

Village of Peoria Heights
Board of Trustees Meeting
Emergency Meeting
March 19, 2020

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, Jeff Goett, Brandon Wisenburg, and Sarah DeVore. Trustee Khazzam was absent. Others present included Mayor Michael Phelan, Village Administrator and Chief of Police Dustin Sutton, Village Clerk Stephanie Turner, and Village Counsel Attorney Mark Walton.

Fire Chief Walters had sent a representative, Mr. Bob Hill, to speak on his behalf for the Peoria Heights Fire Department.

Mayor Phelan opened the meeting to public comment. Hearing no public comments, Mayor Phelan moved on to new business.

Attorney Walton explained that Governor Pritzker had issued executive orders in response to the global pandemic of COVID-19 which restricted the size of public gatherings and loosen the Open Meetings Act in order to allow public officials to attend meetings remotely. As such, Trustees Mariscal, Goett, and DeVore were present via phone conference. Attorney Walton explained the Village would not be able to maintain its regular meeting schedule for the duration of the pandemic, and that the Board should expect to receive more emails from staff. He cautioned the Board to avoid replying all to such emails.

Mr. Hill reported that the Peoria Heights Fire Department had been following protocols implemented by the Peoria EMS office and was working with the lead, Dr. Jackson, to make sure everyone stayed safe. He reported that the firefighters had protective equipment and policies for quarantining if that became necessary. He noted that Peoria Heights Fire Department was not currently responding to calls that were infection concerns as part of the EMS protocols.

Trustee Mariscal asked if the Village was tracking staff travel to monitor for possible infections. Chief Sutton reported that the Village was taking multiple precautions including redirecting walk-in traffic and minimizing face to face interactions. Chief Sutton stated that the police were taking nonemergency reports over the phone but stressed that residents should still call 911 if they had an emergency. He also noted that the same number of officers were on shift so residents were well protected. Chief Sutton explained that the officers had been outfitted with protective gear and thanked Mr. Andrew Rand of Advanced Medical Transport for his assistance in securing the gear for the police officers. Chief Sutton said the Village staff was a small, and he was meeting with employees regularly.

Trustee Carter made a motion to approve Ordinance 2020-1621: an Ordinance Regarding the Emergency Powers of the President of the Village of Peoria Heights, Illinois, and Trustee Wisenburg seconded the motion. Attorney Walton explained the ordinance was written to give the mayor emergency powers consistent with the municipal code drafted by the State of Illinois. He noted that a lot of powers listed in the ordinance were already overridden by executive orders from the governor, but the ordinance would provide a mechanism for the Village to continue its business while the Board was unable to meet.

Mayor Phelan stressed that the Board would be consulted prior to any action. Trustee Wisenburg asked if the current state of emergency issued by the governor would mean that the ordinance would go into effect immediately, and Attorney Walton agreed. Trustee Wisenburg expressed concern that the ordinance granted the mayor authority to restrict access to private residences. Attorney Walton noted that language, which was standard, was for circumstances such as floods or natural disasters which made occupancy unsafe. Trustee Wisenburg stated the ordinance granted a single individual too much power while also duplicating the governor's powers. Trustee Carter supported the ordinance by noting that it was unlikely the state level of government would take action if the Village were to have a localized emergency. Attorney Walton reminded the trustees that the ordinance granted powers for a limited period of time as it ended upon convening the next regular Board meeting. He stated most often it would be in effect for a period of 48 to 72 hours. He advised against removing sections of the ordinance which could limit the ordinance's effectiveness in future emergencies. Trustee Mariscal stated she didn't see the need for the ordinance as the governor had already stated mayors had the authority to step-in. Attorney Walton explained the mayor lacked certain authorities, such as authorization of purchases over the spending limit, to efficiently run all public business for the Village. Trustee Wisenburg noted his sole concern with the ordinance was Section 3(g) which pertained to public movement. Trustee Wisenburg made a motion to remove Section 3(g) from Ordinance 2020-1621, and Trustee Mariscal seconded the motion. Trustee Wisenburg questioned if the Village would be cancelling its next regularly scheduled meeting, and Attorney Walton stated while the mayor had authority to do so it would be discussed after the ordinance because Mayor Phelan wanted input. Trustee Wisenburg noted that if the meeting was cancelled the ordinance under discussion could possibly be in effect for quite a while. Upon calling roll, the vote to amend Ordinance 2020-1621 to strike Section 3(g) was 3-2 with Trustees Carter and Goett voting nay. Attorney Walton noted that the mayor was allowed to vote on the amendment, and Mayor Phelan declined. Since the amendment failed to get the required four aye votes, the amendment to Ordinance 2020-1621 failed. Trustee Wisenburg offered an amendment to the ordinance to change the language of Section 3(g). Trustee Wisenburg made an amendment to Ordinance 2020-1621 to change the language of Section 3(g) to read "to control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of public premises therein." Trustee Mariscal seconded the amendment. Trustee Wisenburg noted his main concern was the authority to control private property. Trustee Carter disagreed stressing that in a local emergency when immediate action was necessary there wouldn't be time to wait for the governor to respond. Trustee Goett agreed noting the mayor's powers in an emergency shouldn't be restricted. Trustee DeVore asked for clarification if the amendment meant the mayor would only be able to restrict entrance to businesses as well. Attorney Walton stated that the mayor would not have authority to restrict access to businesses under the proposed amendment. Upon calling roll, the vote to amend the language of section 3(g) failed 2-3 with Trustees Carter, Goett, and DeVore voting nay. Mayor Phelan called for a vote on the ordinance as written. Ordinance 2020-1621 passed 4-1 with Trustee Wisenburg voting nay.

Mayor Phelan noted that the Village works best as a team, and that communication and collaboration was necessary. Trustee Wisenburg questioned how there would be collaboration if the Board wasn't able to have a discussion, and Attorney Walton stressed that the mayor's emergency powers were restricted to routine items which did not include ordinances or resolutions. He noted that the budget, for example, would not be routine.

Trustee Goett made a motion to close Village facilities during the state of emergency, and Trustee Carter seconded the motion. Trustee Mariscal asked if employees would be working from home. Mayor Phelan stated employees would still be present, but closing the buildings would protect employees so

they could continue their work. Trustee Carter asked if Public Works would continue their work, and Chief Sutton stressed that all employees would continue to report to work and do their duties. Upon calling roll, Trustee DeVore did not respond, and Chief Sutton noted she had reached out to him to explain she had lost connection to the conference call. Clerk Turner noted her exit from the meeting at 7:11 pm. The Board voted 4-0 to close Village facilities during the state of emergency.

Mayor Phelan highlighted Richwoods Township as a source of aid for residents in need and also advised that there was a food pantry open at St. Thomas. He asked that people let Village staff know of any additional resources. Trustee Wisenburg asked about the Village's power to help the local businesses, and Mayor Phelan noted that he was working with other mayors and the Economic Development Council to discuss possible resources and aid for the businesses. He noted the Village had already set aside parking specifically for curbside pickups and encouraged residents to shop at the local businesses. Chief Sutton stated he was in contact with Steve Kline, the Village's consultant from the Economic Development Group, to discuss ways the TIF and BDD could provide assistance. Trustee Mariscal announced that Ameren was extending their shut offs, and she would forward the information to Administration staff to be publicized.

Trustee Goett made a motion to adjourn, and Trustee Wisenburg seconded the motion. The Board of Trustees voted 4-0 to adjourn at 7:19 pm.

Michael Phelan, Mayor

Stephanie Turner, Village Clerk