

Village of Peoria Heights
Board of Trustees
July 20, 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 June 15, 2021 and the motion was seconded by Trustee Wisenburg. The Board voted to approve the minutes 6-0.

Mayor Phelan announced that the Village had a roundtable discussion earlier in the day, and a nice public hearing prior to the Board meeting. He encouraged residents to pay attention to the website to stay up to date about upcoming events.

Mayor Phelan opened the meeting to public comment.

Mr. Brian Gorsche came forward to explain he was representing the MS Society to ask for permission to use Tower Park for an event on October 9, 2021. He noted that they are excited to coordinate an event on the Rock Island Trail. Mayor Phelan thanked Mr. Gorsche for his hard work and noted the item would be voted on later in the agenda.

Mayor Phelan asked if there were any additional public comments. Hearing none, he closed the meeting to public comments.

Mayor Phelan invited Mr. Greg "Gebby" Gebhards, owner of Schooners, and Mr. Bob Cruso, manager of Schooners, forward to present them a plaque honoring the restaurant for being open for forty years. Mayor Phelan noted that both gentlemen had been involved in the community for a long time, and he praised their kindness and support of the community. Mr. Gebhards noted his customers weren't numbers but were family. He invited everyone who walked through his doors to talk about any problems they had with him. He shared his pride that his son, the second generation, was taking over running the business. Mr. Gebhards closed by saying that it was a pleasure to be operating a business in the Village of Peoria Heights.

Mayor Phelan asked for the trustees' reports.

Trustee DeVore reported the Board had recently completed a strategic planning session. The Board outlined its top goals for the next two years and will follow up with additional discussions to maintain momentum.

Trustee Goett shared the HVAC fan at Village Hall had gone out recently, but the problem was fixed quickly.

Trustee Khazzam reported the Village had prioritized housing and neighborhoods at the recent strategic planning session. She stated she, Trustee Wisenburg, and Mayor Phelan had met with stakeholders who owned single family houses in the Village to discuss how to balance property and zoning issues with rental and short term rentals.

Trustee Wisenburg noted the day's meeting had been constructive. He also stated that the Together We Play fundraiser the past weekend had been a huge success. He thanked all of the people who helped make both of the events a success.

Trustee Marfell had nothing to report. Superintendent of Water, Mr. Chris Chandler, thanked Public Works and Administrative staff for stepping up and helping out the previous week while the superintendents were out of the office.

Trustee Wigginton added to Trustee Wisenburg's report noting the success of the Together We Play fundraiser. He shared that Chief Sutton had donated memorabilia and from the Peoria Heights Police Benevolent Association had helped raise funds. The PHPBA donated \$1,152 in proceeds from the auction to Together We Play. He thanked Ms. Barb Milaccio, of Exhibit A Gallery, for donating framing services for the items. He also thanked Robbie Matheson, of Pour Bros, for their help at the event. He stated that the PHFD had attended a parade and had a good turnout.

Mayor Phelan asked for old business.

Trustee DeVore asked for an update on the composting kiosk. Trustee Khazzam explained that she is working with Administration to move the project along, but it's taking longer than she'd hoped.

Hearing no additional old business, Mayor Phelan moved on to new business.

Trustee Khazzam made a motion to approve Resolution 2021-02: a Resolution of Support for the Village of Peoria Heights Illinois Department of Commerce and Economic Opportunity Community Development Block Grant Housing Rehabilitation Application. Trustee Wisenburg seconded the motion. Trustee Khazzam explained that the Village had a public hearing earlier in the evening. The Village is applying for a housing grant, and the resolution is in support of the grant application. The Village should find out the results of its application in late winter or early spring. Resolution 2021-02 was approved 6-0.

Trustee Khazzam made a motion to approve the Business Development Grant Façade Grant application from Roof Tiger. Trustee Wisenburg seconded the motion. Trustee Khazzam explained Roof Tiger was applying for funding for two signs for their business. Trustee Wigginton asked if the business charged BDD tax. Clerk Turner explained that labor generally wasn't subject to sales tax, but that equipment was. She noted she'd speak to the business to confirm it was charging taxes correctly. Trustee Khazzam asked Mr. Ben Morrow, owner of the business, if he was charging tax on sales out of his location. Mr. Morrow noted he wasn't exactly sure. Trustee Wigginton expressed concern stating that businesses applying for BDD funds should be required to generate BDD funds. Trustee DeVore asked about the available balance of the BDD. Clerk Turner explained that a portion of the BDD Funds reported in the Treasurer's Report were allocated. Trustee Wigginton asked about how the funds were invested. Clerk Turner explained the accounts are reviewed for interest rates regularly, but the flexibility of cash on hands was deemed most important since current interest rates are so low. Chief Sutton noted that funds were also kept liquid in order to keep funds available for new projects. Trustee Wisenburg asked if façade grants were vetted by the Business Development District Advisory Committee. Chief Sutton

noted that difficulty of getting quorum for the BDDAC over the last year. He stated the Village's consultant had advised most communities hold semiannual meetings. He also shared that the BDDAC had stated they felt the Village was a good steward of the funds. Mr. Marrow explained that Roof Tiger wants to be part of the community. He stated the company wants to build a long-term sustainable business. The application was approved 6-0.

Trustee Khazzam made a motion to approve Ordinance 2021-1657: an Ordinance Approving and Authorizing the Execution of an Addendum to the TIF District Redevelopment Agreement By and Between the Village of Peoria Heights and PH Samuel, LLC. Trustee Wisenburg seconded the motion. Attorney Walton explained that there were safety concerns due to the power lines outside the condos. He noted the Village wanted to correct the safety issue even though the infrastructure clauses of the agreement had not been triggered yet. Attorney Walton explained the addendum provided additional language which would clarify the original agreement and adding that burying the lines was additional work. Trustee DeVore asked how it would be paid, and Clerk Turner explained the policy. Trustee DeVore asked if there would be a discussion later regarding the method of payment. Attorney Walton noted that the discussion could be continued when the Village receives a price which it hasn't yet. Attorney Walton noted that the agreement language didn't obligate the Village to pay for the work yet. Trustee DeVore clarified that she wanted to make sure the Village could afford to pay for the work. Chief Sutton and Clerk Turner both assured her the Village could afford it. Chief Sutton also noted that it was a matter of public safety and needed to be completed. Ordinance 2021-1657 was approved 6-0.

Trustee DeVore made a motion to approve a special use permit for Davenport, LLC for a digital electronic multiple message sign. Trustee Wisenburg seconded the motion. Trustee DeVore explained that permit was what had been previously discussed. The special permit was approved 6-0.

Trustee DeVore made a motion to approve Ordinance 2021-1658: an Ordinance Amending Title 4, Chapter 1 of the Village Code of the Village of Peoria Heights for the Purpose of Adding a New Classification of Liquor License for the Sale of Milk-Based Dessert Products Containing Alcohol. Trustee Marfell seconded the motion. Trustee DeVore explained that a business wanted to provide alcohol in dessert products but didn't qualify for any current liquor licenses. Attorney Walton created a new classification for the business. Mr. Chris McCall, an investor in the business, approached to explain the business will provide ice cream, popsicles, and slushies with alcohol. He noted that it wasn't likely to be a safety concern, but it would be a unique attraction to the Village. The Board approved Ordinance 2021-1658 by a vote of 6-0.

Trustee DeVore made a motion to approve Ordinance 2021-1659: an Ordinance Regulating Push-Cart Sales. Trustee Wisenburg seconded the motion. Trustee DeVore explained that the ordinance would allow push carts, or nonmotorized food carts, to use sidewalks for sales. Mayor Phelan invited Mr. McCall back to the podium. Mr. McCall explained that it was common in Mexico City for food vendors to push carts around the city making food sales. The business would like to sell ice cream from a push cart. Mayor Phelan asked Attorney Walton for comment. Attorney Walton noted that it was a policy decision regarding competing interests of use of the public sidewalks versus the business. Trustee Wigginton questioned the clauses for the Administrator's discretionary powers. Attorney Walton clarified the discretion applied to public property including the sidewalks and Tower Park. Trustee Wigginton asked if more than one business was interested. Attorney Walton noted the Board could provide additional guidance if more businesses were interested. He also stressed that it was only to regulate such carts on public property. Private property is regulated differently. Ordinance 2021-1659 was approved 6-0.

Trustee DeVore began the discussion of vacating the alley from War Memorial Dr to Division Ave between Monroe Ave and Faber Ave. Mayor Phelan invited Mr. Michael Seghetti, who represents an interested party, forward. Trustee DeVore explained that Administration had spoken to the waste disposal vendor, and they can begin pick up in front of the houses which would allow the alley to be vacated. Mr. Seghetti explained that his client had provided a possible site plan, but they still need to seek approval from IDOT as well as other steps. He shared that his client is interested in having the alley vacated prior to continuing additional approval steps of the project. Trustee DeVore asked what fees were charged when the Village vacated property in the past. Attorney Walton explained it was typically related to the costs of legal fees. He noted that the costs in this case were minimal because he was working with another attorney. Attorney Walton also stated that it was a very small area of land which would most likely be covered for \$1,000 or \$1,500. Chief Sutton clarified that the Board has not been provided with a site plan. Trustee Wisenburg asked if the Board should approve vacating the alley prior to IDOT's approval. Attorney Walton and Mr. Seghetti commented it was a process because both steps needed to be done. Trustee Wisenburg questioned what would happen if IDOT didn't approve the project. Attorney Walton noted that could be made a condition of vacating the alley. He stated he believed that primarily Mr. Seghetti's clients were looking for assurances that the Village would consider vacating the alley. Attorney Walton assured the Board that he would draft an ordinance including concerns such as payment, completion of the project, and other standard conditions. Trustee Wisenburg asked if the current building tenants would be staying. Mr. Seghetti stated they would be. Trustee Wigginton asked Mr. Seghetti if he had concerns regarding IDOT's approval. Mr. Seghetti stated he didn't anticipate any issues, but they had to complete the process. The Board came to a consensus they were in support of vacating the alley for the project. Trustee Wigginton expressed he supported vacating alleys in order to extend property in other situations. Mayor Phelan requested Attorney Walton move forward and bring the issue back to the Board for action.

Trustee Wigginton made a motion to approve Ordinance 2021-1660: An Ordinance Amending Title 7, Chapter 2 of the Village Code of the Village of Peoria Heights for the Purpose of Adding a New Subsection 6(c) Addressing Parking of Boats, Trailers and Recreational Vehicles. Trustee DeVore seconded the motion. Trustee Wigginton shared the ordinance had been drafted due to complaints from the residents. He stated he believed it would solve some of the issues with public health and unsightliness. Trustee Wisenburg asked exactly what the ordinance changed. Attorney Walton stated it clarified that there must be a paved surface and the equipment must be behind the home. Trustee Wigginton stated he believes the wording is more precise. Trustee Wisenburg asked what would happen if a house didn't have a paved driveway. Chief Sutton stated it wouldn't be compliant. Trustee Goett asked if they would have to pave a driveway then. Chief Sutton said the ordinance was drafted in order to address complaints and provide the PHPD with clear direction for the situation. Trustee Wisenburg expressed concern for residents who had equipment for years that had gravel driveways. He asked if those residents would be grandfathered in. Chief Sutton noted there was no clause grandfathering in existing conditions. Trustee Wisenburg again expressed concerns. Chief Sutton noted that if the Board needed additional time for consideration it could be deferred. Trustee Khazzam asked Attorney Walton for compromise, and he noted his concerns with several compromises. Trustee Marfell asked if the ordinance allowed for discretion. Chief Sutton stated the ordinance was for clarification so there wasn't discretion. Attorney Walton reminded the Board that they could amend ordinances in the future based on experiences. Trustee DeVore stated that she felt there needed to be additional changes within the ordinance. Mayor Phelan asked for a motion to defer. Trustee Wisenburg expressed concerns with Trustee DeVore's statements. Trustee Wigginton asked the trustees to contact him to work with him to continue to refine the ordinance. Trustee DeVore made a motion to defer the

ordinance. Trustee Goett seconded the motion to defer. The Board voted 6-0 to defer Ordinance 2021-1660.

Trustee Wigginton made a motion to approve Ordinance 2021-1661: an Ordinance Adding a New Chapter 6 to Title 7 of the Village Code to Regulate Low-Speed Gas-Powered Bicycles. Trustee Goett seconded the motion. Trustee Wigginton stated the ordinance was drafted to address concerns voiced at a Neighborhood Watch meeting. He noted it was a public safety concern for both the residents and the operators of the vehicles. Trustee Wigginton stated the registration fee was open for discussion. Chief Sutton recommended a \$500 annual registration fee with a fine structure that followed the Village's other fine structures. Trustee Goett stated he thought the fee was too high. Trustee Wigginton explained that the fee was high because the Village wanted to ensure the equipment was operated safely and responsibly. Mayor Phelan expressed concern that operators might not have the funds for the registration fee. Trustee Wigginton noted the PHPD would address the issue and clarified that only Peoria Heights residents would be subject to the registration requirement. Chief Sutton noted it was a deterrent and a public safety issue. Chief Sutton shared resident complaints of unsafe operation. Chief Sutton stressed the PHPD would begin enforcement with education. Trustee Goett stated he was alright with the registration program, but he had concern about the amount of the fee. He also expressed concern about the safety of the equipment. Trustee Wigginton explained that the high fee was in part to ensure that the equipment was being properly maintained. Trustee Marfell noted that the high fee would exclude irresponsible operators. Trustee DeVore made a motion to amend the main motion to set the annual registration fee at \$500. Trustee Marfell seconded. The amendment to the motion passed 6-0. Ordinance 2021-1661 was approved as amended 6-0.

Trustee Marfell made a motion to approve the purchase of a backhoe from Martin Equipment in the amount of \$127,900. Trustee Khazzam seconded the motion. Trustee Marfell explained the purchase included purchase of a hydraulic hammer and a credit for the trade in of an old backhoe. The purchase of the backhoe was approved 6-0.

Trustee Marfell made a motion to approve payment to D&D Sweeping in the amount of \$42,551 for 2021 MFT Spray Patching. Trustee Goett seconded the motion. Trustee Marfell stated the project had been completed in June and was previously discussed. The Board approved the payment 6-0.

Trustee Wisenburg made a motion to approve the use of Tower Park on Tuesday, August 3, 2021 for Express Employment Professionals Job Fair. Trustee DeVore seconded the motion. Express Employment approached to explain that the previous job fair had been rained out. They stated they're hoping for better weather for the next event and shared their plans for a partnership to encourage attendance. The event was approved 6-0.

Trustee Wisenburg made a motion to approve the use of Tower Park on Saturday, October 9, 2021 for Bike Your Way for MS. Trustee Khazzam seconded the motion. The organizers asked what needed to be done to give away alcohol at the event. Attorney Walton stated the Village would need to discuss that request and respond at a later time. Chief Sutton stated he'd meet with counsel and respond. The event was approved 6-0.

Trustee Wisenburg made a motion to approve the bid for playground equipment from Playground Boss not to exceed \$31,123. Trustee Khazzam seconded the motion. Trustee Wisenburg thanked Mr. Casey and Chief Sutton for their work on the project. He noted the Village had collected 4 bids, and the highest was around \$90,000. He noted the park in addition to equipment the park needed new ground

cover among additional considerations. The Village has received multiple donations from the community, and some of the donations required ADA compliant equipment. Trustee DeVore asked if the Village was paying for the equipment. Trustee Wisenburg explained that the Lion's Club had donated funds to the Village. Trustee Khazzam asked if this addressed the pavilion at the park. Trustee Wisenburg stated it didn't. The bid was approved 6-0.

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 DeVore 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 June, there was \$4,410,601.08 in the Village controlled accounts and \$1,602,612.47 in the Water controlled accounts. Chief Sutton applauded the Board, Administration, and department heads for their efforts in reaching such numbers. He noted he was looking forward to the future. Trustee Goett made a motion to approve the Treasurer's Report, and Trustee Wigginton seconded. The Treasurer's report was approved 6-0.

Trustee Goett made a motion to adjourn, and Trustee Wisenburg seconded. The Board voted 6-0 to adjourn the meeting at 7:32 pm.

Michael Phelan, Mayor

Stephanie Turner, Village Clerk