during an open meeting should be valid.

Councilmembers Hohimer and Abel spoke against the policy.

A motion was made by Mayor Pro Tem Cloyd seconded by Councilmember Hilst to amend the policy to allow for two councilmembers or the Mayor and another councilmember to place items on the council agenda. On roll call vote Councilmembers Hilst, Nutter, Orrick and Mayor Pro Tem voted Aye, Councilmembers Abel and Hohimer voted Nay. Motion carried.

A motion was made by Councilmember Hohimer seconded by Councilmember Abel to layover Resolution No. 532-22/23 Rescinding Policy No. 22-19/20 in its Entirety and Replacing with Policy No. 25-22/23 Procedure for Placing Items on the Agenda for Meetings of the City Council until further information came forward. On roll call vote Councilmembers Abel, Nutter and Hohimer voted Aye, Councilmembers Hilst, Orrick and Mayor Pro Tem Cloyd voted Nay. Motion failed.

RESULT:	**APPROVED AS AMENDED [4 TO 2]**
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Rick Hilst, Dave Nutter, Becky Cloyd, Lloyd Orrick
NAYS:	Karen Hohimer, John P Abel
ABSENT:	Mark Luft

Motion to: **Amend 8.5 Resolution No. 532-22/23 Policy No. 25-22/23 Allowing Two Councilmembers or the Mayor and a Councilmember to Place Items on the Agenda**

RESULT:	**ADOPTED [4 TO 2]**
MOVER:	Becky Cloyd, Mayor Pro tem
SECONDER:	Rick Hilst, Councilman
AYES:	Rick Hilst, Dave Nutter, Becky Cloyd, Lloyd Orrick
NAYS:	Karen Hohimer, John P Abel
ABSENT:	Mark Luft

Motion to: **Layover 8.5 Resolution No. 532-22/23 Rescinding Policy No. 22-19/20 and Replacing with Policy No. 25-22/23 Procedure for Placing Items on the Agenda for Meetins of the City Council unitl Further Information was Brought Forward**

RESULT:	**DEFEATED [3 TO 3]**
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	John P Abel, Councilman
AYES:	Karen Hohimer, Dave Nutter, John P Abel
NAYS:	Rick Hilst, Becky Cloyd, Lloyd Orrick
ABSENT:	Mark Luft

8.6. Resolution No. 529-22/23 Mayor's Appointment of Josie A. Esker to Tri-County River Valley Development Authority for a term until the third Monday of 2026

Councilmember Nutter led the discussion regarding the Mayor’s Appointment of Josie A. Esker to the Tri-County River Valley Development Authority for a term until the third Monday of 2026. Councilmember Nutter asked for an explanation regarding the role of the Tri-County River Valley Development Authority and whether Ms. Esker was the right person for the appointment.

Council discussed the organizations purpose and that Mark Rothert was the last appointee.

Ms. Josie Esker added that the organization did not meet regularly and that they did not have their own funding. It was made up of an allocation of low interest loans or bonds. The organization dealt with exclusively big developments.

City Attorney, Ms. Kate Swise, explained that the Tri-County River Valley Development Authority was a special district established by state statute that provided for 11 members that included state appointees, government appointees, county board appointees or one member appointed by each of the county board chairman’s of Peoria, Woodford, and Tazewell, and three appointed one each by the City Councils of Peoria, East Peoria, Pekin. Ms. Kate continued stating that the City Council of Pekin gets one appointee by statute.

Councilmember Nutter stated that he felt it was important to have an appointee from the City.

Council continued the discussion questioning ex officio members and that no projects had been brought forward from the organization.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dave Nutter, Councilman
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

9.1. Discussion Procurement Policy

City Manager, Mr. Bruce Marston, led the discussion regarding the City's current Procurement Policy. Mr. Marston explained that in order to roll the policy out city wide a software program would need to be implemented. Mr. Marston stated that Springbrook did have a module to add to the program.

Ms. Josie Esker added that the procurement policy created restrictions and gave allowances in some ways.

Fire Chief Trent Reeise, explained that their department has multiple small purchases under $5K.

Mr. Marston continued to explain that the city did not have a purchasing department or resources to have a group of employees administer the policy.

Network Administrator, Mr. Dave Hess, explained that the I.T. Department dealt with vendors only willing to give 30 day quotes. Their department utilizes cooperative purchasing and DO I.T. program utilizing state bidding.

Councilmember Hilst discussed the number of purchasing agents and whether they could be identified.

Council continued the discussion regarding the budget, utilizing the bobcats and bringing forth an explanation of Sourcewell.

OTHER BUSINESS

City Attorney, Ms. Kate Swise, informed Council that the City Municipal Code provided for a Mayor Pro Tem that had the authority to preside over meetings, sign ordinances and fill in when the Mayor was absent. The Illinois State Statute provided for a procedure when the Mayor seat was vacant stating that the remaining members shall within 60 days or by election under municipal code. Ms. Swise added that if the term ended less than 28 months then the person be appointed as acting Mayor until the next election. The acting Mayor would have all the duties of the Mayor including sitting on the Liquor Commission and other appointments. The next election is shortly after the 60 days.

Councilmember Hilst questioned whether the crack fill machines were being utilized.

City Engineer, Ms. Josie Esker, answered that they were not received until the temps were to low to crack fill.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 21. DISCUSSION OF MINUTES OF MEETINGS LAWFULLY CLOSED UNDER THE OMA AND 1. PERSONNEL

A motion was made by Councilmember Hilst seconded by Councilmember Orrick to move into Executive Session to discuss 5 ILCS 120/2 (c) 21. Discussion of Minutes of Meetings Lawfully Closed Under the OMA and 1. Personnel at 9:05 PM. Motion carried voice vote.

Mayor Pro Tem Cloyd announced that no action would be taken after Executive Session.

ADJOURN

There being no further business of the Council, a motion was made by Councilmember Hilst seconded by Nutter to adjourn the meeting. Motion carried viva voice. Mayor Pro Tem Cloyd at 9:29 PM.