

Village of Peoria Heights
Departmental Meeting – Public Safety
August 27, 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, Beth Khazzam, Jeff Goett, Brandon Wisenburg, and Sarah DeVore. Others present included Mayor Michael Phelan, Village Administrator and Chief of Police Dustin Sutton, Clerk Stephanie Turner, and Attorney Mark Walton.

Trustee Mariscal made a motion to approve the minutes from the August 6, 2019 Departmental Meeting, and the motion was seconded by Trustee Khazzam. The Board in favor 6-0.

Mayor Phelan opened the meeting to public comment.

Ms. Cathy Stevenson, of 4536 N Miller Ave, came forward to speak as both a resident and a member of the Zoning Board of Appeals. Ms. Stevenson explained to the Board of Trustees the ZBA had approved three of the four variance PH Samuel had requested at 1324 E Samuel Avenue. She noted the height variance was not approved, and the plans could be modified to eliminate the faux basement which would lower the height to be in compliance with Village ordinance. Ms. Stevenson stated the ZBA had not found hardship sufficient to grant the request for a height variance, and the topography of the parcel did not justify a variance. Ms. Stevenson urged the Board of Trustees to reject the appeal and to accept the ZBA's ruling as a good compromise for the Village and its residents.

Ms. Cathy Kelly, of 1111 E Euclid Avenue, approached the Board of Trustees to request bathroom facilities be placed at Wiley Haynes and Lion's Park.

Mr. Bob Swanson, of 1332 E Samuel Ave, came forward to compliment the ZBA on their flexibility in working with development and variance requests. He stated the opinion that PH Samuel had received a lot of accommodation. He stated that the site plan didn't fit in with the neighborhood and expressed support for lowering the height of the proposed project. He stated flexibility was necessary to get projects completed, but a project that doesn't fit should be denied.

Hearing no further comments from the audience, Mayor Phelan proceeded to old business.

Trustee Wisenburg introduced the request to purchase a new server for the Peoria Heights Fire Department and invited the PHFD forward to speak. Fire Chief Greg Walters came forward with Lieutenant Dalton Carlson who acts as IT for the Fire Department. Trustee Wisenburg asked Lt. Carlson to summarize the request. Lt. Carlson explained the current server is 11 years old, and the Fire Dept was having problems obtaining parts to repair it. The server stores all personnel records and medical records for the Fire Department, and Lt. Carlson has concerns about potential data loss. Trustee DeVore asked if there was a log for down time of the server. Lt. Carlson explained the data had not previously been tracked prior to January 2019 but there had been no down time since they started tracking it. Trustee DeVore asked for an explanation of the cost for repairs to the server previously obtained from the PHFD. Lt. Carlson stated that he had provided an estimate of \$1,200 in repairs which he had obtained from an incorrect source. Trustee Mariscal questioned the security of records with respect to

HIPPA laws and the storage of the personnel records. Fire Chief Walters stated there was restricted access and only himself, his deputy chief, and Lt. Carlson, as IT, had access. Lt. Carlson explained that he serves as an EMS contact which grants him additional access otherwise the medical records would be secured against him as well. Trustee Mariscal questioned if anyone at the Village had access to the server. The answer was negative, and Trustee Mariscal questioned how the PHFD responded to FOIA requests. Fire Chief Walters explained he acts as the FOIA officer. Trustee Mariscal asked about data back ups and Lt. Carlson stated back ups were locked up in Village Hall, and, in the future, there are plans to back up the data offsite at the lower fire station. Trustee Carter mentioned a conversation with Pearl Technology regarding their services, and Fire Chief Walters objected to the idea expressing concerns over confidential data. Trustee Carter noted that Pearl already provided services to the Peoria Heights Police Dept who has similar sensitive data. Chief Sutton agreed and stated the Village Administration and Police Dept had been contracted with Pearl for quite a few years. Trustee Carter explained that Pearl could be hired to provide continuity of service for the Village once Fire Chief Walters and Lt. Carlson were no longer volunteering with the PHFD. Fire Chief Walters stated he was comfortable with the current set up. Trustee Wisenburg explained he was concerned about the liability that Lt. Carlson had taken on himself. He noted research he had done which found that the State of Illinois charged fines based on each compromised file in the event of a data breach. Trustee Wisenburg stated a contract with Pearl would provide a layer of protection. Trustee DeVore questioned the size of the requested server. Lt. Carlson said that the server would double the Fire Department's current size and had been chosen with an expectation of expansion of the PHFD over the 10-15 year life of the server. Trustee DeVore stated she didn't understand why the police and fire would need the same server size since the police has a lot of video data. Fire Chief Walters stated that they were looking to the future and also creating redundancies with the lower fire station. Trustee Goett stated the Fire Department didn't currently need the server, and might not need it in the future, but was planning for the future. Fire Chief Walters explained the PHFD had reviewed the expenditure over multiple years but hadn't presented it because of budget concerns. Chief Sutton expressed concern over the size of the server, and Lt. Carlson explained that the server would have mirrored drives. Trustee DeVore asked if the server quotes included labor charges. Lt. Carlson stated it did not. Fire Chief Walters stated that Lt. Carlson worked in the IT field in his occupation and would perform the installation. Chief Sutton reiterated having a volunteer performing IT duties was a liability issue. Trustee Goett expressed his support for purchasing the server and dealing with the liability issue at a later time. Trustee Carter noted the server was not eligible for a vote at the time. Trustee Carter questioned if Pearl Technology would guarantee a server they didn't install. She requested a quote for Lt. Carlson's installation and transfer of data with Pearl Technology providing future support services. Fire Chief Walters recommended against the proposal. He stated the PHFD IT services should remain under PHFD power. Mayor Phelan stated he wanted Trustee Wisenburg to talk to Fire Department and make a recommendation. Trustee Wisenburg said that he was concerned that the records are only stored in Village Hall currently, and he doesn't want to approve the new server with multiple problems still in place. Mayor Phelan instructed Trustee Wisenburg to bring the matter back to the Board of Trustees once Trustee Wisenburg is ready to proceed.

Trustee Carter requested the Superintendent of Water, Mr. David Marfell, approach the Board of Trustees with an update. Mr. Marfell approached to inform the Board he would be conducting a tour of the water facilities on August 28 at 2:00 pm. Mr. Marfell noted that Mr. Mark Gauf, who is a Laborer for the Peoria Heights Public Works, was working his last week and would be retiring after 43 years with the Village. Mr. Marfell complimented Mr. Gauf's integrity in always doing what was right even when no one was watching. Mayor Phelan requested the Board of Trustees and the audience rise for a round of

applause to thank Mr. Gauf for his many years of service. Having done so, Mayor Phelan wished Mr. Gauf a long and happy retirement.

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

Trustee Goett made a motion to appoint Ms. Emily Smesrud as Interim Treasurer for the Village of Peoria Heights, and Trustee Khazzam seconded the motion. Mayor Phelan noted the position would be interim, and explained Ms. Smesrud currently functions as backup to the Bookkeeper. Trustee Goett stated he's worked with Ms. Smesrud for several years and praised her hard work and good character. Attorney Walton stated that the Treasurer has statutorily defined duties as the authority over the finances. The motion to appoint Ms. Smesrud as Interim Treasurer passed 6-0.

Mayor Phelan requested Attorney Walton provide guidance on the hearing of the appeal by PH Samuel, LLC from ZBA denial of application for height variance for 1324 E Samuel. Attorney Walton noted there was no procedure for an appeal of a variance, and the Board of Trustees had discretion if they wanted to vote on the issue after hearing the appeal or wait for a later date.

Ms. Katie Kim, developer for the project, came forward to explain she had understood that her projects on Samuel Avenue would not be subject to the height ordinance which was passed earlier in 2019. She noted PH Samuel and the project on Samuel had been mentioned during deliberations of the ordinance and referred the Board of Trustees to the minutes. Ms. Kim asserted she had been assured at multiple points that she would be allowed to proceed, and the height requirements didn't apply to her project. Ms. Kim argued there was an intense hardship because PH Samuel, LLC had not been notified of the changes to their project as a result of new ordinance. Ms. Kim further objected because building the project on a different parcel in the block would have negated the need for a variance.

Mayor Phelan thanked Ms. Kim for bringing the St Jude Dream Home to Peoria Heights. Mayor Phelan noted that since the Board of Trustees was conducting a hearing the Board of Trustees would accept public comment, limited to 5 minutes, on this topic only.

Mr. Swanson approached the Board again to stress his concerns of the impact of the house on his property next door. He stated small variances added up to a big impact. He noted previous changes PH Samuel had made to other projects. He stated the effect it will have on Samuel for many years to come will not all be positive.

Hearing no other comments, Mayor Phelan closed the hearing to public comments. Mayor Phelan invited the Board of Trustees to ask questions. Trustee Mariscal questioned Attorney Walton if the Board of Trustees had exempted Ms. Kim's project during debate of the height ordinance. Attorney Walton stated that the Board of Trustees would decide if they exempted her through the process of the hearing. Attorney Walton noted legally developers must comply with any ordinances in effect at the time plans are submitted. Since Ms. Kim had not submitted plans prior to the adoption of the ordinance, her project was subject to the height ordinance. Attorney Walton noted his comments from the meeting in question were in regards to the PH Samuel project which had already submitted plans. Since the residence at 1324 E Samuel had not submitted plans at that point, the height ordinance applies to it. Attorney Walton noted the appeal process exists exactly for situations like the current one, and that it was appropriate for the Board to consider the goals of the project during their decisions. Ms. Kim stated she wouldn't have applied for the height variance, as it was negligible, if she thought it would be denied. Trustee Khazzam stated Ms. Kim's explanation was misleading and asked her to clarify of the

rest of the Board of Trustees why the project required a height variance. Ms. Kim noted that the new ordinance set a height limit at 35' or 12' higher than neighboring properties. Ms. Kim's project is a few inches over 35' but a neighboring property's height restricts the height to much lower. Trustee Khazzam stated she could address the issue from a unique position to address as a fellow developer. Trustee Khazzam noted she was on the ZBA when the ordinance was developed, and the situation like the one under consideration was the very reason for the ordinance. The ordinance was developed to stop such tall buildings, like condos and mixed use buildings, from being built among small residences. Trustee Khazzam noted it was the responsibility of the developer to be aware of potential zoning problems and asked why the house wasn't put on another lot since Ms. Kim stated relocation would resolve the height issue. Ms. Kim said she chose the lot because it made sense as part of the larger plan since it was the closest to Prospect Road she had available. Trustee Khazzam stated that Ms. Kim had attended the ZBA meetings and should have known this was ordinance was under discussion. Ms. Kim denied being aware of the ordinance. Ms. Kim stated she disagreed with Attorney Walton's assessment of his comments. Trustee Khazzam explained that she understood the financial implications of redesigning the project, but with heights of ceilings in the first and second floor the home could be redesigned to eliminate the need for a height variance. Trustee Khazzam expressed frustration the problem had not been resolved previously as she stated the 6' decrease could have been built into the design. Ms. Kim stated that submitting the project was the first time she was aware that the ordinance would be applied to the project. She stated she applied for the variance rather than redesigning the residence because of the timetable she had planned. Trustee Mariscal questioned if the height could be taken off. Ms. Kim noted that if the variance wasn't approved then it would have to be. Trustee Carter stated she herself interpreted that PH Samuel's project would be exempt. Trustee Carter stated stopping the development because of one house that wasn't going to sell didn't make sense. Trustee Wisenburg questioned if the project would be similar to another residence on another street which had not complied with Village setbacks. Ms. Kim stated there would be setbacks, and she had not requested any variances for the front and side yard setbacks. Trustee Wisenburg questioned if the neighbors of the property had attended to comment. He was informed Mr. Swanson had attended and already commented, and Mr. Gorman had not attended but had previously spoken against the height variance. Trustee Khazzam suggested eliminating some of the architectural features in order make the house seem smaller. Trustee Goett made a motion to grant PH Samuel, LLC a variance in height requirements for the property at 1324 E Samuel Ave in accordance with the submitted plans. Trustee Carter seconded the motion. Trustee Khazzam asked if Ms. Kim couldn't find a few feet to reduce the height of the building, and Ms. Kim stated that to remove 6' would require an intense redesign. Ms. Kim expressed frustration that her neighbor would be able to build a full 35' tall house but because there's a single story on one side of her property she wasn't allowed to do the same. Trustee Khazzam stated that the Village could not throw out all its code for one street and asked what Ms. Kim planned to do for future projects knowing what the zoning code requires. Ms. Kim stated her plan would depend on the properties in question, but she planned to build strategically to avoid the need for a variance. She said PH Samuel should be able to build 4 or 5 houses without requesting a variance. Ms. Kim acknowledged that urban infill was difficult. Upon roll call, the Board of Trustees voted 5-1 to grant PH Samuel a variance to the height requirement codes. Trustee Khazzam voted nay.

Trustee Khazzam made a motion to approve going out to bid sale of 5 vacant lots owned by the Village of Peoria Heights. Trustee Goett seconded the motion. Trustee Khazzam explained a developer had approached the Village and expressed interest in building homes on the Village's vacant lots. After word of the request went public, more developers approached to express interest in the lots. The Village could, therefore, request bids for all five vacant lots assigning priority to any bids were for all 5 properties. Trustee Mariscal questioned if the Village originally planned to auction the properties, and

Attorney Walton noted that this was the municipal equivalent. Trustee Mariscal questioned the bidding process, and Attorney Walton clarified the process. Trustee Carter expressed concern about minimum bids. Attorney Walton stated that to maximize bids the criteria were kept flexible, but the Board had the option to reject all bids. The Board of Trustees approved the motion to send the lots out to bid 6-0.

Mr. Jody Summers and Ms. Diana White approached the Board of Trustees to present a business plan for a pedal bus business. Mr. Summers stated they had approached Peoria Heights about the idea because of the excitement and development in the area. He explained he thought this project was perfect for the Village and, if denied, did not plan to pursue the project in another municipality. This community could be one of the smallest in the nation to have such a business. The business requires reservations and provides a driver and a host/hostess to serve drinks which are provided by the guests. The pedal bus follows a set route and has rules preventing drinks from leaving the bus or entering the bus from any of the stops. Mr. Summers noted safety was a huge concern for him so the rules were designed to keep everyone safe. Mr. Summers stated he wants the business to become a part of the community. He shared ideas for incorporating the pedal bus into existing community events. Mr. Summers explained there was no pedal bus in Chicago, and the business could be an amenity which would draw tourists down state into Peoria Heights. The business would require some new ordinances to be enacted. Trustee Wisenburg questioned alcohol's inclusion, and Mr. Summers pointed out that the bus was designed for children as well, and they wanted a family friendly environment. Trustee Wisenburg suggested working with the Peoria Heights Historical Society to create a historical tour. Mr. Summers agreed to look into the request. He noted that he had also thought of having live music on some of the tours. Trustee Goett stated he had seen some of these types of businesses before, and it was a neat concept. Trustee Khazzam expressed excitement for the project. She asked if the business required park district permission for the portion of the route that included Grandview Dr. Attorney Walton stated the business would require permission from the Park District. Chief Sutton asked Attorney Walton to speak to the liquor code requirements for the business. Attorney Walton agreed to research the specific requirements of the business as relating to the Village's liquor ordinances. Mr. Summers stated that, per his research, the State of Illinois did not require a liquor license because the business would not be selling the liquor. He noted that he was happy to comply with any licensing requirements the Village created. Trustee Khazzam clarified that any liability would not fall on the Village, and Mr. Summers and Attorney Walton agreed. Trustee Mariscal questioned if there would be tax dollars generated. Mr. Summers speculated that there would be some sort of permit fee, but also hopefully increases in local retail business. Mr. Summers expects the Village to see an increase in traffic to the area as a result of the tours. Trustee Carter asked how long the tours lasted, and Mr. Summers stated they would be 90 minutes. The Board will review the proposed ordinance for the business and vote on the ordinance at the next Board of Trustees meeting.

Mr. Hugh Higgins approached the Board of Trustees to provide information regarding the Taste of the Heights event. Mr. Higgins stated he was asking for closure of Prospect Road on the east side of the street. He requested Public Works to help close the road for the event, and a police presence for the event itself. Mr. Higgins stated that 12 restaurants had committed to participating in the event. The event will be limited to Peoria Heights restaurants only. Mr. Higgins noted that the Facebook page had 8,000 interested attendees, but he anticipated approximately 2,000 people would attend. Trustee Carter questioned who would receive the proceeds from the event. Mr. Higgins stated the funds would be returned to the Chamber of Commerce. Mr. Higgins noted he wasn't sure if the event would be making money or if the funds would all be used to cover the costs of the events. Mayor Phelan questioned who would be in charge of cash control. Mr. Higgins stated that local bankers were volunteering to help. Mayor Phelan stated he was concerned about the logistics of so many attendees.

Mr. Higgins explained he had secured additional parking and was planning to have volunteers to help direct traffic. The Board of Trustees will vote on the event at its next meeting.

Trustee DeVore provided an update on the August code enforcement reports noting that 68 notices had been issued with 33 complying and 35 pending. Hearing no questions on the report, Trustee DeVore provided an update on the August housing inspections. There were 22 properties inspected, and 20 passed with minor violations. There was 1 property pending, and 2 properties had corrected mistakes. Chief Sutton stated that both programs were running efficiently. Chief Sutton continued on to say he had received requests from some Trustees for a ride along with a police officer. He said it would require a waiver, but he'd be happy to arrange that.

Mayor Phelan asked Trustee Wisenburg to speak about his idea for a splash pad. Trustee Wisenburg stated a lot of families had approached him about such an amenity. Trustee Wisenburg stated splash pads were focal points for families in the community. He stated they weren't expensive and referenced a construction cost of \$100,000 he'd received from the City of Chillicothe. Chief Sutton mentioned East Peoria had recently received a much larger matching grant for a splash pad. Trustee Wisenburg explained he had approached the Peoria Park District regarding the project. Trustee DeVore questioned the Park District's response, and Trustee Wisenburg stated they weren't initially opposed. Mayor Phelan expressed support of the project with park district contributing land and funding the project. Trustee Carter questioned where the funds for the project would come from if the Park District declined to fund it. Trustee Wisenburg mentioned donation as a viable source and said he believed the project could be accomplished via private fundraising. Mayor Phelan stated it was a good idea, but the Board needed to continue to evaluate if it was feasible since it would require on going costs. Mayor Phelan and Trustee Wisenburg agreed to meet to discuss the next steps. Trustee Wisenburg requested another Trustee accompany him to a park district meeting to request consideration of the project. Trustee DeVore agreed to arrange a date with Trustee Wisenburg.

Trustee DeVore made a motion to enter executive session for pending or probable litigation under 5 ILCS 120/2(c)(11). Trustee Mariscal seconded. The Departmental – Public Safety Meeting was suspended for executive session at 8:21 pm.

The Board of Trustees resumed open session at 8:45 pm.

Trustee Goett made a motion to adjourn, and Trustee Khazzam seconded the motion. The Board of Trustees voted 6-0 to adjourn at 8:45 pm.

Michael Phelan, Mayor

Stephanie Turner, Village Clerk