

Village of Peoria Heights
Departmental Meeting
June 2, 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, Beth Khazzam, Brandon Wisenburg, and Sarah DeVore. Trustees Diane Mariscal and Jeff Goett were 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.

Trustee Carter made a motion to approve the minutes from the meeting on May 26, 2020, and Trustee DeVore seconded the motion. The Board voted 4-0 to approve the minutes.

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

Trustee Carter made a motion to award the 2020 MFT sealcoating contract to RA Cullinan & Son in the amount of \$99,378.20, and Trustee Wisenburg seconded the motion. Trustee Carter noted the bid was under the engineer's estimate. Trustee Khazaam asked if the Village had used the companies bidding on this and the spray patching contract previously. Clerk Turner answered the Village had. The Board voted 4-0 to approve the sealcoating contract with RA Cullinan.

Trustee Carter made a motion to award the 2020 MFT spray patching contract to Ace in the Hole in the amount of \$47,919.60, and Trustee DeVore seconded. Trustee Carter noted this contract was also under the engineer's estimate. The Board voted 4-0 to approve the spray patching contract.

Superintendent of Streets, Mr. Mike Casey, stated there was free mulch available at the Public Works garage for residents. Mayor Phelan shared he had received compliments on Tower Park. Superintendent of Water, Mr. David Marfell, stated the groundskeepers had been working for two weeks and would be completing planting in the coming weeks. Trustees Carter and Khazzam complimented their hard work. Mr. Marfell stated memorial fire hydrant previously approved by the Board was being painted, and seasonal employees started a mowing rotation. Trustee Carter asked if the seasonal could complete trimming in the allies, and Mr. Marfell stated that would have been accomplished with the Public Works crew. Trustee Wisenburg asked Mr. Marfell if Public Works would be painting more fire hydrants. Trustee Goett entered at 6:06 pm. Mr. Marfell told Trustee Wisenburg they aren't planning to continue that work at this time. Mr. Casey stated that Forest Park Drive would be closed for cleaning on June 4, 2020 from 8:00 am – 12:00 pm. The park district will be working with Public Works to trim trees and pick up litter. Trustee Wisenburg commented that the hill had more litter than he'd previously seen. Mayor Phelan stated he'd asked Public Works to look into the cost of cameras on the hill.

Trustee Khazzam began the discussion on the approval of the conditional use / special use application filed by War Memorial / Paris Real Estate Trust, seeking approval of the conditional use permit for an adult use cannabis dispensary for the property located at 828 – 908 East War Memorial Drive and 829 – 911 East Paris Avenue which property is currently zoned B-2. Trustee Khazzam explained the application

had been reviewed and recommended by the Zoning Board of Appeals. Attorney Walton noted the most important aspect of the application is that the building was unable to get approval from IDOT to have the entrance off War Memorial Drive so the entrance is off Paris Avenue. Trustee Goett stated the location was perfect for the business. Chief Sutton asked if the ZBA had held any discussion about use of cannabis on site. Attorney Walton noted it isn't allowed at this time, and the subject wasn't discussed. There was a brief discussion of state licensing process and the likelihood the applicants would get a license from the state. Attorney Walton noted it was likely to happen eventually. Trustee DeVore questioned if construction would begin immediately or once the license was awarded. Attorney Walton noted that it wouldn't be until a license was awarded. Trustee Wisenburg asked Chief Sutton if he had any concerns about traffic. Chief Sutton stated he didn't due to the existing traffic on Paris and the size of the parking lot. Trustee Wisenburg asked about resident comment on the project. Attorney Walton stated there had been none. Trustee DeVore asked about notification, and Clerk Turner stated letters had been mailed to the residents nearby per legal requirements. Trustee DeVore asked about traffic patterns, and Chief Sutton noted that the residents on Paris Avenue are used to cut through traffic stating he didn't believe it was a concern. Trustee Khazzam noted that the owners had a contingency plan for the location if they didn't receive a license from the state. Trustee Khazzam reminded the Board that the state has set a minimum of 1,500 feet between cannabis dispensaries. Trustee Wisenburg asked if the location was locked in and excluded other dispensaries after Board approval. Attorney Walton stated it did not, and the distance requirement wasn't applicable until a dispensary had received its license from the state.

Mayor Phelan noted that the Board had already discussed the next item on the agenda as it was related to the previous item. The Board of Trustees agreed they had no additional questions on the approval of the site plan filed by War Memorial / Paris Real Estate Trust, seeking approval of a site plan for development of an adult use cannabis dispensary for the property located at 828 – 908 East War Memorial Drive and 829 – 911 East Paris Avenue which property is currently zoned B-2. Both items will be sent to the Board meeting for action.

Trustee Khazzam introduced discussion of the approval of a conditional use / special use application filed by Professional Armed Transport LLC seeking approval of a conditional use permit for an adult use cannabis transporting organization for the property located at 4703 N Ellen Court which property is currently zoned I-1. Trustee Khazzam noted that the vehicles would be housed at the location, and there would be no product on site at any point. Trustee Khazzam stated the owner had provided the ZBA with a great presentation, and she felt very confident about the use of the building. Trustee Carter commented that there were no plans to advertise the business per the owner's presentation to the ZBA. Mayor Phelan noted the owner had a solid reputation, and employees were either military or law enforcement. The item will be sent to the Board meeting for action.

Trustee Khazzam introduced the discussion of rezoning application filed by KDB Group, LLC seeking approval of a map amendment rezoning the property located at 1201 and 1203 E Kingman Avenue from current zoning classification of R-1 to B-2. She noted that the next agenda item was also related. Trustee Khazzam reminded the Board of Trustees of the history of the property which is owned by the Village. It was leased to KDB Group many months ago, and they intended to put a bar / restaurant in the building. When that idea met with objections from the residents in the neighborhood, KDB Group considered alternate ideas and chose a combined popcorn / candy store. Trustee Khazzam stated she thought it was a great idea as the location was walkable for families and nearby two parks. Attorney Walton noted that after hearing comments from the residents the ZBA had recommended approval. Attorney Walton stated most of the objections were related to traffic and business hours which the ZBA

addressed with conditions on the parking variance. Attorney Walton noted the Village had to amend the lease for the property as well to allow the use. Trustee Carter stated she thought KDB Group's presentation to the ZBA was good, and the location between two parks is important. Trustee DeVore stated she was confused why the parcel was zoned residential when it should have already been commercial and questioned if it was correct. Attorney Walton stated it was correct, but most likely was an oversight from the original zoning laws. Trustee DeVore shared she thinks it's a wonderful use of the property. Trustee Khazzam noted KDB Group intended to keep the historical details of the building. Trustee Goett shared his support for the project as well. Trustee Wisenburg asked when the lease with KDB Group was signed. Attorney Walton replied the lease was signed in either January or February 2019. He noted that plans had changed in the spring, and KDB Group paid to reroof the Centennial Building and to clean the parcel. Trustee Wisenburg asked if the lease was for one year, and Walton answered it was a long term lease. Mayor Phelan noted Mr. Kim Blickenstaff had asked to see the property and wanted to purchase it. Mayor Phelan expressed he was not in favor of selling government property, but he brought the offer to the Board of Trustees. Instead, the decision was made to lease the property to KDB Group. Mayor Phelan noted that there is a frequently complaint about family friendly activities and businesses which he feels this store could help alleviate. Trustee Wisenburg asked if parking would be on street parking. Attorney Walton noted that it was hard to predict because people could be coming from a lot of different directions. Trustee Wisenburg stated he had concerns about on street parking. Chief Sutton asked if the vacant lot that KDB Group owned nearby would be used as parking. Attorney Walton stated that proposal had caused very negative reactions. Chief Sutton stated it would need to be one or the other. He also pointed out the store will most likely draw families either biking or walking to the area. Trustee Goett questioned why the idea of using the empty lot as parking had been dropped. Trustee DeVore noted that there were houses that were bordering that lot, and Trustee Wisenburg stated it would be harmful to the neighborhood. A resident came forward and stated he lives at 1211 E Euclid Avenue. He questioned opening back up parking on both sides of Euclid. Chief Sutton stated he'd received a lot of positive feedback that closing one side had addressed traffic problems. Trustee Khazzam explained to the resident the decision was made for public safety. Mayor Phelan asked if there were any additional public comments. A resident noted that she thought the Prospect would be a good location for the business under discussion. Trustee Wisenburg asked what the government properties were zoned. Attorney Walton stated that Village Hall was zoned B-2 and the park was zoned B-1. Trustee Wisenburg asked Attorney Walton if there was any conflict of interest in the Village owning the property and leasing it to the applicant. Attorney Walton stated there was not. Trustee Wisenburg asked if the new lease would state candy shop. Attorney Walton explained the lease wouldn't be amended, but the change in use would need to be approved by the Board of Trustees. Attorney Walton noted if the change in use was approved KDB Group would not be able to revert to using the building as restaurant afterward without additional action by the Board. Attorney Walton noted that the parking variance also had conditions relating to its use as a candy store. Trustee DeVore asked when the KDB Group started paying rent on the property, and Attorney Walton clarified they began paying rent in January 2020. Trustee DeVore noted KDB Group had completed a lot of improvements to the property. She asked if a rent reduction had been discussed. Chief Sutton stated there was a general number, but nothing was finalized. Trustee DeVore questioned if there was any concern approving the lease changes and zoning at the same meeting. Attorney Walton stated there was not noting the level of control the Village retained over the property as the owner. Trustee Wisenburg questioned why Mr. Blickenstaff would lease the building without knowing what to do with it. Chief Sutton spoke of his love of the building. Mayor Phelan noted that all of the changes had been to improve the neighborhood and stated the business fit well. Trustee DeVore asked if there could be legal ramifications if the Village were to deny KDB Group approval of the revised use. Attorney Walton declined to answer in open session. Trustee DeVore noted the importance of the Village making a good

faith effort to allow KDB Group to put a business into the property it was leasing. Trustee Wisenburg shared the ZBA had expressed concern what would be done with the property if the candy store was denied. The Board will take action at the next meeting on the matter of rezoning as well as the request for approval of the site plan application filed by KDB Group, LLC seeking approval of a site plan for development of a retail popcorn and candy shop for the property located at 1201 and 1203 E Kingman Avenue which is currently zoned R-1.

Mayor Phelan noted the approval of Resolution 2020-01: a Resolution Regarding the Release of Closed Session Minutes and Destruction of Closed Session Verbatim Recordings would be handled after the Board returned from executive session.

Chief Sutton reported the first weekend of Phase 3 of Restore Illinois had been a success for the Village, businesses, and residents. He said plans to direct and handle traffic went seamlessly. He stated that he was recommending no changes, and officers would continue to be assigned to the area. He noted he would assess the situation as it evolved and present a new plan to the Board if necessary. Trustee Carter said she'd heard a lot of compliments about the police officers' presence making people feel safe. She complimented the department. Trustee Wisenburg and Trustee DeVore added their compliments to the PHPD as well. Mayor Phelan shared that Chief Sutton had been in uniform over the weekend and thanked him for his leadership in keeping the community safe.

Trustee Khazzam shared that Peoria County Recycling Education, Ms. Rebecca Cottrell, was currently in discussions to find a location to provide Peoria Heights residents with a kiosk to collect compost material.

Trustee Carter shared that the school district is working with residents who have children to provide help with groceries. She noted that the children were not required to be in school to be eligible for assistance. She asked residents to contact the school district to get more information.

Chief Sutton stated Trustee Mariscal had asked the Village to put on its website that Ameren is offering a residential and business grant program. He advised residents to visit the Village's website for details.

Trustee Goett made a motion to pay the bills, and Trustee Carter seconded the motion. Trustee Carter asked why some of the checks issued for the BDD Lease and Mortgage Program were classed to the General Fund Admin. Clerk Turn explained that the mortgage program had to be funded by general funds, but those funds for that had come from the BDD from previously unreimbursed expenses. Chief Sutton noted there would be a final report on the BDD grant programs after the programs ended June 5, 2020. Trustee Carter asked about a dentist receiving funds, and Trustee DeVore noted service business charged sales tax on take home products. Trustee Wisenburg stated businesses weren't required to collect sales tax to be eligible for the grants. The Board voted 5-0 to approve the bills.

Trustee Goett made a motion to enter executive session under 5 ILCS 120/2(c)11 possible or pending litigation and 5 ILCS 120/2(c)21 minutes from executive session, and Trustee Wisenburg seconded. The Board adjourned for executive session at 7:14 pm.

Mayor Phelan called the meeting back to order at 7:37 pm. He asked Attorney Walton for a recommendation. Attorney Walton recommended that the executive minutes from August 28, 2018, October 16, 2018, and December 18, 2018 be released for public disclosure. Attorney Walton recommended that the executive minutes from September 4, 2018, October 23, 2018, November 6,

2018, March 5, 2019, March 26, 2019, May 21, 2019, August 27, 2019, October 22, 2019, November 5, 2019, and December 3, 2019 remain confidential. Attorney Walton noted that upon Board approval he would be making the stated updates to the resolution and sending it to the Village Clerk. Trustee Wisenburg made a motion to approve Resolution 2020-01 with the release of minutes on those dates recommended by Attorney Walton and all other dates listed remaining confidential, and Trustee Carter seconded. The resolution passed 5-0.

Trustee Goett made a motion to adjourn, and Trustee Wisenburg seconded. The Board voted 5-0 to adjourn at 7:39 pm.

Michael Phelan, Mayor

Stephanie Turner, Village Clerk