

**MINUTES  
NEW COUNCIL CHAMBERS IN THE CIVIC COMPLEX  
401 WEST WASHINGTON STREET, EAST PEORIA, ILLINOIS**

**AUGUST 4, 2020**

The Regular Meeting of the City Council of the City of East Peoria, Illinois was called to order by his Honor Mayor John P. Kahl presiding at 6:00 P.M. with proper notice having been given.

Upon the roll being called the following answered present: Mayor John P. Kahl, Commissioner Daniel S. Decker, Commissioner Mark E. Hill, Commissioner Seth D. Mingus, and Commissioner Michael L. Sutherland.  
Absent: None.

The invocation was given by Commissioner Hill.

Mayor Kahl led the Council and the audience in the pledge of allegiance to the flag.

Mayor Kahl asked for any comments from the audience. There was no response.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move that the minutes of the Regular Meeting held on July 21, 2020 and the minutes of the Closed Meeting/Executive Session held on July 21, 2020 be approved as printed.

Yeas: Commissioner Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Mayor Kahl proclaimed August 2020 as “Duck Race Month” for The Center for Prevention of Abuse.

Mayor Kahl proclaimed Full Support of the 2020 Census.

Mayor Kahl stated if there was anyone in the audience who wanted to speak on any items on the agenda to come to the podium and state the matter or matters to be discussed.

Mr. Roy Sorce from Sorce Enterprises came up to the podium. He explained that his company has been operating in the area for the last fifty years and that he is seeking the application for cannabis dispensary not only for that operation but to use the money from the cannabis dispensary as a stepping stone to help in the carp processing operation that will help the State of Illinois. He is laying out his plan to ensure that the carp is processed locally. Funding for the carp processing program has been limited to almost nonexistent. He essentially intends to use the cannabis operations to run the carp processing plant. Mr. Sorce explained that he and his team can respond to concerns and questions, and he hopes to be the face of small business that can adapt to change. He asked support from the local agencies to provide funding for this food source. Finally, Mr. Sorce asked that the City approve the current applied for location or work with Sorce Enterprises to find a place along main street that meets the criteria. He explained that the company has handled food for almost fifty years, and it will utilize cannabis dollars to do something good for the state with the Asian carp processing facility.

Mayor Kahl asked for any other comments from the audience. There was no response.

**CONSENT AGENDA ITEMS BY OMNIBUS VOTE:**

Mayor Kahl asked if any Commissioner wished to remove any items from the Consent Agenda for discussion. There was no response.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move to adopt a consent agenda consisting of items numbered 1 through 4 as listed on the agenda for this meeting to be considered by omnibus vote.

Item Number 1 – Adoption of Resolution Number 2021-035 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 6 in the amount of \$4,146,336.49.

Item Number 2 – Adoption of Ordinance Number 4512 on its Second Reading - (AN ORDINANCE PROVIDING FOR DEDICATION OF RIGHT-OF-WAY FOR CITY PROPERTY ADJACENT TO HIGHVIEW ROAD).

Item Number 3 – Adoption of Ordinance Number 4510 on its Second Reading - (AN ORDINANCE AMENDING TITLE 3, CHAPTER 3 OF THE EAST PEORIA CITY CODE TO CHANGE THE NUMBER OF CLASS A, D, AND E LIQUOR LICENSES AUTHORIZED TO BE ISSUED WITHIN THE CORPORATE LIMITS OF THE CITY).

Item Number 4 – Adoption of Resolution Number 2021-030 on its Second Reading – Resolution Accepting Fifth Change Order for City’s Sanitary Sewer System Upgrade Project (Phases A – C Construction Project) (Change Order #5).

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Items numbered 1 through 4 listed on the Consent Agenda be hereby approved and adopted, the items numbered 2 through 4 having been read once by their title and having laid on the table for no less than one week for public inspection be adopted as presented.

Item Number 1 – Adoption of Resolution Number 2021-035 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 6 in the amount of \$4,146,336.49. (Adopted by omnibus vote)

Item Number 2 – Adoption of Ordinance Number 4512 on its Second Reading - (AN ORDINANCE PROVIDING FOR DEDICATION OF RIGHT-OF-WAY FOR CITY PROPERTY ADJACENT TO HIGHVIEW ROAD). (Adopted by omnibus vote)

Item Number 3 – Adoption of Ordinance Number 4510 on its Second Reading - (AN ORDINANCE AMENDING TITLE 3, CHAPTER 3 OF THE EAST PEORIA CITY CODE TO CHANGE THE NUMBER OF CLASS A, D, AND E LIQUOR LICENSES AUTHORIZED TO BE ISSUED WITHIN THE CORPORATE LIMITS OF THE CITY). (Adopted by omnibus vote)

Item Number 4 – Adoption of Resolution Number 2021-030 on its Second Reading – Resolution Accepting Fifth Change Order for City’s Sanitary Sewer System Upgrade Project (Phases A – C Construction Project) (Change Order #5). (Adopted by omnibus vote)

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried and the items adopted by omnibus vote designation.

Resolution No. 2021-032 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2021-032, hereto attached, a Resolution to Approve the Riverfront Midrise Apartment Development Agreement with Teekona Group, Inc., be approved. Mr. Mayor, I move you that this Resolution No. 2021-032 be accepted on its first reading as read by its title, and be laid on the table for no less than one week for public inspection.

Commissioner Hill explained the agreement which a development agreement dealing with Lot 2 that is between the Embassy Suites and the former Granite City. It is regarding mixed-use development of approximately 142 market rate apartments along with other amenities complementary to the development and its residents. This agreement assures a quality development and the terms under which it can move forward and be completed by no later than October 31, 2022. The investment made by the developer will not be less than \$13,000,000. The City will offer the land to the project along with a performance-based incentive utilizing only Tax Increment Funded-generated funds from the project.

Commissioner Sutherland commented on former development agreements by previous City Councils and explained that he is in favor of this development agreement. He explained that the City has no money is in the project. The property will be developed and then in a few years the property taxes will be received from the project. He believes that people will be impressed by look of the building.

Mayor Kahl explained that the plans call for residential development that will compliment what was done with the Levee District. He looks forward to the project and believes that it will enhance East Peoria.

Commissioner Decker commented on the property and expressed his excitement with the project.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2021-034 by Commissioner Hill; **RESOLUTION ADDRESSING THE RECOMMENDATION OF THE ZONING BOARD OF APPEALS FOR A SPECIAL USE PERMIT PERTAINING TO AN APPLICATION FOR A CONDITIONAL USE FOR A CANNABIS DISPENSARY**

**WHEREAS**, Petitioner Roy Sorce of Sorce Enterprises (the “Petitioner”) has submitted an application for a conditional use authorizing a cannabis dispensary on property located at 1501 N. Main Street, East Peoria, Illinois (the “Property”); and

**WHEREAS**, a public hearing was conducted July 13, 2020, pursuant to duly published notice; and

**WHEREAS**, the Code of the City of East Peoria (“City Code”) provides that an adult-use cannabis business establishment facility requires approval as a conditional use, and in determining compliance with the City Code, certain standards shall be evaluated for the proposed adult-use cannabis facility based on the entirety of the circumstances affecting the particular Property for which the conditional use is sought in the context of existing and intended future use of the adjacent and nearby properties; and

**WHEREAS**, the City Code also lists specific considerations that will be considered when reviewing a proposed conditional use, which include (1) the impact of the proposed facility on existing or planned uses located within the vicinity of the subject Property; (2) anticipated parking demand, available private parking supply, and other parking requirements; and (3) anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways; and

**WHEREAS**, the Zoning Board of Appeals considered the application submitted by the Petitioner and voiced opposition to the proposed conditional use due to the negative impact of the proposed facility on existing uses within the vicinity, concerns over traffic congestion in the vicinity of the Property, as well as concerns related to the availability of parking located at the Property; and

**WHEREAS**, after consideration of the conditional use application and the criteria for consideration as established by the City Code, the Zoning Board of Appeals voted 4-0 to deny the application for the conditional use authorizing a cannabis dispensary;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:**

**Section 1.** The above recitals are found to be true and correct.

**Section 2.** The City Council hereby finds that Petitioner's application for the proposed cannabis dispensary on the Property does not meet the criteria as set forth in the City Code.

**Section 3.** The City Council hereby adopts the recommendation by the Zoning Board of Appeals, and the application for the conditional use authorizing a cannabis dispensary located at the Property is denied.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move that Resolution No. 2021-034 be adopted as presented.

Commissioner Hill explained that this resolution relates to the proposed cannabis dispensary on the property. There was an application for a conditional use on the property and the Zoning Board of Appeals voted to deny the application because the location is not appropriate under the conditions of the conditional use.

Commissioner Decker commented on a previous issue with a medical cannabis facility location that was applied for in East Peoria. He explained that he is not going to go against the Zoning Board of Appeals. He will be voting yes to adopt the recommendation of the Zoning Board of Appeals that denied the conditional use application.

Commissioner Mingus requested that Mr. Sorce to work with Director of Planning and Community Development, Ty Livingston, on finding a location that is proper for a cannabis dispensary.

Mayor Kahl echoed the concerns of the other Councilmembers and requested that he work with Director Livingston to find a location that the Zoning Board of Appeals would recommend for approval.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2021-034 be duly adopted as presented.

Resolution No. 2021-033 by Commissioner Hill; **RESOLUTION ESTABLISHING MORATORIUM ON CERTAIN AUTOMOTIVE AND VEHICLE RELATED BUSINESS USES IN THE LEVEE DISTRICT**

**WHEREAS**, the City Council has previously undertaken the implementation of an East Peoria Downtown Overlay District for the area designated as the Levee District (the "Overlay District"), as well as implementing restrictive covenants on property obtained by the City for the development of the Levee District; and

**WHEREAS**, the City established the Overlay District and related restrictive covenants as a means to ensure that uses of the property within or adjacent to the Levee District were consistent with the City's plans and vision for the development of the Levee District; and

**WHEREAS**, the Department of Planning and Zoning is evaluating potential amendments to the East Peoria Zoning Code to address possible development and uses of properties within or adjacent to the Levee District with regard to automotive and vehicle related businesses located within or adjacent to the area defined by the City as the Levee District (as set forth in the map for the Overlay District); and

**WHEREAS**, it is in the best interests of the City to place a moratorium on the issuance of any special uses or building permits for automotive and vehicle related businesses seeking to locate in the Levee District (as set forth in the map for the Overlay District);

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, AS FOLLOWS:**

**Section 1.** A moratorium is hereby declared and established on the issuance of any zoning or special use permits or building permits, or any other permits of any nature whatsoever which would allow the use or construction of an automotive and vehicle related businesses within the Levee District (as defined and set forth in the map for the East Peoria Downtown Overlay District).

**Section 2.** The moratorium declared by this Resolution shall expire March 1, 2021, unless earlier terminated by action of the City Council.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 2021-033 be adopted as presented.

Commissioner Hill explained that the City pausing the issuance of any zoning or special use permits or buildings permits, or any other permits that would allow the use or construction of an automotive and vehicle related businesses within the Levee District as they are not consistent with strategies in the Levee District. He explained that the City would be looking at the restrictive covenants and how to appropriately look at this type of use in the Levee District. There would be no building permits or special uses for any automotive businesses until the Levee District overlay district is reviewed.

Director Livingston explained that there was an intent to not have automotive businesses in the Levee District and that intent should be consistent with the Levee District Overlay plan. This moratorium only affects new businesses.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: Commissioner Sutherland.

Mayor Kahl declared the motion carried and Resolution No. 2021-033 be duly adopted as presented.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4513 hereto attached, (AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY IN THE POSSESSION OF THE EAST PEORIA POLICE DEPARTMENT) be read at length by the Clerk, and that said Ordinance No. 4513 be accepted on its first reading, and be hereby adopted as presented.

Commissioner Mingus explained that the Police Department is selling vehicles that are no longer useful to the City. This action is to assist in the budget cuts that are the result of the pandemic.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried and Ordinance No. 4513 to be duly adopted as presented.

Mayor Kahl stated if there was anyone in the audience who wanted to speak on any items not on the agenda to come to the podium state the matter or matters to be discussed.

Jared Vogel came up to the podium and commented on working to bring businesses to East Peoria. He explained that he moved his family from San Francisco back to East Peoria to become business partners with Mr. Roy Sorce. He feels that the City should have a vested interest in assisting Mr. Sorce and give Mr. Sorce chances to get the Asian Carp business going. Mayor Kahl commented on the Zoning Board of Appeals process.

Jeff Ball came up to the podium and inquired as to how a Dollar General is coming to the City. Mayor Kahl explained that in February a resident reached out to him to say that she reached out to the property owner Mr. Waldschmidt who said that he was selling the property to Dollar General to build a store. Mayor Kahl explained the zoning of the property and explained that the property does not require a special use. Mayor Kahl explained that he grew up in the area and the IGA went away. Mr. Ball explained that part of the reason that he built a house in the area he did is because of the look of the neighborhood.

Jeffery McGuire came up to the podium and explained that he lives on Harris Road. He is concerned about traffic in the area. He explained that there have not been accidents; however, he feels that it is only a matter of when accidents will happen. He inquired as to why there is no stop sign at Stoneman Street and Harris Road. There is still traffic construction blocking what appears to be a pothole in the road.

Jared Kumer came up to the podium and voiced his concerns regarding Dollar General. He inquired as to whether building permits been approved. He inquired as to the traffic issues that would go on the property, how the city would handle traffic issues, and whether a liquor license would be approved. It was explained that the City has no legal authority to tell owners of the property that a Dollar General cannot go into that area. Director Livingston has been working with Dollar General to address their concerns and Director Livingston commented on traffic in the area. Mayor Kahl explained that there are regulations regarding liquor licensing and the Liquor Control Commission approves liquor license applications which is done in an open meeting.

Mayor Kahl asked for any additional comments from the audience. There was no response.

#### **Motion for closed meeting**

Motion by Commissioner Decker, seconded by Commissioner Mingus, Mr. Mayor, I move that a closed meeting or executive session of the city council be held at the conclusion of this regular meeting to discuss the following matter or matters according to exceptions provided in the "Open Meetings Act" and specified as follows:

Section 2(c)(6) – The setting of a price for a sale or lease of property.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None

Mayor Kahl declared the motion carried.

Mayor Kahl then asked for comments from Council.

Commissioner Decker explained that he had not heard about the Dollar General coming to the Springfield Road location until recently. He commented on the traveling Vietnam Wall that is planned for September 2020 to be placed on the Civic Triangle. He explained that many cannot view the wall in Washington, DC and this traveling wall gives people the opportunity to view it. Commissioner Decker explained that they are still accepting donations for the Traveling Vietnam Wall and if there are any question, please reach out to him.

Commissioner Hill commented on the Dollar General. He explained that the project was being pursued back in May 2020.

Commissioner Sutherland commented on the Dollar General and thought the store would go in Groveland rather than East Peoria. He explained that there was structural damage on a building used in the Sewer Department, and it was so badly damaged that it needed to be raised. Commissioner Sutherland commented on the Sewer Upgrade Project. Sewer Treatment Plant 1 will be shut down for construction. There was a plan to make improvements to the building; however, with the structural damage, the building needs to be replaced completely. Commissioner Sutherland commented on good job that Williams Brothers has done on the Sewer Upgrade project so far, and he commented wishing there were not any surprises on the Project.

Commissioner Mingus addressed the Dollar General store planned for Springfield Road. He explained that he cannot say that he would want a Dollar General in that neighborhood. However, the City does not have the ability to tell the owner what to do with the property here. Tomorrow is the car seat check event at the Fire Department. He explained that masks will be required at the event.

Mayor Kahl explained that there is nothing the City could do to prevent the Dollar General store project.

Motion by Commissioner Sutherland, seconded by Commissioner Mingus; Mr. Mayor, I move you that we adjourn until Tuesday evening, August 18, 2020 at 6:00 P.M.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None

Mayor Kahl declared the motion carried and the meeting adjourned at 7:18 P.M.

/s/ Morgan R. Cadwalader  
City Clerk Morgan R. Cadwalader