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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 CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY, JANUARY 23, 2012 AT 5:30 O'CLOCK P.M.
LAURIE L. BARRA, MAYOR PRESIDING

PRESENT: COUNCIL MEMBERS, ABEL, BLANCHARD, SCHMIDGALL, MASSAGLIA, HENDRICKS, MCCABE, AND BARRA

ABSENT: NONE

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

Roll was called and all Council Members were physically present except Council Members Schmidgall. A quorum was present. Council Member Schmidgall entered the meeting at 5:55 p.m.

AGENDA
Motion by Council Member Abel, seconded by Council Member Blanchard that **the agenda be amended by removing 9.1 Agreement with Advance Technology Recycling under Unfinished Business and the agenda be approved as amended**. On roll call vote all present voted Aye.

MINUTES
Motion by Council Member Abel, seconded by Council Member Massaglia, that the **minutes of the Regular City Council Meeting of January 9, 2012, be approved as written.** On roll call vote, all present voted Aye.

PUBLIC INPUT
Nathan Schmidgall, 1019 Edgewater Drive, addressed the Council on HB 2306 providing for the end of Federal Marijuana Prohibition Act. The bill does not legalize marijuana but removes it from the list of federally controlled substances while allowing states to decide how they will regulate it. He urged the Council to begin open discussion to legalize marijuana for adults over 21 and its use for pulmonary function.

Seth Mingus, 2904 Fondulac, East Peoria introduced himself to Council as the Assistant Principal Pekin Community High School. He voiced support for the passage of the ordinance to prohibiting the sale, procession, delivery or use of synthetic alternative drugs. He stated the school has found a greater presence of it and the false perception that the drugs are safe because they are legal. Illnesses, suspensions and expulsions were related to the drugs.

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

7.1 Receive and File December Monthly Reports and Minutes: Police Department, Fire Department, Tazewell County Animal Control, and Building Department Reports.
7.2 Receive and File Annual Financial Statements for Year Ended April 30, 2011 prepared by Willow, Warning & Co., P.C.

Council Member Blanchard was informed by the Fire Chief that calls responded to by the department are determined by T/PCCC, from dispatch cards based on the information of the extent of the injury. On roll call vote all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS

Police Chief Greg Nelson **PRESENTED OFFICER RODNEY HANY** a City watch for his 21½ years of service to the Pekin Police Department. He described the retiring officer as an easy going, committed family man and that it was unfortunate that he was injured in the line of duty.

Presentation of the **ANNUAL AUDIT REPORT FOR YEAR ENDED APRIL 30, 2011** was made by Jim Warning of Willock Warning & Co., Certified Public Accountants. Remarks were delivered by Mr. Warning from a condensed summary as to the City's financial position and activities for FY ended in 2011. He discussed the revenue levels of FY 2008 as comparison to the FY 2011 net assets and changes to access the condition of the City as a whole because of economic factors affecting a comparison with 2010 and 2009. He reported that trends in revenues were concerning, yet personnel/pension costs continue to rise. In summary, he was cautiously optimistic about finances in the City.

Assistant City Manager Darin Girdler provided summary information and preliminary figures for the development of the **FY 2013 BUDGET.** He stated after line item review and some adjustment process, staff was able to fine tune each department's original request and present a lean budget without cutting levels of core services or reduced personnel or adding new programs. A solution was also proposed for approximately $2.2 million of deferred capital items which involved a debt instrument such as a loan or bond issue. Snow plow, ladder truck, street sweeper garbage trucks, etc. to replace aged or obsolete equipment could be purchased with the repayment of the debt allocated to the appropriate department over a 10 year period. It was suggested that more detail of budget information would be provided the Council with final approval in March prior to the start of the fiscal year. Mayor Barra complimented the staff on providing a plan for a balanced budget. Discussion followed. Council Member Schmidgall requested a list of the departments' unfulfilled wishes as a matter of fiscal responsibility. Council Member Blanchard requested a formal budget work session to review items in department budgets. Council was not in agreement on necessity of budget meetings. Mayor Barra instructed members to arrange individual time with the Assistant Manager in the next two weeks if there was further detail or explanation of budget figures needed.

NEW BUSINESS

Motion by Council Member Blanchard, seconded by Council Member Massaglia that the **INTERGOVERNMENTAL AGREEMENT WITH THE PEKIN HOUSING AUTHORITY FOR POLICE PROTECTION SERVICES be approved.** Police Chief Nelson recommended to the Council a joint Agreement with the Pekin Housing Authority to provide protection of the residents by uniform off-duty police officers. Rates for the annual renewal between the months of February through January remained at $25.00 per hour. Council questioned the limits for voluntary services and additional liability cost to the City. Council was advised that workers comp was covered by the Housing Authority and that officers fall under the City's liability coverage. On roll call vote all present voted: Ayes, Abel, Schmidgall, McCabe, Hendricks, Massaglia, Barra; Nay, Blanchard. Motion Carried.

ORDINANCE N0. 2649-11/12

ESTABLISHING PROCEDURE FOR SALE OR LEASE OF SURPLUS PUBLIC REAL ESTATE

Motion by Council Member Schmidgall, seconded by Council Member Abel that Ordinance No. 2649-11/12 be adopted. Assistant City Manager Darin Girdler explained to Council that the procedure will allow the City to more efficiently handle the process of disposing or leasing surplus properties by allowing the City Manager to negotiate the price and terms. A final agreement would be presented to Council for approval by ¾ vote. The provisions would later be incorporated into the Code of the City of Pekin. On roll call vote: Ayes, Abel, Schmidgall, Blanchard, Massaglia, Barra; Nays, McCabe, Hendricks. Motion Carried.

ORDINANCE N0. 2650-11/12

EXECUTION OF AN EXCHANGE AGREEMENT

Motion by Council Member Massaglia, seconded by Council Member Blanchard that Ordinance No. 2650-11/12 be adopted. The ordinance provided for the exchange of 19.1248 acres of City property for two parcels 11.953 acres necessary for the continued acquisition of right-of-way for Veterans Drive Project. Relocation of irrigation systems and tree clearing would be reimbursed by IDOT. On roll call vote all present voted Aye.

RESOLUTION NO. 26-11/12
SUPPLEMENT TO RESOLUTION NO. 42-09/10

Motion by Council Member Hendricks, seconded by Council Member Blanchard that Resolution No.26-11/12 be adopted. City Engineer Mike Guerra explained to the Council that the resolution appropriated additional Motor Fuel Tax in the amount of $657.50 for the state project which resurfaced Rt 9 from Olt to Tremont and upgraded traffic signals at Court & Veterans and Court & Barney. The project was recently finalized and total City share of costs exceeded the original appropriation of MFT money for $4,000.00 approved on April 12, 2010. On roll call vote all present voted Aye.

ORDINANCE N0. 2651-11/12
AMENDING TITLE 6, CHAPTER 2 OF THE CODE OF THE CITY OF PEKIN 1995 BANNING SYNTHETIC ALTERNATE DRUGS

Motion by Council Member McCabe, seconded by Council Member Massaglia that Ordinance No. 2651-11/12 be adopted. The purpose of the ordinance to prohibit the sale, gift, delivery, possession and use of synthetic alternative drugs was presented to the Council. Police Chief Nelson advised that alternative drugs that mimic cannabis and known as K-2 and spice were being imported into this country mostly from China. The small bags and were being sold at commercial businesses such as gas stations and smoke shops in the community. National Poison Control Centers have received increased reports of these compounds being used and the State struggles to keep up with new variations being introduced. Council Member Hendricks read from a prepared statement that he did not advocate drug usage but the ordinance just created another level of government when there were laws already at the State and Federal levels. He expressed doubt that an ordinance would reduce the use of the drugs.

Motion by Council Member Hendricks, seconded by Council Member Blanchard that Ordinance No. 2651-11/12 be tabled. On roll call vote: Ayes, Blanchard, Hendricks; Nays, Abel, Schmidgall, McCabe, Massaglia, Barra. Motion Failed. Debate on the merits of the ordinance followed. Council Member Hendricks felt the ordinance was too broad and could leave the City open to possible litigation. Council Member Blanchard asked for more information on State law. He said enforcement of local provisions was not a top priority for the police to focus on. Council Member Schmidgall reiterated the ordinance would stop the sale of the drugs in Pekin. Council Member McCabe and Mayor Barra stated they have seen the negative effects of the drugs at the high school.

Council Member Massaglia called for the question. Roll was called on the original motion to adopt the synthetic drug ordinance. On roll call vote: Ayes, Abel, Schmidgall, McCabe, Massaglia, Barra; Nays, Blanchard, Hendricks. Motion Carried.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

- Ken Ehresman, 500 W. South Street, Pontiac, Senior Technician with Advanced Technology Recycling, thanked the Council for considering a contract with ATR though it was removed from the agenda. He stated his company offered a sustainable approach to e-waste and urged the Council to look at certified companies. He committed to being available if needed in the future by the City.
- Dale Kuntz, 5 Fox Point, distributed photos and addressed the Council regarding his continued efforts to point out and overcome "melancholy" on Court Street.
- Tyler Wallis, student of Pekin Community High School, thanked the Council for the adoption of the synthetic drug ordinance, pointing out the negative effects he had seen among the students users in grades and family.
- Roger Greer, 601 Prince Street, expressed his concern that there were too many laws, unemployment, and homelessness in Pekin.
- Nathan Schmidgall, 1019 Edgewater, reiterated his urging for Council to do what they could to legalize the use of marijuana.

No further business to come before the Council, motion by Council Member McCabe, seconded by Council Member Blanchard that Council adjourn. Motion carried by voice vote.

COUNCIL ADJOURNED AT 7:05 P.M.

Sue E. McMillan
City Clerk