

Village of Peoria Heights
Board of Trustees
June 15, 2021

The meeting was called to order at 6:00 p.m.

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

Upon calling roll, the following Trustees were present: Sarah DeVore, Jeff Goett, Beth Khazzam, David Marfell, Matthew Wigginton, Brandon Wisenburg. Others present included Mayor Michael Phelan, Village Administrator and Chief of Police Dustin Sutton, Village Clerk Stephanie Turner, and Village Counsel Attorney Mark Walton.

Trustee Goett made a motion to approve the minutes from the meeting held on May 18, 2021 and the motion was seconded by Trustee Wisenburg. The Board voted to approve the minutes 6-0.

Mayor Phelan announced the Village's first movie night on Saturday, June 26, 2021 featuring Toy Story 4. The River Valley Big Band will be playing in Tower Park on Friday, June 25, 2021.

Mayor Phelan opened the meeting to public comment.

Mr. Floyd Wombacher, 5300 N Glen Elm Drive, came forward to express appreciation and support for the proposed stop sign at the intersection of Frances Avenue and Glen Elm Drive. He asked if the no outlet sign nearby could be made more visible.

Hearing no other comment, Mayor Phelan closed public comments.

Mayor Phelan invited Mr. Robbie Matheson, one of the owners of Pour Bros, forward to present the business with a plaque. Pour Bros has been opened for 5 years, and Mayor Phelan commended them for their involvement in the community and attracting traffic into the Village. Mayor Phelan thanked Mr. Matheson for running such a great establishment. Mr. Matheson thanked the Board for their trust and support of the business. He stated he had opened a new branch and was planning to open more branches soon. He thanked the Village for its communication and supporting their events

Mayor Phelan invited Mr. Michael Bruner and Mr. Gabriel Guevara of Tri-County Regional Planning Commission forward to speak about the Village's housing grant application. Mr. Bruner explained TCRPC is working to help the Village develop an application for a grant that would help owner occupied low to moderate income households revitalize their properties and bring them back up to building codes. The grant application is due in August, and the maximize grant award is \$500,000. Each household would be eligible for up to \$50,000. Mr. Bruner explained the grant is a competitive grant and open state wide. Mr. Bruner and Mr. Guevara explained the requirements of application and the work completed so far. Mr. Bruner noted that surveys are available at the Water office, and the Village needed to hold a public hearing in July. Trustee Wisenburg asked if the survey results affect the award of the grants. Mr. Bruner stated they did, and it was recommended to have 3 times as many surveys as planned grant awards. Mayor Phelan thanked Mr. Guevara and Mr. Bruner for their update.

Mayor Phelan asked for the trustees' reports.

Trustee DeVore reported Congressman LaHood had submitted the Village's request for funding for Prospect Road, and the project was moved forward for further consideration. The funds would be enough to complete Phase 1 and Phase 2 of the project.

Trustee Goett reported he had accompanied Superintendent of Streets, Mr. Michael Casey, on a tour of facilities. They had met with a vendor to discuss repairs and were waiting on estimates. Trustee Goett noted he'd have a list of projects for the Board to prioritize repairs.

Trustee Khazzam reported the Village had previously applied for a trailhead grant, and the Village was not awarded the funds. She noted the Village will strengthen its application for the next round. Trustee Khazzam recommended trustees consider attending the Illinois Municipal League's annual conference in September. She also announced there's a 1 hour virtual conference on TIF finances run by the Village's consultants, the Economic Development Group, on June 16, 2021.

Trustee Wisenburg reported the Village would be going out to bid for playground equipment for Lion's Club Park. The Village has received 2 bids already and will be seeking a few more. Trustee Wisenburg also noted the voting for the Build Peoria project, which includes the Tower Park universally accessible playground equipment, is ending very soon. He encouraged residents to vote.

Trustee Marfell reported there had been a water main break in the Illinois American Water's line along Prospect Road. The process has been delayed because of coordination with the City of Peoria. Because of the location, traffic has been detoured into the Village. Trustee Marfell stated he has been in touch with the person in charge of the process, and it will be reopened as quickly as possible. Superintendent of Streets, Mr. Michael Casey reported that repairs to Well No. 12 had begun that morning.

Trustee Wigginton reported the Peoria Heights Fire Department had been testing fire hoses. Fire Chief Thompson explained that the PHFD had been awarded about \$25,000 in grant funds to repair SCBAs this year. This will allow the PHFD to replace all their breathing apparatus. Trustee Wigginton commended Fire Chief Thompson on the department's efforts. Trustee Wigginton also reminded residents Code Enforcement is still reviewing properties and asked residents keep their properties mowed and cleaned. Fire Chief Thompson also noted the department had spent more than 10 hours to test the hose, and it was very helpful to have an outside vendor helping. Chief Sutton explained the testing was required by regulation. Trustee DeVore thanked Fire Chief Thompson for taking time and effort to apply for the grant funds. She noted how pleased she was with his hard work in applying for grant funds and making sure the PHFD is following regulations. Trustee Wisenburg seconded the sentiment.

Mayor Phelan asked for old business. Hearing none, he moved on to new business.

Trustee DeVore made a motion to approve a special use permit for a used car sales lot at 3707 N. Vincent Ave. Trustee Goett seconded the motion. Trustee DeVore noted a special use permit had been approved at the location before, and the guideline were all standard. She stated the Zoning Board of Appeals had reviewed the application, and it was approved. The special use permit was approved 6-0.

Trustee DeVore made a motion to approve road closure for the Taste of the Heights event on Thursday, September 23, 2021. Trustee Wigginton seconded the motion. Trustee DeVore noted the event had been so well attended the first year that the request was to close both lanes of traffic. Mr. Brian Gruber, a board member from the Chamber of Commerce, came forward to answer questions about the event. Mr. Gruber shared the event had more than 3,000 people the first year, and he anticipates more

attendees this year so the event was requesting closing the street between the 4400 and 4500 blocks of Prospect Road. The event hours will be between 4:00 pm to 9:00 pm including set up and tear down. Trustee DeVore asked if it was possible the event would need even more space, and Mr. Gruber noted it was difficult to estimate exactly how many people would attend. Mr. Gruber explained some of the improvements to the infrastructure of the event. Trustee DeVore expressed she believed the event could use an additional space. Trustee DeVore noted she wasn't opposed to closing more blocks of the street. Chief Sutton noted that the route would be comparable to the closures for the St. Patrick Day's event. Trustee Wigginton stated he felt it was negligent to close down only one lane of traffic, and the Village needed to close both lanes. Trustee Wisenburg questioned rerouting the detour to Miller Avenue to help with parking and people walking to the event. Chief Sutton noted the PHPD had refined its efforts to detour traffic, but he would review the route with Mr. Casey and the PHPD to come up with the best detour option. Trustee DeVore clarified the motion for the road closure of north and south bound traffic along Prospect Road between Marietta Avenue and Glen Avenue. Trustee Wigginton, as the second, agreed with the clarification. Trustee Khazzam asked if the Chamber would be preselling tickets to the event, and Mr. Gruber stated they would be. The Board voted 6-0 to approve the road closure. Mr. Gruber thanked the Board for their collaboration.

Trustee DeVore opened discussion of vacating right-of-way on a plat on Duryea Avenue by explaining the developer of the apartment complex on Duryea was asking the Village to vacate a portion of the alley. She noted it wasn't a large section. Trustee Khazzam stated it was an unused alley, and the alley was necessary for the developer. Trustee Wigginton noted he had been on the ZBA when the site plan was heard, and it was a requirement of site plan approval that the developer get the land vacated. Mayor Phelan noted it would take property and put it on the tax rolls. Trustee Wigginton asked if it was only the portion relating to the development. Attorney Walton noted it was, but the alley was unused, and the Village could consider vacating the additional property. He did note that the Village should consider a request for compensation to avoid setting an adverse precedent. Trustee Khazzam agreed the Village needed to request at least attorney's fees. The Board spoke about requesting the developer use the vacated space as green space. Mayor Phelan asked Trustee DeVore to work with Chief Sutton and Attorney Walton to draft an ordinance.

Trustee DeVore explained the Village had drafted an ordinance amending title 9 of the Village Code of the Village of Peoria Heights for the purpose of amending Chapter 8A to require registration of properties rented on a short-term basis. Trustee DeVore noted the ordinance would require short term rentals to be registered and inspected similar to residential rental properties. Chief Sutton noted the properties would be inspected on an annual basis. Trustee Khazzam asked if the ordinance would restrict occupation levels. Attorney Walton stated the ordinance doesn't, but the inspection could possibly impose restrictions on occupation levels. Mayor Phelan asked Trustee DeVore to work with Chief Sutton and Attorney Walton to draft an ordinance.

Trustee Marfell made a motion to approve repairs to a 2016 International Dump Truck in the amount of \$5,726.31. Trustee Wisenburg seconded the motion. Mr. Casey explained the truck has problems with the drive train, and it needed to be repaired. The purchase was approved 6-0.

Trustee Wigginton made a motion to approve Ordinance 2021-1651: an Ordinance Pertaining to the Placement and Regulation of a Certain Four-Way Stop Intersection (at Frances Avenue and Glen Elm Dr). Trustee Goett seconded the motion. Trustee Wigginton clarified that there were some changes to the language of the ordinance to include a four-way stop. The ordinance was drafted after more than a year of traffic study of the area. Chief Sutton explained the PHPD had collected data supporting putting the

stop signs at the intersection. Attorney Walton asked for clarification of where the stop signs were to be located, and Chief Sutton clarified there would a yield sign replaced on Frances so there would be stop signs on both east and west bound directions. Trustee Wisenburg asked about a traffic study of the stop signs effectiveness. Chief Sutton explained the PHPD's process for new traffic signs. Ordinance 2021-1651 was approved 6-0.

Trustee Wigginton opened discussion of an ordinance regulating panhandling. Trustee Wigginton noted the Village already has some regulations for certain areas, specifically private property, and he invited Chief Sutton to speak. Chief Sutton explained he had Attorney Walton do some research, and the Village is already as strict as it can be on the issue. The PHPD will continue to enforce its current policies, and the discussion was meant to be proactive on the issue. Attorney Walton spoke about case law for the issue, noting the issue had been legislated as a public safety issue, but the argument had been rejected due to First Amendment rights.

Trustee Wigginton explained the Village had drafted an ordinance regulating parking trailers, boats, or recreational vehicles. Trustee Wigginton noted he had been working with Chief Sutton to draft language that would include the Board's concerns. The issue arisen as a discussion at the Village's Neighborhood Watch Meeting. Trustee Wigginton explained the Village already had some regulations in place. Chief Sutton noted that there were a lot of residents who cared for their property very well and the Village didn't want to punish these residents while trying to regulate other owners. Trustee Marfell noted that he considered owning these types of properties was a luxury which came with responsibility. Trustee Wisenburg noted there were some properties that weren't cared for while there were others which were very well cared for. He asked if the Village could narrow its ordinance to avoid restricting responsible owners. Attorney Walton explained the challenge would be defining the nuisance. Chief Sutton suggested that the number of crime prevention notices could be used as a gauge. Trustee Wisenburg expressed concern that responsible owners would be punished while others would continue to ignore regulations. Attorney Walton noted it might be best to start with enforcing the current regulations to see if strict enforcement could solve the issues. Chief Sutton recommended that unless the Board wanted to restrict the number of pieces of equipment. Trustee Marfell noted he had suggested that intially, but he considered it an extreme reaction. Trustee DeVore supported starting with the current regulations and increasing regulations if necessary. Trustee Wisenburg suggested that the manufacturer's cover should be used. Trustees Marfell and Khazzam supported using crime prevention notices as a gauge. Chief Sutton noted he'd work with Attorney Walton to draft a change to the ordinance setting three crime prevention notices as a standard before additional police action. Trustee Wigginton will bring an ordinance back to the Board once it's prepared.

Trustee Wigginton opened discussion of regulating low-speed electric and gas bicycles. Trustee Wigginton noted it was a topic from the Neighborhood Watch meeting. He explained Chief Sutton and Attorney Walton had researched the issue to find a creative approach. Chief Sutton explained there were only a few bike owners creating public safety issues. He stated the Village can't outlaw them completely, but the Village can create a registration program, similar to the City of Pekin, in order to regulate them. Trustee Wisenburg noted the bicycles are incredibly loud. Trustee Wisenburg asked if commuters, who didn't live in the Village, would have to register. Attorney Walton noted they would not. Trustee Wisenburg expressed concern that a registration program wouldn't catch the problem. He shared that he had neighbors who used electric bicycles which were complete silent. Trustee DeVore questioned if the electric bicycles should be included. Attorney Walton agreed that the Village could regulate only the gas powered bicycles. Attorney Walton suggested that the registration process could include testing the decibel level of the engines. He also suggested prohibiting them on sidewalks. Chief

Sutton suggested Attorney Walton draft an ordinance, and it be brought back to the Board for additional discussion.

Mayor Phelan asked Attorney Walton to provide an update on Ameren Easements No. 38.0 and 64.03. Attorney Walton explained Trustee Khazzam had reviewed the area because she was concerned the area might be of interest to the Village for development. She stated she doesn't believe that the easement requests would be problematic. Attorney Walton stated he had negotiated the easement fees from Ameren, and they had increased the fee from approximately \$35,000 to \$50,000. Trustee Wigginton questioned adverse possession rights, and Attorney Walton explained Ameren, as a public utility, has condemnation rights to gain access. Trustee Wigginton expressed concerns that the Village would expand an easement to cut down trees into the dog park which Build Peoria had created. Trustee Wisenburg asked about language to maintain the dog park. Attorney Walton noted that Ameren had trimmed trees regardless of easement rights, and they were currently trying to match their paperwork to their policies. He noted it wasn't likely to be a change to current policies. Attorney Walton noted that if the Board denied the easement requests it was unlikely that Ameren would change its current policies. He stated the Village would need to be prepared to enforce that denial. Mayor Phelan requested Attorney Walton prepare the ordinances.

Attorney Walton also provided an update on a utility issue on Samuel Avenue. Attorney Walton noted he had met with Trustee Khazzam, the Village engineer, and Ameren employees to discuss burying the utility lines. The Village stressed to Ameren that it needed to be completed as soon as possible. The Village will be receiving three quotes. One quote to bury two poles, one quote to bury all lines along the alley which is where the main electrical lines for the Village are, and the third quote to bury line along Samuel down to Columbus. Chief Sutton noted that the first quote was the minimum requirement. Trustee Khazzam stated it would be a short term solution. Attorney Walton agreed the Village would ultimately like the lines buried. Trustee DeVore pointed out that a lot of the development project was not occurring, and the Village didn't want to spend a lot of money. Mayor Phelan clarified that occupancy permits would not be issued for areas that cannot be reached. Attorney Walton noted he recommended instead that occupancy permits for the upper floors must come with a liability statement regarding the safety features. Attorney Walton noted that restricting occupancy was easier, but without a timeline it was difficult to restrict occupancy. Mayor Phelan asked if the Village would have a liability if in the case of a tragedy. Attorney Walton allowed it might. Trustee Wigginton asked if the developer was happy with the solution, and Attorney Walton stated they were. Trustee DeVore asked about payment for the project. Attorney Walton explained it would be paid for with TIF funds. Attorney Walton stated that it would come from the developer's capped improvement limits per the agreement. He noted it might not matter since the project has shrunk since the agreement. Chief Sutton questioned if Ameren would share any of the cost, and Attorney Walton stated they'd share a minimal amount for moving the pole, but they wouldn't share for burying the lines. Mayor Phelan noted the Village was still learning, and he hoped that in the future the Village would learn to close loopholes so the Village did not have to pay for improvements prior to tax funds being available. Chief Sutton praised the Village inspector for his communication with the developer and Administration regarding the occupancy issue.

Mayor Phelan asked for miscellaneous business. Hearing none, he moved on to payment of the bills.

Trustee Goett made a motion to approve payment of the bills. Trustee Wisenburg seconded the motion. There were no questions about the bills. The Board voted 6-0 to approve payment of the bills.

Clerk Turner read the Treasurer's Report. As of the end of May, there was \$3,772,759.38 in the Village controlled accounts and \$1,582,060.45 in the Water controlled accounts. Trustee DeVore made a motion to approve the Treasurer's Report, and Trustee Goett seconded. The Treasurer's report was approved 6-0.

Trustee Goett made a motion to adjourn, and Trustee Marfell seconded. The Board voted 6-0 to adjourn the meeting at 7:49 pm.

Michael Phelan, Mayor

Stephanie Turner, Village Clerk