

Village of Peoria Heights  
Board of Trustees Meeting  
September 17, 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, Elizabeth Khazzam, Jeffrey Goett, Brandon Wisenburg, and Sarah DeVore. Others present included Mayor Michael Phelan, Administrator and Chief of Police Dustin Sutton, Clerk Stephanie Turner, and Village Counsel Attorney Mark Walton.

Trustee Goett made a motion to approve the minutes from the Board of Trustees Meeting held on August 20, 2019. The motion was seconded by Trustee Khazzam, and the motion passed 6-0.

Mayor Phelan announced the Village would be hosting a Truck or Treat at Village Hall on Saturday, October 26. Additionally, there will be two Community Meetings held on October 10 and November 14.

Mayor Phelan invited Mr. Hugh Higgins forward to speak about the Taste of the Heights which was held the previous week. Mr. Higgins reported the event had run out of the 4,000 wristbands they had ordered. He thanked the many organizations which helped make the event a success and stated the restaurants had reported some of their largest sales nights of the summer. Mr. Higgins discussed plans for improving the event. He also noted the event had made \$43,000 in totals sales between restaurant, alcohol, and wristband sales. The Chamber of Commerce's portion of the funds was enough to net a profit. Mayor Phelan asked for questions, and Trustee Goett stated the event was wonderful. Trustee Mariscal questioned if the Chamber would sell tokens ahead of time next year. Mr. Higgins stated it would be considered but depended on feasibility. Trustee Carter questioned if leftover tokens could be used the next year. Mr. Higgins said the Chamber of Commerce had purchased back unused tokens at the event, and the tokens would be reused. Trustee Carter stated she had heard good things from the community regarding the event. She thanked the people who helped made the event a success. Trustee Khazzam suggested Mr. Higgins consider selling tokens in retail stores to help draw traffic into those businesses as well. Mayor Phelan thanked the Village employees for their work in making the event safe and enjoyable.

Mayor Phelan explained Al Fresco Park was an amusement park that used to be located on the river and was a large draw in the past. It closed many years ago, but the Village still owns the property. Mayor Phelan invited Mr. Greg Birkland, of the KDB Group, forward to speak about a proposal for the property. Mr. Birkland came forward and explained Mr. Kim Blikensstaff, owner of KDB Group and a lover of nature, had purchased fifteen acres of woodland with a plan to create a place for kids to learn outdoor skills. As an extension, the KDB Group wants to create a natural fly fishing pond on the site of the old Al Fresco Park. Mr. Birkland spoke about working with communities along the river to create a circle of tourism centered around the river. Mr. Birkland shared a site plan which included the ponds, a bike path planned by the State of Illinois, and docks for kayakers. He shared plans for installing picnic benches and a walkway to transport visitors across Galena Road to the park. KDB Group has already spoken to engineers about the proper elevations needed to avoid flood levels. Mr. Birkland reported the project had been presented to Senator David Koehler and Ms. Colleen Callahan, Director of the Illinois Department of Natural Resources, who both were enthusiastic. Mr. Birkland asked for questions,

and a resident asked if the project would be handicap accessible. Mr. Birkland stated it would be. Mr. Birkland moved on to discussing Poplar Park and explained flooding in the land created a natural area for a winter ice skating rink. The area would simply need to be flooded to create a thin natural skating rink. Trustee Carter stated both were great projects but questioned use of the Al Fresco property since it was Village owned. Mayor Phelan answered he was opposed to selling property but wanted to determine if the Board of Trustees had interest in a long term lease agreement with the KBD Group. Trustee Khazzam stated she thought the idea was fantastic and would be a huge ecotourism draw for the community. She urged the Board of Trustees to continue to pursue the opportunity. Mr. Birkland noted that Hermann and Associates, which owns the property across Galena, was planning additional development on their lot to compliment the project. Mayor Phelan thanked Senator Koehler and Representative Gordan-Booth for their help in getting the Galena Road project funded which opened opportunity to pursue development on Galena Road much sooner than originally planned. Mayor Phelan and Trustee Khazzam announced there would be a meeting on October 16 to discuss a potential coalition of river communities. Mayor Phelan noted staff should move forward and work with KDB Group to develop a lease agreement for the Al Fresco property.

Mayor Phelan opened the meeting to comments from the audience.

Mr. Jody Summers approached to provide an update on Ordinance 2019-1604 which will be voted on later in the evening. Mr. Summer reported he had spoken to the Peoria Park District regarding a pedal bus on Grandview Drive, and the Park District had expressed enthusiasm but was waiting on Village approval before discussing more details with Mr. Summers.

Fire Chief Greg Walters, 800 E. Toledo Avenue, came forward to report that there was a significant fire on September 13 at Forest Park Apartments. He thanked Chief Sutton, Sgt Lotz, and Officer Switzer for initiating an evacuation of the burning building. He continued on to ask the Board of Trustees to approve the purchase of a server for the Peoria Height Fire Department that evening. Mayor Phelan thanked Fire Chief Walters and the Fire Department for their work.

Trustee Carter invited Superintendent of Water, Mr. David Marfell, forward. Mr. Marfell reported there would be two road closures the following week. Forest Park Drive would be closed due so Illinois American Water could make repairs to one of their mains, and Public Works would be replacing a fire hydrant. He advised residents to take alternate routes and exercise caution in work zones. Trustee Carter invited Superintendent of Streets, Mr. Michael Casey, forward who reported that the drainage project near D's Autobody was delayed.

Trustee Mariscal stated she had nothing to report.

Trustee Khazzam reported she had attended a Joint Review Board meeting as part of the TIF expansion process. Trustee Khazzam reported that Peoria Heights Community School Unit District No. 325 Superintendent Eric Heath, Richwoods Township Supervisor Don Gorman, and Peoria Heights Public Library Director Shawn Edwards came to the Joint Review Board Meeting, and there was no opposition to the expansion. Additionally, Trustee Khazzam attended the free admittance day for Heights residents at the Peoria Riverfront Museum and enjoyed the museum's wonderful exhibits. She recommended residents make time to see the current exhibits in the next two months. Mayor Phelan stated the Village would be traveling to Springfield in October to ask the Illinois Department of Commerce and Economic Opportunity for a \$500,000 grant for residential housing.

Trustee Goett thanked KDB Group on behalf of the Village staff for providing a lunch to the Village staff.

Trustee Wisenburg stated he had nothing to report for Fire.

Trustee DeVore reminded the Board of Trustees that Chief Sutton had given the Board the opportunity to participate in ride alongs with the officers. The Peoria Heights Police Benevolent Association is holding a fundraiser on September 28 at Heritage Square. Trustee DeVore explained the PHPBA does a lot of good for Peoria Heights, including providing scholarships, and deserves support from the community.

Trustee Khazzam made a motion to approve Ordinance 2019-1604: an Ordinance Amending Title 4 of the Village Code of the Village of Peoria Heights for the Purpose of Adding a New Chapter 8 Providing for Licensing and Regulation of Pedal Buses Operating Within the Village. Trustee DeVore seconded the motion. Trustee Khazzam noted the ordinance had already been discussed by the Board of Trustees. Attorney Walton noted he had passed out a new draft of the ordinance prior to the meeting which included additional changes. Mayor Phelan asked him to discuss the changes, and Attorney Walton referenced the appropriate sections which included adding a permit fee, restricting the number of permits to one, restrictions to the volume of music on the bus, and detailed the allowed routes among other details. Trustee Khazzam made a motion to amend the ordinance to include the attorney's changes as detailed, and Trustee Goett seconded. Trustee Khazzam asked Attorney Walton what fee would be reasonable as it had been left blank, and Attorney Walton stated it had not been previously discussed. Trustee DeVore questioned what other communities had charged. Attorney Walton stated he was not sure, and Mr. Summers reported the fees started at \$500 and grew higher depending on the size of the community. Chief Sutton noted the sample ordinance that had been provided included a permit cost of \$1,000, and Attorney Walton agreed. Trustee DeVore questioned the cost of the tours, and Mr. Summers stated they varied based on the day and time of the tour. Mayor Phelan urged the Board of Trustees to consider setting the fee low initially as it could be raised later. Trustee Mariscal stated there should be a time limit set on the exclusivity of the permit. Trustee DeVore questioned if Mr. Summers would expand to a second pedal bus if business warranted it, and Mr. Summers stated he had considered it. Trustee Wisenburg asked if the exclusivity clause could apply to the business as well to keep them in Peoria Heights. Trustee Wisenburg asked Mr. Summers if that would be acceptable, and Mr. Summers agreed. Trustee Khazzam asked Mr. Summers how many tours he anticipated annually. He stated he'd operate from March to early October and was hoping for 10 rides a week but he stressed that was his goal and it might take time to build the business. Trustee Khazzam and Goett both agreed to include in their amendment a permit fee of \$500 and a time restriction of three years for the exclusive permit provided the licensee did not operate another pedal business within 25 miles of Village Hall. The Board of Trustees voted 6-0 to accept the changes to the ordinance outlined by Attorney Walton, a permit fee of \$500, a three year exclusive permit, and a restriction that the exclusivity was nullified if the licensee opened another pedal bus business within 25 miles of Village Hall. The Board of Trustees voted 6-0 to accept the ordinance as amended.

Trustee Goett made a motion to approve 2019-1605: an Ordinance Adopting Certain Regulations and Public Records by Reference as Criteria for the Issuance of Construction, Reconstruction, Alteration, and Installation Permits Within the Village of Peoria Heights, and Trustee DeVore seconded the motion. Trustee Goett stated the Board was looking to update the building codes on the advice of our consultants. Trustee Goett explained the updates had been on file for thirty days. Trustee Mariscal questioned if the codes were standard, and Attorney Walton stated they were standard codes across the country. The Board of Trustees voted 6-0 to approve Ordinance 2019-1605.

Trustee Wisenburg made a motion to approve the purchase of a server for the Peoria Heights Fire Department in the amount of \$6,309, and Trustee Goett seconded the motion. Trustee Wisenburg stated the Board had spoken about the server previously. Trustee Carter stated the Fire Department was using software which was going to need to be replaced. Trustee Wisenburg agreed saying he had reached out to the vendor of the software and had been advised the version used by the PHFD is no longer for sale. It is still supported but will not be receiving OS updates. Trustee Wisenburg said upgrading to Firehouse Cloud would eliminate the Village's security liability. Trustee Khazzam asked Trustee Wisenburg to speak about privacy, and Trustee Wisenburg noted there were concerns about the confidentiality and access to the data. Trustee Wisenburg stated it would be minimal cost for the Village to bring the Fire Dept under the IT maintenance contract with Pearl Technology, and the purchase of the Firehouse Cloud software might eliminate the need for the server. Trustee Khazzam noted it would be more security and less liability. Mr. Dalton Carlson, a volunteer who provides IT services to the PHFD, said there is more data than the reporting data managed by Firehouse. Trustee DeVore asked what the software does. Fire Chief Walters explained the software is used to report data to the State. Trustee DeVore questioned why there was additional report data not housed by Firehouse. Fire Chief Walters stated the separate files included photographs and recordings which weren't necessarily supported by the software as it only supports basic report details. Trustee Khazzam asked if the PHFD needed both Firehouse Cloud and the server. Fire Chief Walters stated it had been his plan for the future. Trustee Carter asked where the server was located. Fire Chief Walters stated it was stored in the basement. She questioned who was backing up the data and where they were located. Mr. Carlson stated the back ups were done by staff and were on Village property. Trustee Carter stated she was indifferent to the server but was very concerned about the back ups not being completed by Pearl Technology. Trustee Goett stated interest in updating to the Firehouse Cloud software rather than purchasing the server. Fire Chief Walters recommended coming back to the Board of Trustees regarding the cloud software. He requested approval of the server to move forward. Trustee Mariscal asked Chief Sutton if the police department had a larger server than the PHFD's request. Chief Sutton stated the police server was the same size. Trustee Mariscal asked why the fire department needed such a large server considering the police department's large amount of data. Fire Chief Walters noted the size was to accommodate future needs. Trustee Mariscal asked if a smaller server could be purchased, and Chief Sutton agreed there were smaller sizes available. Trustee DeVore noted if Pearl Technology were retained then back ups on the server would fall under their liability. Trustee Wisenburg agreed. Mr. Carlson stated the server would still be needed even with an upgrade to Firehouse Cloud software. Trustee DeVore noted she'd like to see the server request reduced. Trustee Goett recommended the interested parties meet to discuss the request. Trustee DeVore made an amendment to the motion to purchase the server stating either Pearl Technology or ESO Cloud would be required to do backups and transfer data to the new server to alleviate liability. Trustee Goett seconded the amendment. Fire Chief Walters disagreed with the amendment. Trustee DeVore agreed to adjust her amendment to require Pearl Technology or ESO Cloud to provide the PHFD with back up service, and Trustee Goett agreed as well. Chief Sutton expressed doubt that Pearl Technology would accept liability for a server they had not installed. Trustee Mariscal expressed the desire to delay action to obtain answers. Mayor Phelan called for a vote on the amendment to the purchase of a server requiring that back up service be done by Pearl Technology or ESO Cloud. The motion to approve the amendment to the purchase passed 4-2. Trustees Khazzam and Wisenburg voted nay. Trustee Carter made a motion to defer the purchase of a server for the PHFD to the September 24 meeting. Trustee Mariscal seconded the motion. The motion to defer the purchase of the server passed 6-0.

Trustee Khazzam made a motion to approve the BDD beautification grant application by Sherman's Real Estate, and Trustee Carter seconded the motion. Mayor Phelan invited the applicant, Mr. Paul Sherman, forward to speak about the project. Mr. Sherman noted the business has its logistical center in Peoria Heights and had set up an outlet center out of the back of its warehouse to sell value items and items that had minor cosmetic defects. The outlet had generated a lot of traffic and increased sales for Sherman's. Mr. Sherman stated the building was old, and they're investing in it to try to increase traffic and sales. The beautification grant request was for a sign advertising the location of their outlet center which was part of their larger plan for improvements. Trustee Khazzam stated the Business Development District Advisory Committee had recommended approval of the grant. The motion to approve the grant application passed 6-0.

Trustee Khazzam made motion to approve the BDD beautification grant by MK Enterprise, LLC, and Trustee Goett seconded the motion. Trustee Khazzam noted the owners were planning a \$90,000 improvement project to the roof top of the 4500 building, and the grant would help pay for a portion of those improvements. The Board of Trustees approved the application 6-0.

Trustee Goett made a motion to approve 2019-1607: an Ordinance Imposing Municipal Cannabis Retailers' Occupation Tax on Recreational Cannabis Retail Dispensaries in the Village of Peoria Heights, and Trustee DeVore seconded the motion. Trustee Goett noted the ordinance was to approve a sales tax if the Village allowed dispensaries. The ordinance needed to be passed even though the Board had not voted on the issue of recreational dispensaries in order to meet a deadline of October 1. Attorney Walton noted the ordinance is being passed based on Illinois Municipal League's guidance of what language would be coming out of the upcoming state legislative session. The current statute does not allow municipalities to tax of January 1, but IML believes that will be changed. Attorney Walton noted this did not allow sale of recreational cannabis in the Village, but simply stated if such sales were to be allowed then they would be taxed. Trustee Carter questioned if the 3% tax in the ordinance was a cap, and Attorney Walton stated it was. Trustee Wisenburg questioned if the maximum tax should be adopted. Chief Sutton, Trustee DeVore, and Trustee Goett noted surrounding communities were implementing the maximum, and Attorney Walton stated the Board could amend the tax in any following calendar quarters. The Board of Trustees voted 6-0 to adopt Ordinance 2019-1606 imposing an occupation tax on recreational cannabis sales.

Trustee Goett made a motion to approve a special use permit for Chuck's Auto Sales, and Trustee Carter seconded the motion. Trustee Goett noted the permit was reviewed quarterly to maintain standards, and the practice has been effective. The Board of Trustees voted 6-0 to approve the special use permit.

Mayor Phelan noted the vacation of Brockway Avenue was a discussion item. The Wiggintons asked the Village to vacate Brockway Avenue to them. Dr. Christine Wigginton, 1 Brockway Avenue, approached to explain her family had lived at the property for two years. The avenue was unique in that it is a public road which can only be accessed by a private road. Dr. Wigginton noted there was one property on Lake Avenue that had its driveway on Brockway, and none of the other nearby residences had access as they had no claim on the private road connecting to Brockway. She explained that she is a physician and needs to leave her home at odd times which necessitated her family paying to have Brockway Avenue plowed during the winter. She also noted the road needed to be repaved, and she didn't think it would be fair to ask the Village to pave a street for the benefit of one house. Dr. Wigginton explained she was asking that the road be vacated so her family could maintain it as they had already been doing. She noted that some of the neighbors were concerned about access if it was vacated and pointed out that the neighbors would still have access to their own properties and their driveways all had access off

Grandview Drive. She explained that she and her husband had concerns about the clause of the proposed ordinance allowing the surrounding properties access to Broadway in perpetuity. She stated they were going to use the road as an extended driveway. Trustee Goett supported eliminating the clause regarding Grandview properties from the ordinance, and Attorney Walton agreed. Attorney Walton noted the road should have been vacated years ago at the same time as Lake Avenue. He said the clause had been included as an accommodation for some neighbors, but most of the properties didn't have easement rights and should not be included. Trustee Khazzam clarified that eliminating the clause would not change the residents' current legal rights. Chief Sutton noted that the Village would still have access to its infrastructure through easements, and Attorney Walton agreed. Trustee Wisenburg asked if all residents had access to Brockway, and Attorney Walton disagreed. He stated that the only way to get to Brockway would require residents to trespass as only three residences had the right to travel on Lake. The Board will vote on the ordinance at the next departmental meeting.

Clerk Turner read the Treasurer's Report. As of the end of August, the Village controlled accounts had \$2,500,596.64 and the Water controlled accounts had \$963,925.77. Trustee Goett made a motion to approve the Treasurer's Report, and Trustee Khazzam seconded. The Board of Trustees voted 6-0 to accept the Treasurer's Report.

Trustee Goett made a motion to adjourn, and Trustee Mariscal seconded. The Board of Trustees voted 6-0 to adjourn. Meeting was adjourned at 8:07 pm.

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Michael Phelan, Mayor

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Stephanie Turner, Village Clerk