

Village of Peoria Heights
Board of Trustees
September 20, 2022

The meeting was called to order at 5:30p.m.

Everyone stood for a moment of silence and the Pledge to the Flag.

Upon calling roll, the following Trustees were present: Sarah DeVore, Jeff Goett, Elizabeth Khazzam, Mark Gauf, Matthew Wigginton, and Brandon Wisenburg. Trustee DeVore was present by telephone. The Mayor has previously found that it is not prudent to require in person attendance given the ongoing spread of the COVID virus, and his determination remains in effect due to the ongoing disaster proclamation by the Governor. Others present included Mayor Michael Phelan, Village Administrator and Chief of Police Dustin Sutton, Village Clerk Stephanie Turner, and Village Counsel Mark Walton.

Trustee Goett made a motion to approve the minutes from the Board of Trustees meeting on September 6, 2022. Trustee Khazzam seconded the motion. The Board approved the minutes 6-0.

Mayor Phelan opened the meeting to public comment. Hearing no public comment, Mayor Phelan closed the meeting to public comments. Mayor Phelan called for old business. Hearing none, the Board moved on to new business.

Trustee DeVore made a motion to approve Ordinance 2022-1686: an Ordinance Amending Title 4, Chapter 1 of the Village Code of the Village of Peoria Heights to Amend the Liquor Control Ordinance by Adding a Bring Your Own Bottle Provision for Licensed Tobacco Businesses. Trustee Wisenburg seconded the motion. Trustee DeVore explained the ordinance allows a new cigar lounge to have a bring your own bottle provision. She invited Mr. Bart Cumming, owner of the business, forward to explain the business model. Mr. Cumming explained the business would be a private club with rental lockers but would not have retail sales due to supply chain issues. The business will offer multiple membership levels with no entry to anyone under the age of 21. The highest membership level will allow members to bring their own bottles of liquor. The members would be limited to a 2 drink maximum with a limit amount of alcohol allowed in a single drink. Trustee Khazzam said she thought the business was innovative but questioned how the business would generate sales tax. Mr. Cumming noted it might in the future, but it had previously been an accounting firm which had never generated sales tax. He also stated his business would entice high end clients to visit the Village more frequently. Trustee Khazzam asked Chief Sutton if there were any safety concerns with the business model. Chief Sutton stated it's a matter of management, and he didn't foresee any issues. Mr. Cumming noted he was willing to work with the Peoria Heights Police Department to ensure residents safety. Trustee Gauf asked Mr. Cumming if he had membership projections. Mr. Cumming stated based on initial inquiries he's concerned the business might outgrow its available space. Trustee DeVore asked the policies for controlling alcohol at capacity. Mr. Cumming explained there will be a check in process. Trustee DeVore asked about the specifics of guests as well as operating hours. Mr. Cumming explained the process for guests drinking as well as proposed hours. Trustee Wigginton asked Attorney Walton about the language in the ordinance and noted he saw more due process rights in the new ordinance than the current liquor licensing. Attorney Walton explained that liquor licenses had State mechanisms offering due process protection which didn't apply to a local license such as the one under discussion. Trustee Wigginton and Attorney Walton discussed the legal language of the ordinance and its placement within the code to Trustee Wigginton's satisfaction. Ordinance 2022-1686 passed 6-0.

Trustee DeVore made a motion to approve Ordinance 2022-1687: an Ordinance Creating Additional Class A-1 Liquor Licenses Within the Corporate Limits of the Village of Peoria Heights. Trustee Goett seconded the motion. Trustee DeVore deferred to counsel. Attorney Walton explained the ordinance increases the number of A-1 licenses as requested by a gas station to allow it to seek a video gaming license. Mayor Phelan explained the owner has assured him that he will be improving that property as well as the other business the owner operates in the Village. Trustee Wisenburg asked about the rules regulating truck stops with relation to video gaming licenses. Attorney Walton noted those were unique situations which didn't apply to the gas station. Chief Sutton explained the square footage of the property factors into the designation. Trustee Wigginton questioned if the business would serve alcohol. Mayor Phelan noted they could. Trustee Wisenburg asked if the owner planned to serve drinks. Attorney Walton stated he didn't believe the owner was interested. Trustee Goett questioned if clients could buy packaged liquor and then consume it on site. Attorney Walton agreed that was possible. Attorney Walton noted alcohol could only be consumed in a small, specially designated area. Trustee Khazzam asked about the other gas station in the Village, and Attorney Walton noted a license had already been approved. He explained the Board designated the number of available licenses, and the Mayor, as liquor commissioner, assigned the available licenses. Trustee Wisenburg expressed his support. Trustee Gauf asked if the expectations of the business which has already been licensed have been met. Chief Sutton noted the business has complied. Trustee Wisenburg asked if the Village anticipated future development would request licenses. Chief Sutton stated he did. Trustee DeVore asked about the expectations, and Mayor Phelan explained there was a written agreement with the first gas station, and he expects there will be another one for the new gas station. The Board approved Ordinance 2022-1687 by a vote of 6-0.

Trustee Khazzam made a motion to approve the site plan application filed by Beck Oil Company of Illinois seeking approval of a site plan for development of a gas station with a convenience store and car wash located at the southwest corner of East War Memorial Drive and North Central Avenue, Peoria Heights, Illinois 61616, which property is currently zoned B-2. Trustee Wisenburg seconded the motion. Trustee Khazzam noted the next two items both refer to the same business and parcels. She explained the site plan had been reviewed and approved by the Zoning Board of Appeals. She stated there are still some comments to be made by IDOT. Trustee Wisenburg asked if the site plan would come back to the Board if IDOT denied the existing site plan. Attorney Walton noted it would be a major change and would require the site plan to return to the ZBA and the Board. Trustee Khazzam asked Attorney Walton if approval would allow the business to begin construction, and Attorney Walton agreed. Mayor Phelan noted he and Chief Sutton had been meeting regularly with IDOT regarding the property and thanked Senator Dave Koehler for his assistance. The site plan was approved 6-0.

Trustee Khazzam made a motion to approve the special use application filed by Beck Oil Company of Illinois seeking approval of a special use for development of a gas station with a convenience store and car wash located at the southwest corner of East War Memorial Drive and North Central Avenue, Peoria Heights, Illinois 61616, which property is currently zoned B-2. Trustee Wigginton seconded the motion. Trustee Khazzam explained gas stations require special approval to operate in B-2 zoning. Mayor Phelan invited the representative from Beck's forward. Ms. Peggy Mlekush came forward and noted the business is excited to be coming to the Village and becoming part of the community. The Board voted 6-0 to approve the special use permit.

Trustee Khazzam made a motion to approve Resolution 2022-05: a Resolution in Support of Approving Participation by the Village of Peoria Heights in the Department of Commerce and Economic Opportunity Tourism Attractions & Festivals Grant Program. Trustee Gauf seconded the motion.

Trustee Khazzam explained the grant is for a matching grant, and the application was written by Director Aldrich. Trustee Khazzam noted the Village had allocated funds for the Chamber which could be used to over multiple years to cover the Village's matching cost. The grant will help fund the Taste of the Heights, the Fine Arts Fair, and the Kris Kringle Market. The grant will increase the funds available for previously planned events. Trustee DeVore asked if the grant funds would be sufficient for the Chamber to conduct its events. Ms. Teresa McCade explained the grant timeline and its application to events. Chief Sutton explained the grant timeline overlaps multiple budget years for the Village. The Board voted 6-0 to approve Resolution 2022:05.

The Board moved on to miscellaneous business.

Trustee Wisenburg asked about the noise complaint at Central Transport. Mayor Phelan noted Chief Sutton had provided an update while Trustee Wisenburg was absent. Chief Sutton explained he had spoken to the business owner. There was no construction overnight, and the dust issue was for a limited duration. Chief Sutton explained he had received complaints as well, and the majority were unfounded. Trustee Wisenburg noted the business had removed landscaping which was dampening noise. Chief Sutton, Attorney Walton, and Trustee Wisenburg discussed the noise ordinance as well as the zoning of the property as relating to the noise complaints. Mayor Phelan noted the owner had been very cooperative. Administration and Counsel will look into the issue.

Trustee Gauf announced Mr. Eric Quinn, a Public Works employee, has successfully passed his water operator exam. That brings the total number of water operators to four. Trustee Gauf stated it spoke very well of the Village's recent hires that they had taken time to study and pass the very difficult exam.

Fire Chief Thompson thanked the residents who donated that the Peoria Heights Fire Department's recent fundraising event. He noted the PHFD had raised over \$3,000.

Superintendent of Public Works, Mr. Chris Chandler, announced that Prospect Road would be closed for the Taste of the Heights tomorrow. He urged everyone to be cautious driving.

Trustee Khazzam made a motion to approve payment of the bills. Trustee Gauf seconded the motion. There were no questions on the bills. The Board voted 6-0 to approve payment of the bills.

Clerk Turner read the Treasurer's Report. As of the end of August, there was \$6,369,692.87 in the Village controlled accounts and \$1,961,462.48 in the Water controlled accounts. Trustee Goett made a motion to approve the Treasurer's Report, and Trustee Gauf seconded. The Treasurer's report was approved 6-0.

Trustee Goett made a motion to adjourn, and Trustee Wisenburg seconded the motion. The Board of Trustees voted 6-0 to adjourn at 6:33 pm.

Michael Phelan, Mayor

Stephanie Turner, Village Clerk