

Village of Peoria Heights
Board of Trustees
December 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, 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 Village Counsel Mark Walton.

Trustee Goett made a motion to approve the minutes from the Board of Trustees Meeting held on November 19, 2019, and the motion was seconded by Trustee DeVore. Motion passed 6-0.

Mayor Phelan announced the next Village newsletter would be available in January and thanked Village staff for their work on the Christmas events.

Mayor Phelan invited Ms. Katherine Fife and Ms. Cindy Neal from Express Employment forward to present them with a plaque commemorating the business's 30th anniversary. Ms. Neal and Ms. Fife expressed their appreciation and the hope for many more years.

Mayor Phelan invited Ms. Cathy Stevenson forward to present her with a letter of recognition for her many years of service upon her resignation from the Peoria Heights Zoning Board of Appeals. Ms. Stevenson thanked the Board of Trustees for their work with her and the ZBA and stated she would still be involved in the community in the future.

Mayor Phelan and Trustee Wisenburg invited forward the Robocomets II Lego Robotics Team from St. Thomas School. The group performed a skit to illustrate the importance of universally accessible playground equipment on playgrounds. Ms. Katie Kube, of the Robocomets, spoke about the need for accessible park equipment in the community. She noted that Tower Park had the advantage of being already paved, centrally located, and close to schools. She asked if there were any questions. Trustee Khazzam complimented Ms. Kube on the presentation. Mayor Phelan noted that the Village wanted to work with the group on the project. Trustee Wisenburg asked Ms. Kube if she had researched costs, and Ms. Kube stated the costs ranged from \$100,000 to \$200,000 depending on the equipment chosen. She stated there was no timeline currently, but she hoped to see the project completed by 2021. Trustee DeVore asked if the group had already considered specific pieces of equipment, and Ms. Kube stated they were most interested in swings that could accommodate wheelchairs and sensory equipment that would make sounds or respond to touch. Trustee Mariscal asked about fundraising, and Ms. Kube stated they had considered a GoFundMe, a fundraiser at the school, and grants. Trustee Wisenburg said Peoria Heights businesses had historically been very generous and recommended creating literature to provide the businesses. Mayor Phelan requested the item be put on the agenda for January 3, 2020.

Public comments were opened to the audience.

Ms. Cathy Stevenson, 4536 N. Miller Avenue, came forward to speak about the distance requirement in the cannabis ordinance under consideration that evening. She noted that alcohol and cannabis are

classified differently on the federal level and expressed concern that cannabis would be allowed to be consumed on site of dispensaries in the near future. She noted the closeness of 100 ft and provided a frame of reference for the distance. She asked the Board of Trustees to consider the distance and location carefully. She also stated she was excited that the Board of Trustees had contracted with a firm to produce a comprehensive plan for the Village. She encouraged the Board of Trustees to take the process of creating the plan slowly and to listen to the consultants to produce a good outcome.

Mr. Jimmy Dillion, Associate Director of West Central Building Trades, came forward to speak about the importance of the ordinance requiring prevailing wages for projects using Tax Increment Financing Funds and Business Development District Funds. He noted the importance of fair labor practices to the community in providing jobs and putting money back in the community. He thanked Mayor Phelan and the Board of Trustees for their work on the ordinance.

Hearing no other public comment, Mayor Phelan moved on to reports from the Trustees.

Trustee Carter invited the Superintendent of Water, Mr. David Marfell, forward to speak about water quality. Mr. Marfell encouraged residents to contact Village Hall with problems and noted that staff does not respond to comments or complaints on social media. Mr. Marfell reminded residents that the groundwater in the area has high mineral contents and that the minerals are not harmful although they can create a brown or dirty look. He stated that staff was working on frequently asked questions to be posted on Peoria Heights' website. Trustee Carter reemphasized the importance of calling Village Hall before posting problems on social media. Trustee DeVore asked Mr. Marfell to speak more about the safety of the water. Mr. Marfell noted the EPA has strict testing requirements which includes testing raw water. Peoria Heights' raw water is safe to drink without any treatment. Trustee Mariscal asked if the water was dangerous if the problem was on the homeowner's side. Mr. Marfell stated that question was more appropriate for a plumber since the problem could be from a variety of sources. Trustee Wisenburg expressed concern that the issue is consistent and disbelief that so many residents had bad water heaters. Mr. Marfell noted the appliances pictured in the complaints were using hot water and noted the number of residents as compared to the number of complaints. He reemphasized that if the problem wasn't present in cold water then the problem wasn't with the water being provided but from inside the house. Trustee Wisenburg stated that he knew some families who had lived in the community for a long time who felt the water was unsafe and expressed his concern that complaints weren't reaching the Village. Mr. Marfell noted that last EPA violation was in 2006, and the Village's water quality report was available online.

Trustee Carter invited Superintendent of Streets, Mr. Mike Casey, forward to speak about Public Works' response to the most recent snow storm. He noted that main roads are cleared first to make sure that emergency vehicles can get through and side streets are cleared when the snow slows down and additional staffing is called in. He recommended shoveling in the direction of plowing to avoid getting snow built up at the end of the driveway.

Trustee Mariscal stated she had received an email from Chief Sutton regarding the boiler at Village Hall. Last Friday, the boiler had failed, and an emergency repair provided a temporary fix, but it needed to be replaced. The Village had asked for prices from three companies but only received one quote. She noted Chief Sutton had said the expense was TIF eligible, but there were not currently funds in the TIF to pay it. Chief Sutton stated the cost was approximately \$30,000 and noted Village Hall had had to be closed during the repairs to the unit so the boiler needed to be replaced very soon.

Trustee Khazzam noted she had attended the second meeting of the River View Coalition which is made up of local communities between McClugage Bridge and Lacon Bridge. The group is participating in a scenic byways website to promote tourism in the area. She also shared that Barry Cloyd and the Betty Jayne Brimmer Center for Performing Arts would be partnering for an event in March.

Mayor Phelan stated the KDB Group had made a donation to fund the creation of a community kitchen at St. Thomas, and he had attended its opening the previous weekend.

Trustee Goett reported that Chief Sutton had recently had completed performance evaluations for all the union employees.

Trustee Wisenburg stated that an update on the sewer quote would be presented to the Board of Trustees in January. He invited Mr. Marfell forward to speak about fire protection on Grandview Terrace. Mr. Marfell stated he had met with Chief Sutton and Fire Chief Greg Walters to discuss the issue. Chief Walters had proposed a solution, and Mr. Marfell was meeting with Village engineers to review feasibility and costs. Mr. Marfell said more details it would be presented to the Board soon. Trustee Wisenburg reported the Fire Department had just completed state mandated maintenance testing, and two steel cables needed to be replaced. He noted there wasn't a cost yet, but Chief Walters expected it to be covered by the maintenance budget.

Trustee DeVore reminded residents that solicitors are not allowed without a permit. She encouraged residents to request to see permit if approached and to contact the police if necessary.

There was no old business for the Board of Trustees.

Trustee Goett made a motion to appoint Mr. Charlie Calloway to the Peoria Heights Zoning Board of Appeals, and Trustee DeVore seconded. Mr. Calloway, 4917 N. Grandview Dr, came forward to state he had lived in Peoria Heights his entire life and his marketing business was located in the Village as well. He said he was looking forward to serving on the ZBA. The Board of Trustees voted 6-0 to appoint Mr. Calloway to the ZBA.

Trustee Khazzam made a motion to approve Ordinance 2019-1615: an Ordinance Requiring Payment of Prevailing Wage for All Projects Involving Use of Village Tax Increment Financing Funds and Business Development District Funds. Trustee DeVore seconded the motion. Trustee Khazzam noted the ordinance had been discussed multiple times, and the ordinance required prevailing wages be paid by developers receiving TIF or BDD funds. Trustee DeVore asked Attorney Walton if the ordinance included responsible bidder language as well. Attorney Walton noted it did, but explained that it was framed as contractor requirements due to different requirements. It mirrors the responsible bidder requirements. Trustee DeVore asked if the ordinance applied to Village use of the funds. Attorney Walton stated the ordinance was only applicable to private developers. Trustee DeVore noted she would like to see a separate ordinance which would extend the requirements to the Village as well. Trustee DeVore noted her concern for the residential housing program that contractors should be bonded and insured. Trustee Khazzam and Chief Sutton stated that could be included in the criteria for the residential housing program. Trustee DeVore clarified her concerns, and Attorney Walton stated that the ordinance applied to both residential and commercial properties. The motion to approve Ordinance 2019-1615 requiring prevailing wages for reimburse of TIF and BDD funds passed 6-0.

Trustee Goett made a motion to approve Resolution 2019-11: a Resolution of Adoption of the Tri-County Multi-Jurisdictional Natural Hazards Mitigation Plan. Trustee Wisenburg seconded the motion. Trustee Goett invited Ms. Reema Abi-Akar, from Tri-County Regional Planning, forward to speak about the plan. Ms. Abi-Akar stated she had helped to develop the plan which was for the tri-county area and would mitigate losses in the event of natural disasters. The plan allowed the Village to submit applications to FEMA for grants to help fund planning for natural disasters. Trustee Goett questioned how long it took to complete the plan, and Ms. Abi-Akar stated it had taken about three years and is updated every five years. She noted the Village had the opportunity to submit additional projects annually. The Board of Trustees voted 6-0 to approve Resolution 2019-11.

Trustee Goett made a motion to approve Ordinance 2019-1614: 4: an Ordinance Regulating the Use of the Corner of Prospect and Seiberling for Solicitation by Not-For-Profit Organizations and Providing for a Penalty for Violation. Trustee Wisenburg seconded the motion. Trustee Goett explained that the ordinance would limit the number of permits to four, and Trustee Khazzam noted the ordinance restricted permits to charities which benefited the Village of Peoria Heights. The Board of Trustees voted 6-0 to approve Ordinance 2019-1614.

Trustee Goett made a motion to approve Ordinance 2019-1616: Annual Tax Levy for 2019-2020 (Village and Library), and Trustee DeVore seconded the motion. Mayor Phelan invited the Director of the Peoria Heights Public Library, Mr. Shawn Edwards, forward to speak about the library's portion of the levy. Mr. Edwards thanked Village staff for their cooperation and support of the library. Mayor Phelan thanked Mr. Edwards for his kind words and his work in the community. Mr. Edwards noted that library was small, but with excellent staff and was proud to receive a lot of compliments from the community. He spoke about the increase of use in the last years, despite the internet, and stated that both books and computer use has increased about 5% every year. He stated the library had moved to a fine free system with about 2,000 active participants. He spoke about the increase in children's services and the recent hiring of a second full-time youth services librarian. He stated the library intended to do maintenance to the parking lot and building in the coming year. Trustee Goett noted that the library provided important services on a small budget and thanked Mr. Edwards for the library's hard work. Trustee Wisenburg asked if the library had a board which determined the levy, and Mr. Edwards indicated they did. Trustee Wisenburg questioned why the Village Board of Trustees was voting on the library's levy. Attorney Walton noted that since there was not a library district the library was a separate governing board operating under the Village of Peoria Heights. Mayor Phelan noted there are other services on the county level which operated similarly. Clerk Turner explained the Village's portion of the levy kept its general corporate tax levy flat and increase the portion levied for the Police Pension Fund almost 5% to help reduce the unfunded liability in the Police Pension Fund. Since the Village was under a 5% increase, it did not need to hold a Truth and Taxation hearing. Trustee Goett asked about the status of the Police Pension Fund, and Clerk Turner explained the fund was about 45% funded with approximately \$3.7 million in unfunded liability. Trustee Mariscal questioned the consequences if there was not enough money to pay pensions. Chief Sutton stated the Village was liable for the pensions by state statute, and the Village would have to find the funds elsewhere. He noted that the Village's pension fund was in a better position than a lot of communities and had improved the last decade, but the problem was a national problem, and the solution would take time. Trustee Mariscal asked about putting additional funds toward the police pension. The Board discussed directing all levy funds toward the police pension fund, but agreed to leave the levy as presented with the understanding that additional contributions to the Police Pension Fund would be reviewed during the budget process based on the projected surplus. Trustee Wisenburg asked the amount of the projected surplus, and Clerk Turner noted it was approximately \$375,000 at the end of the fiscal year but the amount was inflated and would be lower by

the end of the fiscal year. Trustee Wisenburg questioned why the Village was increasing property taxes rather than using the surplus to fund expenses. Clerk Turner spoke about the backlog of public projects, including sidewalks, curbs, gutters, roadwork, and pension funding, which required funding and the importance of building reserves as a start to completing those projects. Trustee Wisenburg expressed concern raising property taxes for residents who had not had income increases. Trustee Wisenburg made a motion to amend the ordinance to the same of the previous year's levy of \$478,799 and eliminate a property tax increase. Clerk Turner asked if the amendment would be broken up into \$124,533 to general corporate and \$354,266 to the police pension as it was previously, and Trustee Wisenburg agreed. Mayor Phelan asked for a second to the amendment. Trustee Mariscal asked for clarification of the amendment, and Trustee Wisenburg stated it would avoid a tax increase. Mayor Phelan and Attorney Walton explained property taxes were determined by equalized assessed valuation so requesting the same amount in fund would not inherently result in the tax rate staying the same. Trustee Wisenburg questioned how to avoid a tax increase, and Attorney Walton, Mayor Phelan, and Clerk Turner answered it wasn't possible noting the role of the County in determining rates and other levying bodies which make up property tax bills. Mayor Phelan noted Trustee Wisenburg's good intentions while speaking about the complexity of the property taxes. He explained the Village only receives a nickel of each dollar paid for property taxes, and the role of economic development and sales taxes in reducing the Village's levy and reliance on property taxes. Trustee Mariscal asked if the Board of Trustees had the ability to set the percentages on property tax bills. Attorney Walton replied that the Board of Trustees had authority to levy an amount, but the percentage, or tax rate, was determined by Peoria County. He emphasized that even levying a smaller amount wouldn't necessarily mean that every resident's property tax bill would decrease. Trustee DeVore noted that all levying bodies were completing the same process. Clerk Turner explained that additionally unpaid bills and adjustments are applied which result in the Village receiving less funds than originally levied. Trustee Wisenburg withdrew his amendment from the floor. Mayor Phelan encouraged the Board of Trustees to continue to review expenses especially during the upcoming budgeting process. Hearing no other discussion, roll call was taken, and Ordinance 2019-1616 passed 6-0.

Trustee Goett made a motion to approve Cady's Cars annual special use permit, and Trustee DeVore seconded the motion. Trustee Goett noted the business had been there for years. Chief Sutton explained that Cady's Cars had passed its compliance inspection. The Board of Trustees voted 6-0 to approve the special use permit.

Trustee DeVore made a motion to approve Ordinance 2019-1608: an Ordinance Amending the Zoning Ordinance of the Village of Peoria Heights Regarding Adult-Use Recreational Cannabis Business, and Trustee Goett seconded the motion. Trustee DeVore explained the ordinance had been discussed previously and was updated to mirror the Village's alcohol ordinance. The updates restrict location within 100 ft of a school or church and to properties zoned B-1 or B-2. Attorney Walton asked for clarification as he had removed the restriction to the War Memorial Drive corridor but had not removed a restriction from the B-1 central business district. He noted that if the will of the Board was to allow the businesses at any B-1 or B-2 property the ordinance would need an amendment. Trustee Khazzam stated she would prefer to leave the ordinance as written restricting the businesses from the B-1 central business district. She noted the comments from Ms. Stevenson from earlier and expressed parking and traffic concerns. Trustee Mariscal stated the Board could always address those concerns through the special use permit required to open such a business. Trustee Goett made a motion to amend the ordinance to include the central B-1 business district as approved zoning for cannabis businesses, and Trustee Wisenburg seconded the motion. Trustee Wisenburg noted the amendment would mirror the zoning in the Village's alcohol ordinance removing personal bias toward cannabis. Trustee Khazzam

noted that her concerns on the amendment were related to traffic and congestion and not any personal opinion regarding cannabis use. Trustee DeVore noted currently on site consumption would not be allowed in the businesses and state discussions on the topic indicated any future on site consumption would be framed similar to bars rather than for consumption at the dispensaries. The amendment to the ordinance passed 4-2 with Trustees Khazzam and DeVore voting nay. Ordinance 2019-1608 with the amendment to allow cannabis dispensaries in the B-1 central business district passed 6-0.

Clerk Turner read the Treasurer's Report. As of the end of November, there was \$2,670,260.27 in the Village controlled accounts, and \$997,226.86 in the Water controlled accounts. Trustee Khazzam made a motion to accept the Treasurer's Report, and Trustee DeVore seconded the motion. The Board voted 6-0 to accept the report.

Trustee Goett made a motion to adjourn and Trustee Wisenburg seconded. The meeting adjourned at 7:54 p.m.

Michael Phelan, Mayor

Stephanie Turner, Village Clerk