

**MINUTES**  
**WORKING SESSION**  
**CITY COUNCIL**  
**COUNCIL CHAMBERS IN THE CIVIC COMPLEX**  
**401 WEST WASHINGTON STREET**  
**EAST PEORIA, ILLINOIS**

August 17, 2021

The Honorable John P. Kahl Mayor of the City of East Peoria called the Working Session of the City Council of the City of East Peoria, Illinois to order at 5:00 P.M. with the meeting having been properly noticed. The City Clerk certifies that notice of the meeting was duly served upon Council Members via email on Friday, August 13, 2021, at approximately 2:49 p.m.

Upon the roll being called the following answered present: Mayor John P. Kahl, Commissioners, Mark E. Hill, Seth D. Mingus, and Michael L. Sutherland.  
Absent: Commissioner Daniel S. Decker.

Mayor Kahl explained that the City Council is meeting for a Working Session and that no formal business will be conducted by the City Council at the meeting. He explained that the purpose of the meeting is to have a Working Session regarding the Four Corners Overlay Plan Update and 2018 and 2017 Editions of Various Codes Prepared by the International Code Council and the National Fire Protection Association Adoption. Mayor Kahl explained that present at the meeting are Director of Planning and Community Development Ty Livingston, Fire Chief John Knapp, Robert Cole, and Assistant Fire Chief Garry Grugan. He turned the discussion over to Director of Planning and Community Development Ty Livingston. Director Livingston began discussion on the Overlay Plan Update. He explained that Four Corners District Plan (the "Plan") has been in place for several years and the Plan is attempting to transition the District. The Plan is trying to do things that are typically not allowed with zoning in other areas. The Plan was present to the ZBA and Planning Commission and has been recommended for approval. Director Livingston explained that there is one change proposed to expand the overall area of the District from Kroger to the Junior High School. Another change is to provide for greater residential density that would possibly allow for mixed use and provide for flexibility for redevelopment. There is recommendation for guidance for automotive uses in the District that would have those along the Main Street corridor or over to I-74. Information regarding small cell installation is also proposed in the Plan. There is an emphasis on transportation safety. He discussed whether the lanes could be reconfigured to improve the traffic safety there. The other piece that was discussed with the ZBA and Planning Commission was incentivizing or encouraging the type of development that they are looking at in the District. Most of the District is in the Enterprise Zone. There is TIF funds available in a certain area on Main Street. You can implement TIF; however, it takes time to build up. The other piece is a business district that needs a significant sales tax generator there to build up funds that is currently not in place in the District. This meeting is an informational piece that can be presented to council at a future meeting for approval.

Commissioner Sutherland inquired if the Plan fixes the problem with utility poles being 6 inches away from the street. Director Livingston explained that the transportation piece would seek to improve items like this. TIF funds could go toward relocating utilities. Resurfacing could help, as could reconfiguring the lanes to widen lanes and get cars off the side and further away from the utility. Traffic and pedestrian safety are important. There was a discussion about putting utilities underground and having to adjust and fix the connection to homes and buildings if you move the lines underground.

Director Livingston explained that the next item is the 2018 and 2017 Editions of Various Codes Prepared by the International Code Council and the National Fire Protection Association adoption. He explained that Tazewell County and Peoria County have adopted these codes, as has the City of Peoria and City of Washington. Most of the changes on the building code side are largely incremental and on the electrical side they are going toward mandating Arc Fault Circuit Interrupters ("AFCI"). There is a 2020 version of electrical code that is not being recommended that takes the AFCI further.

Robert Code came up to the podium to speak the Code Updates. He explained that the Codes and updates to the building codes are to protect public health and safety. The City of Peoria is recommending adoption of the 2017 National Electrical Code ("NEC") and not the 2020 NEC. There are a lot of clarifications, modifications, and some deletions. He highlighted the top the major changes. Mr. Cole began with significant Changes to the International Building Code. He commented, first, on cannabis growing facility changes, including ventilation and electrical. Second, there is a lot of clarifications on cross referencing among other codes that group of codes are consistent. A third change is clarifying and making additional requirements to the photovoltaic systems requirements relating to load requirements, including wind loads and snow loads. Other changes were adding deck construction to the International Residential Code and ultimate design for wind speed to deal with 140 mile per hour wind speeds or higher that can include five second gusts to account for more extreme storms. Lastly, with the International Residential Code, the overall historical data for wind design and roof loads was added.

Next, Mr. Cole discussed the International Mechanical Code significant changes. The significant changes related to ventilation and exhausting of cannabis growing a facilities and manicure and pedicure facilities to include more exchange rates. The NEC has the most significant changes that includes the AFCI and tamper resistant outlets dealing with safety. The AFCI will recognize an arc fault short and shut it down. The costs for implementing the AFCI and tamper resistant outlets is more significant but the trade is the actual safety that is attained. The International Existing Building Code has a value to adopting it as a catchall and it would fill the gap to ensure that existing buildings are being treated equal. He feels that this IEBC would be a valuable code to adopt.

Mayor Kahl inquired about existing building and when must they come up to the current code. Change of use or if modifying or renovating more than 50% then the new codes adopted, the IRC and IBC would apply. Currently, the 2012 Codes are what has been adopted for the City.

Mr. Cole explained that the City works well with contractors, National Electrical Contractors Association (NECA) and the International Brotherhood of Electrical Workers ("IBEW"). Peoria County and the City of Peoria have been in discussions with the NECA and IBEW. NECA and the IBEW support the adoption of the 2017 NEC and even the 2020 NEC Code. There are a lot more AFCIs and costs associated with the 2020 NEC Code, and the City is not aware of any community locally that has adopted the 2020 NEC code. Some communities are looking to take a stepped approach to adoption of the 2020 NEC Code.

Mr. Cole commented on International Organization for Standardization ("ISO") rating review with the Fire Chief and Fire Department. The ISO rating relates to insurance costs, and there is an important part of the ISO rating related to the building code adoption. The ISO rating is higher if the City continues to adopt the changing building codes.

Commissioner Sutherland commented on changes to the International Codes that do not make sense. He commented on safety plug ins having issues with the face of them falling off because you must press so hard to get the plugs into the outlet. He also commented on spray foam being an issue if an inspection is needed when selling a home because the spray foam must be removed to inspect certain areas. He explained that there are items that do not make sense to adopt. Director Livingston explained that the City can exempt certain components from adoption. However, certain items cannot be exempted out, specifically from the Energy Code because the Energy Code is adopted at the State level and is required.

Commissioner Mingus asked about requirements of AFCI and when they must be replaced. Mr. Cole explained that it would need to be replaced with the AFCI outlet or circuit breaker. Individuals may not know that they need to replace outlets with an AFCI and it is change for residents. There was a discussion about whether insurance will cover if you replace an outlet and do not upgrade to the AFCI outlet or circuit breaker that is up to Code. The Fire Chief explained that likely, if a homeowner replaces it, insurance may cover it; however, if someone is injured because of not upgrading, the person could be liable for the injury to that person. If a contractor does something outside of Code, there is potential liability on the contractor.

Fire Chief Knapp commented on the National Fire Protection Association (“NFPA”) changes and that the NFPA is trying to make things as safe as possible. The updates to the codes and the reason to stay up to date with the codes is to with the best interest of the community and citizens in mind. Most changes are related to the commercial buildings. Ensure that buildings when built are building correctly. For existing buildings, rarely are they ensuring that they are altered and they are based on bid events. What is being proposed for updating, are all subtle changes and improvements and cost will not notice the changes. Rarely, if ever, do they run into issues with contractors or new owners. We need to remain consistent with neighbors. None of the changes in the NFPA is earth shattering. The most change was the 2015 life safety code that discussed residential sprinklers. It is all to save lives. From the Chief’s perspective, the sprinklers are a necessity. All the subtle changes are in the document provided to the City Council.

Assistant Chief Grugan came up to the podium and explained that he is available to assist with any questions. It can be overwhelming when you look at the books used daily. The Fire Department focuses mostly on commercial and not residential properties. The last update was done in 2014 when the City adopted the 2012 code. Without the City’s action, the State adopted the 2015 addition to the NFPA 101. The City is currently under the 2015 NFPA 101 Standard. The proposal is to move to the 2018 Addition of the NFPA 101. Rarely, does the Code focus on existing buildings. The new Code adoption essentially focuses on new construction. Prior builds would apply to the previous code and the City would need to determine the code adopted when the building was built. The NFPA is updated every three years. The City can adopt the Code and not adopt all of it with amendments. Residential sprinklers is controversial with some communities having adopting it and some not. Fire is proposing to move to the 2018 NFPA 101 code.

Commissioner Hill inquired about the residential sprinklers and the number of communities South of I-80 that have adopted residential sprinkler ordinance. Assistant Chief Grugan explained that the Town of Normal and Rock Island have adopted residential sprinkler requirements.

Commissioner Decker entered the meeting at 5:48 pm.

Commissioner Sutherland asked about bringing only certain things in the code and exempting other certain items that do not make sense. He commented on an example of a shed that required a fire rated wall in the shed because it was within five feet of a property line. He explained that there are certain neighborhoods where lots are so narrow that you cannot build a shed and be within five feet of your property line. Assistant Fire Chief Grugan explained that he would defer to the Building

