

**O'FALLON CITY COUNCIL
MEETING MINUTES
August 2, 2004**

The meeting was called to order at 7:06 p.m. by Mayor Gary Graham, who then led in the "The Pledge of Allegiance to the Flag".

Philip Goodwin, City Clerk, called the roll: David Horton, present; Nila Grogan, present; Ed True, present; Becky Henry, present; Rick Reckamp, present; Jerry Mouser, present; Tom Bequette, present; Allen Medford, present; Michael Bennett, present; Dennis Renner, present; Jason Boone, present; Ned Drolet, present; John West, present; Jerry Albrecht, present; A quorum was declared present.

APPROVAL OF MINUTES

Motion was made by J. West and seconded by E. True to approve the minutes of the July 19th meeting. All ayes. Motion carried.

PUBLIC HEARING:

Amend an Annexation Agreement for Shoppes at Green Mount, LLC.
Open to public at 7:07 p.m. Rand Juliano clarified the Council the name of the project. No comments were made for or against this hearing.
Closed to public at 7:08 p.m.

Annexation Agreement for Begole & Schmisser Tracts. Open to public at 7:09 p.m. No comments were made for or against this hearing. Closed to public at 7:09 p.m.

RESIDENTS:

Robert Braswell, 509 S. Vine, spoke with concerns regarding Item #10 McDonalds Redevelopment. He provided the Council members with an aerial map of the neighborhood. He questioned the rezoning of the entire two lots (713 & 715) and is opposed to spot zoning. He asked the Council to consider allowing McDonalds to attach only the 20-30' that is needed, and leave the remaining property zoned residential. He also has raised concerns about an entrance on to Lincoln, causing increased traffic flow.

Roy Carney, 701 S. Vine, spoke in opposition of McDonalds. He stated he was in attendance at the prior two committee meetings and had presented a petition from citizens in O'Fallon in opposition to this redevelopment (122 signatures). They want McDonalds to use the plan that was granted by the City originally and not allow any additional encroachment. They have concerns about decreased

property value. The homes in that neighborhood are being refurbished, and are becoming very nice homes. He does not want to give McDonalds "another foot", and they should stay with the original plan.

Mayor Graham stated that the City staff researched the property value, and stated that one of the homes behind McDonalds sold in the past two years had appreciated 35%. He stated the City will be spending \$100,000 on Vine Street next year, and 1 million has already been spent on the sewer, as the City is very interested in that neighborhood. He stated that the area along Highway 50 is in transition.

Darrell Clubb, 711 S. Vine, stated he would be very effected by the McDonalds redevelopment, as they would put their dumpster directly behind him. Therefore the value in his home would definitely decrease. He stated it was recommended to McDonalds at one of the committee meetings for them to consider moving the dumpster northwest near BP to reduce the encroachment, but McDonalds refused. He questioned the logic of allowing this encroachment for simply just seven parking spaces.

The Mayor asked the owner of 713 S. Vine, which is the largest lot, to share his thoughts. The owner stated they had lived there for years and have never had any trouble with McDonalds, such as smell from the dumpster or rodents and pests. The only noise trouble they had was from music from customer's car radios.

The owner of 717 S. Vine, a widow, spoke with concerns about teenagers trespassing and suggested asking them to enclose the area between Hardees and McDonalds with a fence. She stated she had no problem with odors.

Anna Clubb, of 711 S. Vine, stated the proposed dumpster would be next to their swing set. She stated that they had always had a verbal agreement with the owner of 713 S. Vine to never sell. She would like McDonalds to stay just as they are.

Robert Braswell, spoke again, regarding the parking spaces. He stated the problem for McDonalds is not about having enough parking spaces, but simply not enough parking spaces close to the door. Mayor Graham clarified that the parking spaces were not critical but they need to have the set back to make sure they have a certain turning radius for the cars in the drive-thru, in order to keep cars off of Highway 50. R. Braswell also raised concern about the two drive-thru windows facing Highway 50 and questioned the aesthetics of that view.

Lisa Reime made clarification about the rezoning request. She stated McDonalds was asking for rezoning of only a portion of the properties, not the homes. Discussion was made about rezoning. L. Reime stated the homes

would still be zoned SR-3. R. Braswell asked the City attorney if they would need to survey each property and attach to the present McDonalds property, as well as if they could have two zonings on one property. D. Funk stated he did not have all the facts but stated the existing McDonalds property would adjoin the annexed property and the technicalities could be worked out. D. Horton made comment that when a lot is divided the lot line can swing as much as 50'. He stated they would have to formally divide the lot and establish a new line by a survey which is an administrative issue, not Council.

Shaun Shepherd, 600 S. Vine, raised concerns about the City setting a precedence for future growth into the neighborhood. She does not want to give McDonalds "an inch". She stated the City has invested a lot of money in sewer system and the new street, as well as the homeowners have spent a lot of money on their homes. She further stated that McDonalds has never been concrete with their plans in their discussions. Mayor Graham made comment that the City has control over the number of curb cuts on any street.

REPORTS

Clerk:

Special Event request from the O'Fallon Homecoming Association to hold the Sesquicentennial Celebration 8/13 – 8/15 with the Children's Parade on 8/14 starting at 1:00 p.m. – 2:00 p.m., and the Homecoming Parade on 8/14 starting at 6:00 p.m. – 7:30 p.m. They also request approval to sell alcohol during the event. Motion was made by D. Renner and seconded by E. True. All ayes. Motion carried.

M. Bennett raised question about the parking for this celebration, as 100,000 people are expected. Mayor Graham stated they have about 600 new spots at OTHS, as well as the police department working on a plan. He further stated this is a celebration for the citizens of O'Fallon, but the homecoming typically draws a huge crowd from outside the City.

Mayor:

The Corvette Club has donated corvettes to the City for the Parade.

The Mayor stated two more doctors have left the City today due to the malpractice issue. He reminded the citizens that there is no trauma unit at local hospitals and that everyone needs to stay vigilant and involved and in contact with their State officials as this is a real crisis.

RESOLUTIONS

Motion was made by J. Albrecht and seconded by E. True to consider Resolution Items, 1, 2, 4, 5, 6, 7 & 7a under the omnibus rule. All ayes. Motion carried.

ITEM 1- Resolution Authorizing the Mayor to Sign a Letter Agreement with BDMR Development Company, LLC Regarding a Parcel of Land Known as "The Voelkel Property, to be included as part of the subdivision known as Chesapeake Junction.

ITEM 2 – Resolution Authorizing the Mayor to Execute an Agreement for Professional Services with Rhutasel & Associates for the Public Safety Building Green Space Grading in the amount of \$11,600.

ITEM 4- Resolution Authorizing the Mayor to sign an Annexation Agreement with John and Jane Kildea.

ITEM 5- Resolution Authorizing the Mayor to Sign an Annexation Agreement with SSS Land Development, LLC.

ITEM 6- Resolution Approving and Accepting the Preliminary Plat of Begole & Schmisser Tracts.

ITEM 7- Resolution Authorizing the Mayor to Sign a Pre-Annexation Agreement with O'Fallon Development Company, LLC (Also Known as Shoppes at Green Mount, LLC).

ITEM 7A- Resolution Approving and Accepting a Minor Subdivision of Land to be known as Central Park Plaza, 2nd Addition, 1st Amendment for *ratification of prior Council Action*.

Motion was made by J. Mouser and seconded by D. Renner to approve Resolution Items 1, 2, 4, 5, 6, 7 & 7A under The omnibus rule. **ROLL CALL:** E. True, aye; B. Henry, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye D. Horton, N. Grogan, aye. All ayes. Motion carried.

ITEM 3 – Resolution Authorizing the Mayor to Enter into an Agreement with the International HOD Carriers Building and Common Laborers' Unions of America, Local #670, covering rates of pay, wages, hours of employment, and other conditions of employment for members of said union employed by the City of O'Fallon, Illinois. (*Put on hold*).

ORDINANCES

1st Reading

Motion was made by J. Mouser and seconded by D. Renner to consider 1st Reading Ordinance Items 8, 9, 11 & 12 under The omnibus rule. All ayes. Motion carried.

M. Bennett raised a question regarding Item 8 & 9, as there a lot of blanks left in the agreement that need to be filled in, and he is not comfortable voting on something with so many blanks. D. Rich stated that information would be provided.

ITEM 8 – Ord. Proposing the Establishment of Special Service Area Number One (Shoppes at Greenmount) and the Issuance of Special Service Area Bonds in an Amount Sufficient to Pay Costs, and Setting a Date and Providing Notice for a Related Public Hearing.

ITEM 9 - Ord. Proposing the Establishment of Special Service Area Number Two (Greenmount Commercial) and the Issuance of Special Service Area Bonds in an Amount Sufficient to Pay Costs, and Setting a Date and Providing Notice for a Related Public Hearing.

ITEM 11- Ord. Annexing Certain Territory, Kildea Annexation containing in total approximately 17.72 acres.

ITEM 12 - Ord. Annexing Certain Territory known as Begole and Schmisser Tracts.

Motion was made by J. Mouser and seconded by D. Renner to pass on 1st Reading Items 8, 9, 11 & 12 under The omnibus rule. **ROLL CALL:** E. True, aye; B. Henry, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye, D. Horton, aye, N. Grogan, aye. All ayes. Motion carried.

ITEM 10 – Ord. Amending Ord. 623, Zoning, Planned Use Development known as McDonald's Redevelopment.

Mark Bredenkoetter, representing McDonalds, gave a brief history of the plan. He stated that the original plan that was approved was not satisfactory to corporate McDonalds based on expected business growth in the future. He stated that McDonalds has certain standards to uphold. He stated they have looked for another site and have been unsuccessful. He stated there has never been an intent to rezone the entire property, but to legally subdivide the property. The have no intent to put a drive way out. He stated the original plan had a 6' fence and have agreed to an 8' high fence, fronting the Clubb property 24'. McDonalds offered to run the fence the entire length, but has been turned down. There is a small gap in the fence at 717 S. Vine and McDonald's agreed to close it. The final plan is to place the dumpster behind the existing Pritchett house with a wall and greenery. He further explained McDonald's high standards regarding the dumpster area. As far as parking, he stated that the additional spots are important for future growth. He stated the new building is a huge investment and will be a very attractive quality project.

Dan Hogan, of McDonalds, stated the calculations for additional parking spaces were based on annual sales (need 51 spaces) as well as peak hourly sales (need 56 spaces). Currently, the plan shows 46 spaces. They feel having less would be detrimental to business.

J. Mouser questioned the objective to purchase the Pritchett property. Clarifications were made that McDonalds would buy the entire property and subdivide it.

E. True raised question about the type of signage. They propose a monument style sign.

D. Renner made comment regarding the need for additional property for more parking spaces, but yet they will still have a shortage in parking. He fears they could possibly "open up the door to destroy the neighborhood". Mark Bredenkoetter stated the home would be resold for residential use. J. Mouser raised a question regarding that if the home does not sell, it may deteriorate.

B. Henry stated that a question was raised at a Community Development meeting as to why McDonalds cannot leave the current building as it is, or use the original plan. D. Hogan stated the existing building is not functional, as McDonalds operations have changed in the past few years. The current building is 31 years old and is not the way McDonalds wants to be represented; therefore it needs a fresh look. Also, the bathrooms are horrible. McDonalds wishes to raise the standards for the residents of the City of O'Fallon.

J. Mouser made comment that McDonalds is asking the residents in the area to compromise in the neighborhood so that McDonalds can have better turning radius, more parking, and a better restaurant; but yet McDonalds is not making any compromises in improving the original site plan that was approved last year. D. Hogan stated the plan that was approved last year was looked at by Corporate closer and the parking is unacceptable to McDonalds. J. Mouser stated half the parking spots are not used currently. J. Mouser stated he understands McDonalds has their standards; he further stated that the City and the residents have their standards as well. Additionally, he stated the issue at hand is that McDonalds desires to move the building back so they can have more parking spaces closer to the door.

Ned Drolet asked whether corporate would come back again with additional requests, if this passes Council tonight. D. Hogan stated this plan would be accepted and built. N. Drolet also asked about the size. D. Hogan stated currently it is 34,000 square foot; the new plan would be 42,000 – 47,000. The rendering of the site plan was shown to the Council. N. Drolet stated he has seen the Columbia, Illinois McDonald and stated it was a very nice building, that is totally brick with subdued signage, and he hoped this would be similar to the

O'Fallon restaurant. Discussion was made about the construction. The proposed construction is split-faced block in an earth tone color.

R. Reckamp made a statement regarding O'Fallon evolving from a bedroom community into a city with burgeoning commercial interests, which presents some thorny problems as the commercial interests are pushing into neighborhoods. He stated at least three instances in which commercial entities have requested 0-1 zoning, which was denied. He stated in those cases there was no intrusion into the neighboring properties, yet they were all denied. He stated he is against McDonalds pushing into the neighborhood.

J. Boone raised question about the number of parking spaces, and if any of the McDonald's corporation funds are affected by the approval or denial of tonight's vote. M. Bredenkoetter stated McDonalds actually funds the building, and if the spaces are not allowed they will not fund the building. J. Boone further asked how the future of this restaurant would be affected by tonight's vote. D. Hogan stated the prognosis for the building would be that it would remain there as a McDonalds as it is, and they have no plans to move to a new site.

M. Bennett made comment that this is exactly what Ward 5 has been experiencing, and he sympathizes with the people on Vine near McDonalds. Further, he stated that brick or split-face brick could be painted at some time in the future; there is no guarantee that it will remain earth tones. As far as parking, he questioned why McDonalds could not come up with a cooperative agreement with Hardees or BP to share the spaces.

D. Renner made comment about property values. He feels that the home values have gone up due to the pride of the homeowners in refurbishing the homes. He feels that once the encroachment starts it is like a landslide and it won't stop. He is all for McDonalds improving the restaurant, but encroaching into the neighborhood is unacceptable.

B. Henry made comment stating she had been undecided during the CD meeting but has done further research. She, too, feels this is a very attractive neighborhood. She feels there is enough space, and this is a good opportunity for McDonalds for expand. She shared information that once the property is rezoned the property tax value will increase from \$137,897 to \$249,750. This increase would bring \$18,563 more in property taxes to School District 90 and 203 (currently \$11,698). She feels the City should consider the schools. Robert Braswell made comment that parking lots are taxed differently, so he cannot see the increase.

Motion was made by J. Mouser and seconded by J. Albrecht to place Item #10 on 1st Reading. **ROLL CALL:** E. True, aye; B. Henry, aye; R. Reckamp, no; J. Mouser, no; T. Bequette no; A. Medford, aye; M. Bennett, no; D. Renner, no; J.

Boone, aye; N. Drolet, no; J. West, abstain; J. Albrecht, aye, D. Horton, no, N. Grogan, aye. 7- nos, 6- ayes, 1- abstain. Motion denied.

2nd Readings

Motion was made by J. Mouser and seconded by D. Renner to consider Items 13, 14, 15, 16, 17 & 18 under The omnibus rule on 2nd reading. All ayes. Motion carried.

ITEM 13 - Ord. Proposing the Establishment of Special Service Area Number Three (Central Park Plaza #1) and the Issuance of Special Service Area Bonds in an Amount Sufficient to Pay Costs.

ITEM 14- Ord. Approving the Final Plat of Chesapeake Junction – 1st Phase (As Amended).

ITEM 15- Ord. Approving the Final Plat of the Estates at Prairie Crossing – 1st Addition.

ITEM 16 – Ord. Prohibiting Left Turns from North Smiley into Estelle Kampmeyer Grade School.

ITEM 17- Ord. Amending Ord. 623, Zoning District Planned Use Development known as Shoppes at Green Mount, LLC.

ITEM 18 - Ord. Annexing Certain Territory, Shoppes at Green Mount, containing approximately 37.6 acres.

Motion was made by J. Mouser and seconded by E. True to pass Items 13, 14, 15 & 16, 17 & 18 on 2nd reading under the omnibus rule. **ROLL CALL:** E. True, aye; B. Henry, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye. D. Horton, aye, N. Grogan, aye. All ayes. Motion carried.

STANDING COMMITTEES

Community Development: J. Mouser stated they met July 20th and the minutes from their last meeting are in the packet. Motion was made by J. Mouser and seconded by D. Renner to approve the extension of the Final Development Plan for Delmar Gardens Planned Use from Agriculture to B-1 (P), which was approved by Council August 18, 2003. All ayes. Motion carried. Next meeting is August 3 at 6:00 p.m.

Public Works: A. Medford stated they met on July 20th and minutes are in the packet. Next meeting is August 5th in Main Conference Room at 6:30 p.m.

Safety: E. True stated they met July 14th and the minutes are in the packet. Item #16 from that meeting was taken care of tonight. The next meeting is August 11th at 6:30 p.m.

Personnel/Finance: J. West stated they met before the meeting to consider Warrant #69. A motion was made by J. West and seconded by R. Reckamp to approve Warrant #69 in the amount of \$1,300,487.54. **ROLL CALL:** E. True, aye; B. Henry, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye. D. Horton, aye, N. Grogan, aye. All ayes. Motion carried.

Next meeting Thursday, August 5th at 5:30 p.m.

Parks/Environment: J. Albrecht stated the meeting for August 9th has been cancelled, as they will be extremely busy preparing for the Sesquicentennial. Next meeting is September 13th. He reminded all that a public meeting would be held on August 4th at 6:00 p.m. at the Cavins Center to discuss the bike trail.

ANNOUNCEMENTS: None.

EXECUTIVE SESSION: To discuss union negotiations and purchase of property.

Motion was made by D. Renner and seconded by J. Mouser to go into Executive Session. **ROLL CALL:** E. True, aye; B. Henry, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye; D. Horton, aye; N. Grogan, aye. All ayes. Motion carried.

Council went into Executive Session at 8:30 p.m.

ACTION TAKEN DURING EXECUTIVE SESSION: None.

ADJOURNMENT

Motion was made by J. Mouser and seconded by N. Grogan to adjourn. All ayes. Motion carried.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted by,

Philip A. Goodwin, City Clerk