

\Village of Peoria Heights
Board of Trustees Meeting
May 21, 2019

The meeting was called to order at 6:11 p.m.

Everyone stood for a moment of silence and the Pledge to the Flag.

Upon calling roll, the following Trustees were present: Sherryl Carter, Elizabeth Khazzam, Jeffrey Goett, Brandon Wisenburg, and Sarah DeVore. Trustee Diane Mariscal was absent. Others present included Mayor Michael Phelan, Village Administrator and Chief of Police Dustin Sutton, Clerk Stephanie Turner, and Village Counsel Mr. Mark Walton.

Trustee Goett made a motion to approve the minutes from the Board of Trustees Meeting held on April 16, 2019, and the motion was seconded by Trustee Carter. Motion passed 5-0.

Clerk Turner read the correspondence. Trustee DeVore had submitted her resignation to the Peoria Heights Zoning Board of Appeals. Trustee Khazzam had also submitted her resignation to the Peoria Heights Zoning Board of Appeals. Ms. Susan Moerbe of Kingman Ave submitted correspondence expressing appreciation to Mayor Phelan for his assistance, and the assistance of the police department, in resolving a matter relating to a deposit she had made. Mayor Phelan asked for a vote accepting the resignations of Trustees DeVore and Khazzam from the Peoria Heights ZBA. Trustee Goett made a motion to accept the resignations, and Trustee Wisenburg seconded the motion. The Board of Trustees voted to accept the resignations of Trustee DeVore and Trustee Khazzam 5-0.

Mayor Phelan announced the new committee assignments were as follows: Trustee Khazzam over Economic and Community Development, Trustee DeVore over Police, Trustee Mariscal over Building and Property Maintenance, Trustee Wisenburg over Fire, Trustee Carter over Public Works, and Trustee Goett over Administration and Personnel.

Trustee DeVore made a motion to appoint Trustee Goett as Mayor Pro-Tem, and Trustee Wisenburg seconded the motion. Attorney Walton explained that the appointment would allow Trustee Goett to chair meetings in Mayor Phelan's absence. The motion to appoint Trustee Goett Mayor Pro-Tem passed 5-0.

Mayor Phelan requested committee reports from the trustees.

Trustee Khazzam had nothing to report.

Trustee DeVore reminded residents that the Village has permitting requirements for solicitors. She noted that residents could call the police nonemergency number to seek additional information regarding the validity of a solicitor. She also informed the Board of Trustees that there would be an update on code enforcement and landlord registration at the next Departmental meeting.

For building maintenance, Chief Sutton explained there would be an agenda item regarding an upgrade of the cameras at Village Hall on the next departmental meeting agenda.

Trustee Wisenburg reported he had requested a monthly report from Chief Walters for the Fire Department and updates would follow.

Trustee Carter invited the Superintendent of Water, Mr. David Marfell, to the podium to report to the Board of Trustees on the Clear Water celebration. Mr. Marfell shared that the event,

which he'd recently attended, was an educational event put on by the Sun Foundation designed to teach local students about clean water and other such issues. Mr. Marfell shared the Peoria Heights Waterworks had been sponsoring the event for many years. Mr. Marfell also noted that a groundskeeper had been hired for Tower Park and would start soon.

Trustee Goett had nothing to report. Chief Sutton thanked the attendees at the hotel groundbreaking and the Strong Town panels and event. He also thanked staff and other coordinators who made the events happen, and Mayor Phelan joined Chief Sutton in expressing his appreciation to those who took part in the planning and implementation.

Public comments were opened to the audience, and there were no comments from the audience.

After calling for old business, and hearing none, Mayor Phelan moved onto new business.

Trustee Khazzam made a motion to approve Ordinance 2019-1587: an Ordinance Approving and Authorizing the Execution of a Professional Services Agreement for the First Amendment to the Peoria Heights Tax Increment Financing District No. 2. Trustee Goett seconded the motion. Trustee Khazzam invited Mr. Steve Kline, from the Economic Development Group, forward to explain the purpose of the ordinance. Mr. Kline noted the ordinance was the first step in expanding TIF No. 2 so that it could facilitate the relocation of a couple of business that had been or would be displaced by the proposed KDB Group projects. Mr. Kline explained that his intention was to configure the amendment to TIF No. 2 so that it would be contiguous to TIF No. 1 which would increase the efficiency of both TIF districts. Trustee Khazzam asked Mr. Kline about the benefits of expanding TIF No. 2, and Mr. Kline pointed out there were two projects in the beginning stages which would not be possible without the TIF expansion and TIF dollars. He also noted there had been additional discussions with other businesses which were not far enough along for public comment, but that would benefit from the expansion. Mr. Kline explained that, as part of the process, there had been discussions with the Peoria Heights Community School District with which the Village has a positive, collaborative relationship. He said that the School District had expressed support for the TIF district expansion during those talks as a potential source of funds for a possible revitalization and repair program for homes. Such a program had not been possible in any of the other TIF districts, but the School District considered such a program important to sustaining housing stock which, in turn, would help the school maintain enrollment. Mayor Phelan explained he considered a housing program in TIF No. 2 to be a priority and a start of the process of creating a welcoming community for families. Trustee Wisenburg questioned if expanding the TIF into a residential area would make those properties more attractive to developers. Mr. Kline stated that the Village could not ensure specific developments outside its preexisting ordinances and permitting process, but that the TIF documentation included language that precluded Village's use of its findings for purposes of eminent domain. He continued on to state that the Village and the Board's intention was never to remove homes or residents, but rather to preserve homes and encourage reinvestment. Trustee Goett seconded Mr. Kline's statements that the Village would not take people's homes. Chief Sutton added that converting a property from residential use to commercial use would be a zoning issue. Trustee Carter asked why the roadway of Atlantic Avenue had been included. Mr. Kline explained that its inclusion was necessary in order to meet certain legal requirements that would make TIF No. 1 contiguous to TIF No. 2. Ordinance 2019-1587 passed 5-0.

Trustee Khazzam made a motion to approve Ordinance 2019-1588: an Ordinance Approving and Authorizing the Execution of a Professional Services Agreement for the Establishment and Annual Administration of the Peoria Heights Business Development District No. 2. Trustee Carter seconded the motion. Mr. Kline explained that in addition to requests for TIF funds

within the proposed expanded district of TIF No. 2 there had been requests for Business Development District Funds. After speaking to the Business Development District Advisory Committee, that committee expressed the view that the area under consideration was a different area with different goals which should be administered separately from the current BDD. That, combined with the committee's interest in expanding northward, prompted the proposal to create a second Business Development District. Trustee DeVore asked about opposition to the additional tax in the area. Mr. Kline explained that the area was still being defined and the ordinance under discussion was simply the first step to do the study and prepare the plan for actual expansion. Ordinance 2019-1588 passed 5-0.

Trustee Khazzam made a motion to approve Ordinance 2019-1589: an Ordinance Approving and Authorizing the Execution of a Professional Services Agreement for the First Amendment to the Peoria Heights Business Development District No. 1. Trustee Goett seconded the motion. Mr. Kline expanded on his previous remarks regarding the BDDAC's interest in expanding the BDD No. 1 north up Prospect Road. The proposed study area for expanding BDD No. 1 would mirror almost exactly TIF No. 1. Trustee Carter asked about reaching out to business owners. Chief Sutton explained that would be premature and that there would be public hearings for the business owners to express their opinions. Trustee Wisenburg asked if all business owners had to consent to be in the BDD. Mr. Kline answered the Village has the authority to implement the tax but obviously would have discussions with the businesses about the benefits and opportunities the BDD could afford them. Mr. Kline explained that some of the benefits would be indirect, in the forms of improved public infrastructure, but other benefits would be more direct. Chief Sutton noted that in his conversations with the BDDAC the committee had agreed to consider forgiveness of the good faith promise by the Village to repay the BDD funds used to sealcoat Prospect Road if BDD No. 1 was expanded. Trustee Carter expressed concern over forcing businesses into the BDD. Chief Sutton noted that some of the businesses who had originally opposed the BDD had changed their minds. Mr. Kline explained that the BDDAC had noticed that the corridor plan and the boundaries of BDD No. 1 were incompatible. He explained amending BDD No. 1 would help to correct that issue. Ordinance 2019-1589 was passed 5-0.

Trustee Khazzam made a motion to approve Ordinance 2019-1590: an Ordinance Authorizing the Sale of Property Located at 4414 and 4426 North Prospect Road to KDB Group, LLC, and Trustee Goett seconded. Attorney Walton explained that the sale of the property had already been approved in January, but the title search revealed a vacated alley that hadn't been attached to the properties around it as was normal procedure. As such, the title company requested a change to the legal description to provide clarification, and Attorney Walton had prepared the presented ordinance. Ordinance 2019-1590 was passed 5-0.

Trustee Goett made a motion to approve Ordinance 2019-1591: an Ordinance of the Village of Peoria Heights, Peoria County, Illinois Amending Its Employee Handbook for the Purpose of Providing for Reimbursement of Necessary Expenditures. Trustee DeVore seconded the motion. Trustee Goett explained that changes to state statute required the Village to amend its employee handbook to include a policy addressing reimbursements to employees for business expenses. Chief Sutton informed the Board of Trustees that the policy required employees to seek authorization prior to incurring expenses, and the policy excluded reimbursement of alcohol and/or entertainment costs. Furthermore, it capped cell phone reimbursements at \$10 per month without documentation. Ordinance 2019-1591 was approved 5-0.

Trustee Khazzam made a motion to approve Ordinance 2019-1592: an Ordinance Amending Title 10, Chapter 7B and Chapter 7C of the Village Code of the Village of Peoria Heights for the Purpose of Modifying Certain Requirements for Residential Uses. Trustee Carter seconded the motion. Attorney Walton explained the ordinance was proposed to amend height

requirements of residential multi-family properties. The Zoning Board of Appeals felt there should be a limitation on vertical development in proportion to the surrounding properties. Trustee Khazzam noted the ordinance would limit the maximum height of R-3 properties in the overlay district and also restrict new properties to one story more than the already existing buildings. Mayor Phelan invited Mr. Rick Picl, Chairman of the ZBA, to speak. Mr. Picl noted that the ordinance would soften the transition from the commercial development along Prospect Rd into the residential districts nearby. Upon a roll call vote, Trustee Khazzam, Trustee Goett, and Trustee DeVore voted aye with Trustee Carter and Trustee Wisenburg voting nay. In the absence of Trustee Mariscal, Ordinance 2019-1592 was considered a tie with a vote of 3-2. The ordinance will be represented at another meeting.

Trustee Khazzam made a motion to approve Ordinance 2019-1593: Amending Enterprise Ordinance, and Trustee Goett seconded. Mayor Phelan invited Ms. Sally Hanley, from the Economic Development Council, to come forward and speak about the ordinance. Ms. Hanley explained that when a change is made elsewhere in the Enterprise Zone then all of the communities must pass an ordinance approving the amendment as well. She also explained that the Enterprise Zone is an economic development tool offered by the State of Illinois that provides incentives to commercial industrial projects inside the area. Ordinance 2019-1593 was passed 5-0.

Trustee Khazzam made a motion to approve the site plan submitted by GLK Land Trust Site, and Trustee Goett seconded the motion. Attorney Walton noted that the Board of Trustees had options to approve the site plan as submitted with no conditions, to reject the site plan entirely, or to approve the site plan with the conditions imposed by the ZBA which removed 3 parking spaces and restricted drive-thru traffic to right hand turns only. Trustee Goett expressed support for the site plan with the conditions imposed by the ZBA. Trustee Goett made a motion to amend the motion on the floor and approve the site plan submitted by GLK Land Trust Site with the stipulations that the 3 parking spots rejected by the ZBA be removed and that drive thru traffic be limited to right hand turns into the alley. Trustee DeVore seconded the amendment to the motion. Mayor Phelan noted that the Board of Trustees would move on to discuss the amendment to the motion. Trustee Khazzam stated she thought the site plan was fantastic but didn't like the parking spots in question. Trustee Wisenburg noted that the conditions under discussion would eliminate concerns about green space. Trustee Khazzam agreed and stated that the developer had exceeded their parking requirements even with the elimination of the parking spots. Mayor Phelan asked Attorney Walton's opinion regarding the possibility that IDOT would deny the proposed traffic flow. Attorney Walton noted that the Board of Trustees had authority over the site plan and in his experience IDOT worked best with an approved site plan. Attorney Walton stated that any changes as a result of IDOT's decision would require the developer to return to the ZBA again to get approval from the Village. Mayor Phelan clarified that the subsequent vote would be on the amended motion. The Board of Trustees voted to approve the site plan submitted by GLK Land Trust Site on the condition that the three parking spots that backed into the drive thru lane were removed and that drive thru traffic was limited to a right hand turn into the alley; the amended motion passed 5-0.

Trustee Carter made a motion to approve payment in the amount of \$12,852.00 to Cahoy Pump Service for work completed in phase #2 of rehabilitation of water well #11, and Trustee Goett seconded the motion. Mr. Marfell approached the Board of Trustees to explain the mechanisms of a water pump and the necessity of repairing water well #11. Mr. Marfell explained there were five water pumps in total and three pumps in service. Of the three pumps, there is one pump that is only used for emergencies which leaves only one well available during the summer months when normal operations require use of two wells. Mr. Marfell noted that the well in question had been worked on in 2015, but not all the recommended repairs were completed at the time because of budgetary concerns. Mr.

Marfell explained to the Board of Trustees that Infrastructure Maintenance loan funds would be used to pay for the repairs. The cost of phase #2, #3, and #4 would all be covered by the funds. Trustee Goett asked if the payments could be made in one motion as subsequent agenda items were as follows: approval for work to be completed by Cahoy Pump Service in phase #3 of the rehabilitation of water well #11 with an estimated cost of \$45,597 and approval for work to be completed by Cahoy Pump Service in phase #4 of the rehabilitation of water well #11 with an estimated cost of \$44,934. Attorney Walton answered the items could be combined, and Trustee Carter agreed to amend the motion on the floor as did Trustee Goett who had seconded the motion. The Board of Trustees began discussion of the amended motion to approve payment and work for phase #2, #3, and #4 of the rehabilitation of well #11 to be completed by Cahoy Pump Service not to exceed the amount of \$103,383. Trustee Carter asked if the Infrastructure Maintenance Funds could be used for Public Works improvements. Clerk Turner responded that while not restricted by state statues the INF fee had been added to the water bills to fund Water infrastructure improvements. The motion to approve the work to well #11 by Cahoy Pump Service was passed 5-0.

Mayor Phelan asked the appointees to the Zoning Board of Appeals to come forward and speak. Ms. Janie Backs came forward to thank the Board of Trustees and residents for the appointment. She spoke about her passion for sustainable growth. Mr. Jack Wiedeman spoke about his desire to get involved to ensure there's affordable housing available to sustain and support school enrollment. Mr. Matt Wiggenton spoke about his move to Peoria Heights two years ago and the community and commercial changes that had attracted his family to the area. Mayor Phelan asked if the Board of Trustees could make all the appointments at once, and Attorney Walton agreed after hearing no objections. Trustee Goett made a motion to appoint Ms. Janie Backs (expired term; 2019-2014), Mr. Matt Wiggenton (expired term; 2019-2024), and Mr. Jack Wiedeman (unexpired term; 2019-2023) to the Zoning Board of Appeals. Trustee Carter seconded the motion. The Board of Trustees voted to approve the appointments of Ms. Backs, Mr. Wiggenton, and Mr. Wiedeman to the ZBA 5-0.

Trustee Carter made a motion to approve the Lions Club's request to add a paved path to Lions Suburban Park. Trustee DeVore seconded the motion. Mayor Phelan invited Mr. Mark Bean of the Peoria Heights Suburban Lions Club forward to speak. Mr. Bean explained that the Lions Club had previously submitted plans to add a paved walkway through the park that would be modeled after a miniature road including some traffic signs. Mayor Phelan confirmed with Mr. Michael Casey, Superintendent of Streets, that Public Works had reviewed the plans and had no objections. Mr. Casey agreed there were no objections, and that the Peoria Heights Suburban Lions Club would be paying for the costs of the changes. The Board of Trustees approved the request to add a path to Lions Suburban Park 5-0.

Trustee Khazzam made a motion to approve the Armed Forces Celebration Donation event and donation in the amount of \$1,000. Trustee Carter seconded the motion. Ms. Mikayla Vincent approached to speak about the event. She noted that this was the 3rd year for the event that celebrated current and former veterans. The last 2 years had been at Pour Bros, and it benefits Honor Flight and Habitat for Humanity. She stated that the organizers wanted to expand the event to add more family friendly elements. Chief Sutton stated that the funds were available in the budget for the donation. Trustee Carter asked if a donation had been made to the event in the past, and Clerk Turner stated one had not. Trustee Carter asked about the budget for donations for the 19-20 fiscal year. Clerk Turner stated there was \$3,000 available as part of the marketing budget line, and the request was the first of the year. Chief Sutton stated that it was a good cause and assured Trustee Carter he had recommended the \$1,000 donation. Trustee DeVore asked about Chamber of Commerce involvement, and Ms. Vincent stated that the Chamber was not involved in the event. The motion to approve the Armed Forces Celebration event and donation passed 5-0.

Trustee Goett made a motion to approve the repairs to the selector tape in the Tower Park elevator by Kone in the amount of \$9,588.02, and Trustee Carter seconded the motion. Chief Sutton explained that in completing the repairs previously authorized by the Board of Trustees Kone had found that the selector tape in the elevator needed to work. The repairs were made, as it was an emergency to restore the elevator's functionality, and the item was now before the Board of Trustees for approval. Trustee DeVore asked if the costs for repairs to the elevator were now complete or if there were more maintenance costs anticipated. Chief Sutton explained the Village has a maintenance agreement with Kone, but the costs to repair the elevator were simply expensive. Trustee Goett stated he'd like Kone to evaluate the life span of the elevator car. Chief Sutton pointed out that the Village has contacted other maintenance companies in the past, and Kone had the best prices. Chief Sutton noted that while the Tower Park elevator was a great public attraction, but it came with accompanying expenses. Mayor Phelan noted that by including public properties in the TIF and BDD districts it allowed the Village the option to use those funds to fund necessary repairs. The motion to approve the repairs to the selector tape in the Tower Park elevator by Kone passed 5-0.

Trustee Carter made a motion to approve payment to Bobcat of Peoria in the amount of \$20,135 for a milling machine. Trustee DeVore seconded the motion. Mr. Casey approached the Board of Trustees to explain the Board of Trustees had previously approved the purchase, and the payment was now before the Board for approval. The Board of Trustees voted to make payment to Bobcat of Peoria for a milling machine 5-0.

Trustee Khazzam made a motion to approve Alwans' special use permit, and Trustee Wisenburg seconded the motion. Attorney Walton explained that the ZBA and the Board of Trustees had previously approved a special use to allow Alwan & Sons Meat Co to place solar panels. The permit before the Board was a legal document prepared by Attorney Walton to formalize the previous approval. Mayor Phelan invited Mr. Brian Alwan to come forward and speak about the project. Mr. Alwan stated that the business wants to use solar energy to power their entire business, but because of the amount of electricity required they need a lot of solar panels. Trustee Carter asked if the solar panels would be both on the roof and ground. Mr. Alwan stated they would. Trustee Carter asked about fencing around the panels, and Mr. Alwan stated they weren't required as there was already some fencing and additional fencing would create shadows. The motion to approve Alwans' special permit was passed 5-0.

Trustee Goett made a motion to defer approval for Professional Engineering Services Agreement (PH Samuel), and Trustee Khazzam seconded the motion. Chief Sutton explained that the meeting to discuss the engineering services agreement with Hermann and Associates had been canceled and rescheduled. Since he had not discussed the agreement with the engineers, he was recommending deferring the topic until the meeting could take place. The motion to defer the professional services agreement passed 5-0.

Trustee Khazzam made a motion to approve the Peoria Area Convention and Visitors Bureau dues in the amount of \$4,500. Trustee Wisenburg seconded the motion. Chief Sutton stated he recommended the expenditure as the PACVB provided a lot of value with their media outreach. The motion to pay the PACVB dues passed 5-0.

Hearing no miscellaneous business to come before the Board of Trustees, Mayor Phelan moved on to accepting the finance reports.

Trustee Goett made a motion to pay the bills, and Trustee DeVore seconded that motion. The Board of Trustees voted to pay the bills 5-0.

Clerk Turner read the Treasurer's report. As of the end of April, there was \$2,071,768.65 in Village controlled accounts, and there was \$887,213.03 in Water controlled accounts. Trustee Carter made a motion to accept the Treasurer's Report, and Trustee Khazzam seconded. Motion passed 5-0.

Trustee Goett made a motion to enter executive session to discuss personnel. Trustee DeVore seconded the motion. Motion passed 5-0. The regular Board of Trustees meeting was closed for executive at 8:04 p.m.

Regular session reconvened at 8:38 p.m. Trustee Goett made a motion to adjourn. Trustee Wisenburg seconded the motion. Motion passed 5-0. The meeting was adjourned at 8:39 p.m.

Michael Phelan, Mayor

Stephanie Turner, Village Clerk