

Village of Peoria Heights
Board of Trustees
June 16, 2020

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: Sherryl Carter, Diane Mariscal, Beth Khazzam, Jeff Goett, Brandon Wisenburg, and Sarah DeVore. 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 Khazzam made a motion to approve the minutes from the Board of Trustees Meeting held on May 19, 2020, and the motion was seconded by Trustee DeVore. The Board approved the minutes 6-0 to approve the minutes.

Mayor Phelan asked residents to contact Village Hall if they are interested in participating in the Village's comprehensive plan. He also noted that the most recent Village newsletter is available on the website and at Village Hall.

Clerk Turner read a letter from Jill Wakefield Portraits thanking the Mayor, Board, and Administrator for their work creating the Business Development District Lease grant program.

Mayor Phelan opened the meeting to public comment.

Michelle from the Nook came forward to thank the Board for the grant program. She suggested that the Village create a directory to help with providing directions. Trustee Khazzam thanked her for her comment and noted it was being addressed in the comprehensive plan.

Jean Patterson, 714 W Courtney Avenue, came forward on behalf of Young Revolution. He explained the organization has a proposal for a Pride event at the end of the month. The event would be a march that would start at Tower Park and then end at Donovan Park. Mayor Phelan requested he leave his information with the Clerk and Administrator in order to proceed with the event.

Hearing no other public comment, Mayor Phelan closed public comments. Mayor Phelan moved on to the trustees' reports.

Trustee Carter stated her items for Public Works would be covered later in the agenda.

Trustee Mariscal had nothing to report for building maintenance. Chief Sutton thanked staff for their hard work making Tower Park look so beautiful.

Trustee Khazzam stated that she had attended numerous meetings with Houseal Lavigne regarding the Village's comprehensive plan. The meetings were focused on Village departments to plan their future needs. Trustee Khazzam noted that residents were encouraged to participate in the survey for the comprehensive plan online at the Village's website.

Trustee Goett had nothing to report for Administration.

Trustee Wisenburg had nothing to report for the Fire Department.

Trustee DeVore stated that the Village had a peaceful and friendly protest on Saturday with a good turnout.

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

Trustee Carter made a motion to approve anti-cavitation trim kits for two pressure reducing valves at the low-level pump station in the amount of \$5,823.00. Trustee Goett seconded the motion. Trustee Carter explained that the valves below the hill needed to be replaced. Superintendent of Water, Mr. David Marfell, elaborated that the larger of the two valves was shaking. The expenditure was to repair the damage caused by the shaking as well as protect against future damage. Mr. Marfell noted that the smaller valve is being serviced because the problem is likely to spread to it in the future, and the Water Company can save money by combining the work into one service call. Trustee Carter asked about other pressure valves. Mr. Marfell noted that there are ten pressure reducing valves which had been rebuilt to save money. Trustee Carter asked Mr. Marfell to review the other valves. Mr. Marfell stated he was working on that, and that the Water Company had a maintenance program which was now regularly checking the valves. The expenditure for valves was approved 6-0.

Trustee Carter made a motion to approve cancellation of the MFT spray patching contract (effective June 20, 2020 unless contractor presents required bond by June 19th, 2020). Trustee Goett seconded the motion. Trustee Carter noted that the contractor was not able to provide the required paperwork so the Village needs to cancel the contract. The Village will need to approve a smaller project at a later date. Trustee Wisenburg asked if the company had done work for the Village before and was told they had. Trustee Goett asked about the plan for spray patching. Attorney Walton explained the Village's engineers recommended approving a smaller program this summer to prepare for the sealcoating work and another spray patching program in the early spring to get back on schedule. The Board voted 6-0 to cancel the MFT spray patching contract unless the bond was presented.

Trustee Khazzam made a motion to approve a Conditional Use / Special Use Application filed by War Memorial / Paris Real Estate Trust, seeking approval of a Conditional Use Permit for an adult use cannabis dispensary for the property located at 828-908 East War Memorial Drive and 829-911 East Paris Avenue, which property is currently zoned B-2. Trustee Goett seconded the motion. Trustee Khazzam explained that the land use was conditional use, and the next two agenda items were related. Trustee Mariscal asked if the owners were going to move forward with the project since they don't have the license from the state yet. Trustee Khazzam stated they had said they were because they have an alternate use if they don't get the license. Attorney Walton noted approval of the conditional use / special use was recommended unanimously by the Zoning Board of Approvals. The motion passed 6-0.

Trustee Khazzam made a motion to approve a site plan application filed by War Memorial / Paris Real Estate Trust, seeking approval of a site plan for development of an adult use cannabis dispensary for the property located at 828-908 East War Memorial Drive and 829-911 East Paris Avenue, which property is currently zoned B-2. Trustee Wisenburg seconded the motion. Attorney Walton stated that the items overlapped, but the construction required site plan approval by the Board of Trustees. He noted that the special use approval required things similar to the approval of the site plan, but Village ordinance

requires separate approval. Attorney Walton noted this was also recommended unanimously by the ZBA. The Board approved the site plan 6-0.

Trustee Khazzam made a motion to approve a Conditional Use / Special Use Application filed by Professional Armed Transport LLC, seeking approval of a Conditional Use Permit for an adult use cannabis transporting organization for the property located at 4703 North Ellen Court, which property is currently zoned I-1. Trustee Wisenburg seconded the motion. Trustee Khazzam explained that the company would be transporting cannabis, but the product would not be on site. Mr. Bill Engelbracht came forward to explain that the company was a family owned security company providing security for individuals and businesses. He noted they had filed for approval from the state to transport cannabis and were waiting to hear on licensing. He noted that employees were primarily retired law enforcement or military with a strong background in security. The Board voted 6-0 to approve the special use permit for the armed transport.

Trustee Khazzam made a motion to approve Ordinance 2020-1629: an Ordinance Changing the Zoning Classification of Certain Real Property Located at 1201 / 1203 East Kingman in the Village of Peoria Heights, Peoria County, Illinois. Trustee DeVore seconded the motion. Trustee Khazzam noted that the next two items were for the same property. She explained the first item would change the zoning which she said she felt was a mistake from many years ago. She noted that the building was always owned by the government and couldn't be used for residential purposes. Trustee Khazzam asked Mr. Pete Clarno and Mr. Greg Birkland to come forward. Mr. Clarno explained that he had come up with an idea for a candy shop similar to what he remembered from his childhood and thought the pumphouse would be a great location for the store. He noted that it would be a great addition to the community, and he wants to provide classes for candy making. Mr. Birkland said he'd been leasing the property for a while and had considered a lot of different businesses for the location. He noted he'd been listening to community response to the different proposals, and he thought the idea for the candy store was perfect for a location so near to two parks. He stated that this idea fits better than others. He noted he wasn't certain what else to do with the property if the candy store was rejected. Trustee Khazzam stated the Board had received emails from the residents regarding the issue. She said she had listened to the concerns, and she believed the project was low impact and restored a historical property. She stated that to deny the candy store would result in a vacant property which was vulnerable to deterioration. She said she thought it was a wonderful project and exciting for kids in the neighborhood. Trustee Goett asked about the timeline. Mr. Birkland stated the construction would take about a month and a half. Trustee Khazzam asked about occupancy. Mr. Clarno stated that Fire Chief Walters had estimated at the ZBA meeting that the building would accommodate about 40 people. Trustee Mariscal asked about a previous meeting where the property had been identified as a commercial property. Attorney Walton stated that must have been a mistake and explained that the zoning had been established in the 1970s. He noted that it was most likely a mistake done early which had never been caught, but the property had been used as commercial. Trustee Mariscal asked if the zoning could be reversed. Attorney Walton stated the Board would have to go through the process of taking it before the ZBA, but it could be reversed. Trustee Wisenburg asked how long KDB Group had possession of the property, and Mr. Birkland stated it was probably a year. Trustee DeVore asked how much KDB Group had invested in the property. Mr. Birkland estimated \$65,000. Trustee Wisenburg asked breakdown of improvements to the pumphouse versus the Centennial Building which was not for lease. Mr. Birkland stated he'd have to speak to his accountant, but he estimated the majority was spent on the pumphouse. Trustee Wisenburg asked about the zoning of the Centennial Building. Attorney Walton explained it was zoned residential as well. Trustee Wisenburg asked how the Village can lease only half of the parcel. Attorney

Walton explained it was in the language of the lease. The motion to approve Ordinance 2020-1629 was approved 6-0.

Trustee Khazzam made a motion to approve a site plan application filed by KDB Group, LLC seeking approval of a site plan for development of a retail popcorn and candy shop for the property located at 1201 and 1203 East Kingman Avenue. Trustee Goett seconded the motion. She asked Attorney Walton to speak about the site plan. Attorney Walton stressed the Village still owns the property and has leased the property. He explained the lease only allows the use of the property as a restaurant which requires changes to the lease so the property can be used as a candy store. He noted the ZBA had approved the site plan with the following conditions: landscape as submitted, limit the sign on Kingman Avenue to 6 ft with lighting only on the east side and lighting only during operating hours, the sign on the Euclid side was limited to 4ft with no lightning. Attorney Walton noted that the Board was free to adopt those conditions or add additional. Trustee Khazzam asked if the signage would require further approval, and Mayor Phelan questioned if the conditions relating to signs were necessary. Attorney Walton noted the signs must conform to sign ordinance, but the conditions were to address issues beyond the sign ordinance regulations. Trustee Khazzam made an amendment to the motion to include the conditions from the ZBA. Trustee Carter seconded the amendment. While discussing the amendments, Trustee Wisenburg asked about business hours. Attorney Walton noted that ZBA had conditions for hours as part of the approved parking variance. The amendment to the motion passed 6-0. Trustee Wisenburg asked about the lack of dates on the lease provided to him. Attorney Walton stated the dates should have been filled in. He noted that staff had indicated the lease had been signed the following day. Attorney Walton explained the lease already needed to be amended because the stated use of the lease didn't include the candy store. Trustee Wisenburg asked Clerk Turner how much had been received for the lease payments, and she was uncertain of the total. Trustee Khazzam noted there was most likely consideration due to the property improvements. Trustee Mariscal recalled that the lease had passed in January 2019, but the stipulation included appraisal for the property to include an option to purchase the property. Chief Sutton explained that there were delays for the changes to the lease as well as delays from the other attorney, and the issue had a lot of layers. Attorney Walton stated there was a legal lease which was signed even if the language the Board approved hadn't been included in the signed copy. Trustee Mariscal stated that the terms of the contract were not upheld and questioned rent payments. Attorney Walton noted there was a signed lease. Trustee Wisenburg asked when the lease commenced. Attorney Walton stated again it was signed at the end of January 2019. Trustee Wisenburg noted the rent had not been paid. Trustee Khazzam asked if these questions needed to be answered in order to approve the action item. Attorney Walton noted that the lease should not have been signed because it was not ready to be signed, and, since the lease was not in final form, there quite possibly a general consensus that rent shouldn't be charged. Trustee Goett expressed the improvements should be considered as well. Mr. Birkland stated that he knew his attorney sat on the lease for quite a while, and that the required renovations were hundreds of thousands of dollars. Trustee Khazzam noted the situation was unusual. She asked Trustee Wisenburg if he was suspicious of the tenant, and he replied it was a suspicious lease. Trustee DeVore noted that KDB Group was trying to get economic development accomplished. Attorney Walton stressed there were multiple issues with the lease which would be addressed. Attorney Walton stated the site plan must be approved first because there was no need to redo the lease without approval of the site plan. Trustee Khazzam emphasized the candy store was a fantastic use for the property and should be voted on. Mayor Phelan noted there'd be action on the lease on the next agenda. The motion to approve the site plan passed 4-2. Trustees Mariscal and Wisenburg voted nay.

Trustee Goett made a motion to approve the quarterly Special Use Permit approval for Chuck's Auto Sales. Trustee DeVore seconded the motion. Trustee Goett noted that Officer Brackney had inspected the property and found it in compliance. The motion to approve the special use permit passed 6-0.

Clerk Turner read the Treasurer's Report. As of the end of May, there was \$2,521,273.10 in the Village controlled accounts and \$1,193,664.88 in the Water controlled accounts. Trustee Goett made a motion to accept the Treasurer's Report, and Trustee Wisenburg seconded the motion. The Board voted 6-0 to accept the report.

Trustee Goett made a motion to adjourn, and Trustee Khazzam seconded. The Board voted 6-0 to adjourn the meeting at 7:11 pm.

Michael Phelan, Mayor

Stephanie Turner, Village Clerk