

Village of Peoria Heights  
Departmental Meeting - Public Safety  
July 23, 2019

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, Jeffrey Goett, Elizabeth Khazzam, Brandon Wisenburg, and Sarah DeVore. Others present included Mayor Michael Phelan, Administrator and Chief of Police Dustin Sutton, Deputy Clerk Sarah Witbracht, and Mr. Mark Walton, Village Attorney, were also present.

Trustee Goett made a motion to approve the minutes from the Departmental Meeting held on June 25, 2019, and the motion was seconded by Trustee Khazzam. Motion passed 6-0.

Brian Gerard came forward to state his support for the fence located at 4415 Miller explaining that it fits the atmosphere of the neighborhood.

Tom Bucklar came forward to state his support of the fence located at 4415 Miller as well.

Dan Maloof came forward to explain that he was present for the previous Zoning Board of Appeals meeting and reminded everyone that it was voted down by the Zoning Board of Appeals. He passed out a handout from the engineer, a letter from Laurie Pearl in her absence, and a copy of the fence ordinance. He reminded everyone that a permit was not pulled or checked into before the fence was constructed. He read through the concerns and objections from some of the residents on Miller including that the fence contrasts the atmosphere of the neighborhood, setbacks were not adhered to, it would invite future homeowners to not seek same relief from zoning code, it sets precedent for all other homeowners, is a public safety concern, and will create maintenance issues including weeds around the posts of the fence. Trustee Carter inquired about further information as to why it would be considered a public safety issue, as she disagrees and doesn't see how there is a blind spot at the right-of-way. Chief Sutton agrees that there is no visibility issue from a public safety perspective, especially since the street is not heavily trafficked.

Tessie Bucklar of the Zoning Board of Appeals came forward to remind everyone that a vote was split in favor of moving the fence back further from the property line at the Zoning Board of Appeals meeting.

Terry Best came forward to state her appreciation of the Zoning Board of Appeals for their thorough review of this issue.

Bill Fulton came forward to explain that he has a neighbor with a corner lot who also has a front yard fence that is just as attractive.

Ms. Cons came forward to explain that she asked for a front yard fence through the variance process years ago and was denied and feels this should be a black and white process.

Tessie Bucklar came forward to remind everyone that variances given are a common procedure.

Old Business: Mike Bailey came forward to give a marketing presentation since there were some questions on some of the bills. He had a handout of some of the projects that he worked

on, including an update on a newsletter that he will be helping out with to improve government transparency. He also explained that the capital funds were received due to aggressive tactics. Trustee Carter inquired about the newsletter, and Mike Bailey explained that it will be available soon and mailed to all Peoria Heights residents. Mayor Phelan added that not everyone has a computer and will be a direct line of guaranteed communication. He also gave an update on the future neighborhood drop-in meetings. Trustee Wisenburg inquired as to why it wasn't on the agenda. Trustee Mariscal inquired about the hourly wage, and Mike Bailey explained there is a \$3,000 cap, no matter how many hours he has worked. She also inquired as to why a full-time person isn't hired, and Mayor Phelan explained that we aren't paying him benefits. She also inquired about the newsletter and why it isn't done internally. She also inquired how the newsletter will stand apart from other sources of media, such as the Journal Star. Trustee Wisenburg inquired about it being a topic of interest and questioned about it being on the agenda and writing press releases for private development. Mike Bailey reminded everyone that he markets the Heights as a whole. Trustee Khazzam added that he contributes to our social media page. Mayor Phelan explained that our objective is to be transparent and communicate with the citizens.

Trustee DeVore discussed Ordinance 2019-1596; an Ordinance Restricting Parking on that Portion of Euclid Ave Between Kingman Ave to Park Place in the Village of Peoria Heights. She explained that both public works and police stated that it was a public safety issue. Trustee Carter agreed that this needs to be implemented, but would be agreeable limiting it to one side, and working with those that have a handicapped sticker. Trustee Wisenburg would like to see an amendment including unrestricted parking on the residential side, and only ban parking on the commercial side. Mr. Dave Marfell, Superintendent of Waterworks, came forward to explain that from a public works standpoint, snow plowing is impossible in this area. He explained that it works on Glen Elm, so should work on Euclid. Ellen Russel came forward to inquire as to where they would be allowed to park. They confirmed that they have 4 vehicles, and that they have a driveway that holds one car. Chief Sutton explained that this is a public safety issue, complaint driven, and that he has to look out for the interest of the public as well. Trustee Wisenburg made a motion to approve an amendment to allow parking on the residential side of the street only and ban parking on the west side of that portion of Euclid Avenue lying between Kingman Avenue and Park Place. Trustee Mariscal seconded the motion. Mr. Marfell agreed that it would ease the process of snow plowing. All trustees agreed. Trustee Wisenburg agreed that it will go to the full board for final vote. The motion and amendment were approved 6-0 to go before full board.

Mr. Michael Casey, Superintendent of Streets, came forward to give an update on the Prospect Sealcoating and on some of the summer help projects. Mayor Phelan thanked public works for their efforts.

Trustee DeVore passed out a handout for both code enforcement and landlord registration. She also gave an update on vehicle purchases, including 2 new chargers with one current vehicle being traded in. These were budgeted and went out to bid. She reminded everyone of the neighborhood watch meeting. Trustee DeVore also gave an update on police training in the amount of \$4,000. Trustee DeVore made a motion to approve the expenditure on police training and Trustee Wisenburg seconded. The motion passed 6-0.

Trustee Khazzam made a motion to approve the use of Village Hall on August 21<sup>st</sup> for a St. Jude home breakfast meeting. Trustee Goett seconded the motion which passed 6-0. Trustee Khazzam made a motion to approve the use of Tower Park for Walk MS on Sunday September 8<sup>th</sup>. Trustee Wisenburg seconded the motion which was approved 6-0. Trustee Khazzam made a motion to approve Ordinance 2019-1599; An Ordinance Creating Additional Class "A-1" Liquor Licenses Within the Corporate Limits of the Village of Peoria Heights. Trustee DeVore

seconded the motion. Ms. Massey, owner of Riverside Tap, came forward to state her excitement for her new establishment. The other establishment will be the Betty Jayne Brimmer Performing Arts Center. Trustee Mariscal inquired as to capping the number of liquor licenses in advance. Trustee Khazzam would like to look at these on a case-by-case scenario. Attorney Mark Walton reminded everyone that that the cap is reviewed for each applicant. The motion approved 6-0. Trustee Khazzam made a motion to approve Resolution 2019-05: a Resolution Approving Sale of Vacant Lot Located at 4804 Ellen Court. Trustee Goett seconded the motion. Trustee Khazzam would like to see the Village entertain this offer. Trustee Mariscal inquired about how the taxes would work for combining the parcels. Mark Walton explained that he will have to combine parcels in order to place a garage on this lot. Trustee Wisenburg inquired as to why it has to be sold for 80 percent of the appraised value. Mayor Phelan would like to see a consistent policy and would like to discuss the sale of the other village properties. The motion passed 6-0.

Attorney Mark Walton brought up the issue of village clerk occupying the office of treasurer at the same time. He explained that he has done a full review on Stephanie Turner also serving as an employee. He confirmed that it is allowed for her to be a full-time employee and serve as clerk. He did point out that she cannot serve as treasurer and clerk at the same time.

Trustee Goett made a motion to approve the appeal by William and Jennifer Donarski from the Zoning Board of Appeals denial of application for a corner lot front-yard fence variance for property located at 4415 North Miller. Trustee Wisenburg seconded the motion. Trustee Goett feels that he does not see an obstruction and would like to see them move it back off the easement. Attorney Mark Walton explained that the ZBA conducted a hearing for the Donarskis who were unaware of the variance, and that corner lot has special restrictions. The ZBA denied the variance. In the absence of an appeal, the fence would have to be removed. Since they appealed it, they are asking to keep the fence where it is. He explained that the Donarskis are willing to move the fence back. In order to grant a variance, a hardship must be stated. It must be in agreeance with the standards as set forth in the fence section in the zoning code. Mr. Donarski came forward to apologize the lack of checking the zoning code before constructing the fence. He also explained that he thought due diligence was completed by the fence company. Mr. Donarski stated that the hardship would be a lack of backyard with a dog and that his wife is unable to walk to dog for exercise. He is willing to complete a survey. He also presented a petition signed off by neighbors who support the fence. He also presented a photograph showing no public safety obstruction. Mr. Dan Maloof came forward to inquire about the difference between a hardship and a convenience. Mr. Donarski stated that no other part of his property would be reasonable to construct a fence due to not having a backyard. Trustee Carter inquired about as to if where the door is located makes a difference to the definition of front yard, however Mark Walton explained that it won't change anything from a public safety standpoint. She also stated that she drove by the fence and noted that the appearance of the fence fits the neighborhood very well. She would like it to be compliant with the zoning code. Trustee Mariscal added that she also drove by and noted that the fence does create an obstruction and could create a blind spot. Mr. Donarski added that the fence has to be set back 6 additional feet from each side of the fence. This would make the fence flush with the house. Trustee Mariscal inquired as to if Mr. Donarski asked for a variance before the fence was constructed, if his criteria was met for a variance. Attorney Mark Walton explained that this question would not be applicable as criteria cannot be met without a variance. Trustee Khazzam explained that she is sympathetic to the neighbors' concerns, but a survey must be complete. She would like the fence to be flush with the house. Mark Walton confirmed that the Donarskis will still have to go through the building permit process. Trustee Wisenburg would like to see the fence be moved back to the property line and a survey be complete. Trustee DeVore inquired about the 10-ft setback as stated in the zoning code. Trustee Wisenburg made an amendment to Trustee Goett's motion to stipulate that the fence must be moved to the property line on Miller, and flush

with house on Moneta, and give them 60 days to complete it. Trustee Carter seconded the amendment to the motion. The amendment to the motion passed 6-0. The Board of Trustees voted on the motion as amended, and the motion passed 6-0.

After a request for any other business, Mayor Phelan asked for a motion to adjourn. Trustee Goett moved to adjourn the meeting and Trustee Wisenburg seconded. The meeting was adjourned at 7:43p.m.

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Clerk

Michael Phelan, Mayor

Sarah Witbracht, Village Deputy