

**O'FALLON CITY COUNCIL
MEETING MINUTES
October 20, 2008**

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

Philip Goodwin, City Clerk, called the roll: Nila Grogan, present; Mary Schmidt, present; Ed True, present; Dan Polites, present; Rick Reckamp, present; Jerry Mouser, present; John Drolet, present; Allen Medford, present; Michael Bennett, present; Dennis Renner, present; Steve Engler, present; Ned Drolet, present; John West, present; Jerry Albrecht, present. A quorum was declared present.

Motion was made by J. West and seconded by J. Albrecht to approve the minutes of October 6, 2008. All ayes. Motion carried.

PUBLIC HEARING: Mayor Graham opened the first hearing at 7:07 for the Consideration of a Tax Increment Financing Redevelopment Plan and Project for the Proposed Regency Park Redevelopment Project Area.

Kurt Shraeder attorney for Central School #104 stepped forward and asked whether the Council received a letter regarding the TIF. Mayor Graham said that the letter was received and a reply is forthcoming.

Mayor Graham called again for public input. The first hearing was continued to the November 3rd meeting.

Mayor Graham opened the second hearing at 7:09 for the Annexation Agreement with Patricia Moore for approximately 5.24 acres located at 7745 Haury Road, Lebanon. Mayor Graham called three times for public input, but no one came forward. The second hearing was closed at 7:10 p.m.

RESIDENTS: Steve Frazier of the Rock Springs Citizen Committee came forward. He stated that they have received an updated Letter of Intent from the developer. Mayor Graham stated he would like to see it. He also received information that the resident's lawyers were not able to attend tonight's meeting.

John Diel stepped forward. He represents Rock Springs Development. He stated that negotiations are being done on a revised proposal with the Land of Lincoln attorney.

Cheryl Sommers, represented United Congregations of Metro-east, came forward and said that they are pleased with the generous offer from the owners of Rock Springs. The group is concerned about the residents and any loss of affordable housing. They asked the City to encourage owners to set aside 20 – 30 units.

REPORTS:

Clerk's Report: City Clerk Goodwin read a request from O'Fallon/Fairview Heights Lions Club to conduct a roadblock on Friday, November 7th from 7:30 – 10:00 a.m. and 2:30 – 5:30 p.m. at the intersection of State/Smiley and State/Lincoln; as well as Saturday, November 8th from 7:30 – 10:00 a.m. at the same intersection (if Kiwanis has to use the November 1st rain date then the Lions Club requests November 14th and November 15th as an alternate date)

Motion was made by J. Mouser and seconded by E. True to approve the request. Ayes, 12, Nays, 2. (R. Reckamp and N. Drolet voted no). Motion carried.

City Clerk Goodwin read a request from O'Fallon Rotary Club to sell alcohol at the Delores Moye Elementary School Auction on November 15, 2008.

Motion was made by R. Reckamp and seconded by N. Grogan to approve the request. All Ayes. Motion carried.

Mayor's Report: Mayor Graham announced that this month's Southwestern Illinois Council of Mayors will be held on Thursday, October 23rd at the St. Jacob Community Center.

Halloween Trick or Treat hours are from 6:00 – 9:00 p.m. The "Safe Stops" operated by the Police, Fire, EMS and Central School are located at Fire Station #1 and Central School. N. Drolet requested clarification of the date. Mayor Graham replied October 31st.

RESOLUTIONS:

Mayor Graham announced that Item 1, a Resolution Authorizing the Mayor to enter into an Agreement with New Life in Christ Interdenominational Church for the purposes of providing improvements to Hilltop Drive is on hold.

Motion was made by J. West and seconded by N. Grogan to approve Item 2, a Resolution Authorizing the Mayor to Execute an Annexation Agreement with Patricia Moore for 7745 Haury Road.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; N. Drolet, aye; S. Engler, aye; M. Bennett, aye; D. Renner, aye; J. Albrecht, aye; J. West, aye. All Ayes. Motion carried.

ORDINANCES:

1st Readings

Motion was made by E. True and seconded by J. West to consider on 1st Reading Item 3 – an Ordinance amending Chapter 77, Schedule I, Speed Restrictions, regarding Milburn School Road at Merriam Parkway and Simmons Road.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; N. Drolet, aye; S. Engler, aye; M. Bennett, aye; D. Renner, aye; J. Albrecht, aye; J. West, aye. All Ayes. Motion carried.

Motion was made by J. Mouser and seconded by A. Medford to consider on 1st Reading Item 4 - Ordinance amending the Comprehensive Plan Future Land Use Map.

M. Bennett stated he was glad to see the private parties' concerned meeting. He voiced his concern about the plat. He does not want to relax requirements for density. He prefers to go to 10% and adhere to our standards.

T. Shekell answered that was a key point of the project. The area is currently zoned MR-2, which allows for higher density, which is sixteen units to the acre. They are proposing 11 units. The proposal has high amenities, open space, and they are required to build a left turn lane. The developer will pay for the moving costs to those who want to move.

J. West said that he would like to see units less than \$950 a month. J. West added that there are grants available to fix up current homes in the area that are less than \$100,000.

Mayor Graham stated the City has done an affordable housing survey. We have the largest group of affordable housing in relation to the metro-east.

M. Schmidt said that in light of the Illinois Affordable Housing Act that we should be interested in keeping a balanced housing stock. She would like to see 10% of the proposed units to be set aside. She mentioned that \$838.00 a month would be affordable.

J. Drolet asked whether we were discussing Items 4 and 5, and Mayor Graham confirmed that. J. Drolet mentioned on Item 4, that there should be a factual clarification in the ordinance as the fourth whereas statement is incorrect since the Planning Commission approved the map 4 to 2. In the fifth whereas statement, the Community Development committee moved that it be moved forward without a recommendation. T. Shekell agreed that there was no positive recommendation.

J. Drolet added that this land to the surprise of the developer fell into the Enterprise Zone. The developer appeared to be unaware that they will get a sales tax rebate if they purchase the building materials in the State. This appears to be a windfall to the developer. He would like to see the funds go back to the residents in some way. He also wanted clarification on the relocation package.

Mayor Graham added that the City is not in a position to tell the developer what they can do with the rebate from the State. He added that we are not involved with the proposed relocation package, however, he would like to see the agreement before the ordinance goes to 2nd reading. He has met with some of the residents and has found out that some of the trailers are not moveable, and there are also double-wide trailers that need to be moved.

J. West stated that some of the residents are several months behind in their rent and would like to know if they are still going to get a relocation package. Mayor Graham said that is a private matter between the landlord and the tenant.

N. Drolet asked about the sidewalks. Ted said there are 237 units, but no public streets. They will have paved walking trails. There will be a sidewalk along Scott-Troy Road. He added that the water and sewer is private – no public utilities. N. Drolet is concerned about losing the small town feeling. J. West and R. Reckamp also prefer to have sidewalks.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; N. Drolet, aye; S. Engler, aye; M. Bennett, aye; D. Renner, aye; J. Albrecht, aye; J. West, no. Ayes, 13; Nays, 1. Motion carried.

Motion was made by J. Mouser and seconded by A. Medford to consider on 1st Reading Item 5 - Ordinance amending Ord. 623, Development known as Rock Springs Townhome Apartments.

N. Drolet asked about the school buses and whether it would be difficult for them to get in and out. T. Shekell said that the plans were sent to the schools. He did say that there are two entrances, and the buses should have no problems getting in or out.

Motion was made by M. Schmidt and seconded by R. Reckamp that the density of the development meets the guidelines of the Comprehensive Plan unless the units in excess of the density guidelines meet the affordability index based on medium household income of the residents of O'Fallon.

M. Bennett asked for clarification. M. Schmidt replied that the 24 units that are in excess of the ten units per acre would have to meet our affordable housing. She added that \$838.00 per unit would meet the affordability.

Mayor Graham replied that we are not going to set rates for rent.

S. Engler cautioned that he did not want to get into the housing market. J. Mouser added that we have no business legislating rent rates. E. True agreed. J. Drolet said that the developer would have to control who rented the apartments.

ROLL CALL: Grogan, no; Schmidt, aye; E. True, no; D. Polites, no; R. Reckamp, no; J. Mouser, no; A. Medford, no; J. Drolet, no; N. Drolet, no; S. Engler, no; M. Bennett, no; D. Renner, no; J. Albrecht, no; J. West, aye. Ayes, 2; Nays, 12. Motion failed.

On the original motion - ROLL CALL: Grogan, aye; Schmidt, no; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; N. Drolet, no; S. Engler, aye; M. Bennett, aye; D. Renner, aye; J. Albrecht, aye; J. West, no. Ayes, 11; Nays, 3. Motion carried.

Motion was made by J. Mouser and seconded by J. West to consider on 1st Reading Item 6 – An Ordinance amending Ord. 623, Zoning, Development known as Airport Storage Center.

M. Bennett inquired about the roof. J. Mouser answered that it was vastly improved.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; N. Drolet, aye; S. Engler, aye; M. Bennett, aye; D. Renner, aye; J. Albrecht, aye; J. West, aye. All Ayes. Motion carried.

Motion was made by A. Medford and seconded by E. True to consider on 1st Reading Item 7 - An Ordinance Amending Chapter 71 and 77, Relating to Traffic Regulations (Closed Streets).

M. Bennett said that Steve Amizich sent a letter stating that the school never requested that the road be a drive. In the letter, it states that the School Board of Education oversees the project. No one in the City argues with that. However, the City controls the public streets. He further stated that in another discussion, when the study for Ashland Drive was done, the school was concerned about increased traffic through the neighborhood. A traffic study was never done for the secondary emergency access road. The City standards would have had to have been met if the school has asked for a City street. Since that was not done, it should only be used as a secondary emergency access. J. Mouser added that the school had only asked for a secondary drive that was only to be used for emergency use when it came before the committee.

R. Reckamp asked if it had always been a path. M. Bennett replied that it was a path that went to a farm.

D. Renner said that a playground was approved, and he is proud that they were able to acquire the ground. The buses use St. Ellen Drive as their main driveway to the school

property. M. Bennett said that the traffic goes through the neighborhood, but Long Drive cannot handle the increased traffic.

T. Shekell said that on the Plan Review and the consensus of the ten people that looked at the plan that the access should only be used for City emergency use. It would not be for public access. Otherwise, they would have been required to pave it as a public access drive per our Ordinance.

S. Engler said that the ordinance was for the safety of the children and residents. He was offended by the school's letter.

Gary Senecyzn, President of the School Board, said that the letter was not supposed to have gone out, and they will address it at their Board meeting. He said the road was used heavily during the construction period. He said that they have tried to limit it to tractor use for the custodians between the two schools. They bought a lock, so the Fire Department would have access.

S. Amizich said that they are going to use it for the administration, custodians, and emergency vehicles per their policy. He stated it was a jurisdictional battle. He said the City is telling them what they can put on their property. He stated that they had no duty to supply the City with the plans which included the gravel road. The road is only open when the kids are in school. He added that the school never said that they would not use the road for their use.

Mayor Graham replied that we asked to see the plans because of the Shiloh school incident. The road's current use is against the City ordinance. The City can control access on public roads. D. Funk, City Attorney, confirmed that the City does have control of access on public streets. The City Council believes this to be a safety issue. If the road is used beyond tractor and administration traffic, a citation can be given to those in violation.

Mayor Graham said we need a clear policy from the School Board of when its' open and who can use the gate.

D. Renner and J. Drolet added that the gate was unlocked this morning. D. Renner added that in reply to the letter from the school, the City is not just reacting to dust complaints and noise.

S. Amizich said the gate was shut but not locked. There are two locks on the gate. He added that it is the Board's policy that the gate be locked from 3:30 p.m. through the evening until 8:30 a.m.

Chris Monroe, School Board member and Long Drive resident, said that he has witnessed drivers other than school officials using the road. He stated that the gate should be locked at all times.

G. Senecyzn said that the policy appears to be broken, and he will get it corrected.

M. Schmidt stated that signs should be posted indicating that it is for emergency use only. It appears to be a driveway. J. Drolet added that the ordinance should be corrected as a driveway feeds onto Long Drive, and the resident would be affected by the wording.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, no; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; N. Drolet, aye; S. Engler, aye; M. Bennett, aye; D. Renner, aye; J. Albrecht, aye; J. West, aye. Ayes, 13; Nays, 1. Motion carried.

Motion was made by E. True and seconded by J. Mouser to consider on 1st Reading Item 8 – An Ordinance approving an Intergovernmental Agreement between the City and the O'Fallon, Shiloh Valley, Caseyville Fire Protection District to provide for the Operation, Funding and Administration of the Fire Department and Emergency Medical Service within the Joint Jurisdiction.

E. True said that the ordinance was a process to formalize the current cooperation.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; N. Drolet, aye; S. Engler, aye; M. Bennett, aye; D. Renner, aye; J. Albrecht, aye; J. West, aye. All Ayes. Motion carried.

2nd Readings

Motion was made by E. True and seconded by A. Medford to approve on 2nd Reading, an Ordinance amending Chapter 77, Schedule I, Speed Restrictions, regarding Milburn School Road and Old Collinsville Road.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; N. Drolet, aye; S. Engler, aye; M. Bennett, aye; D. Renner, aye; J. Albrecht, aye; J. West, aye. All Ayes. Motion carried.

STANDING COMMITTEES:

Community Development: J. Mouser stated his committee met on October 13 and the minutes are in the packet.

The next meeting is scheduled for 6:00 p.m. on October 27, 2008.

Public Works: A. Medford stated that his committee will meet on October 27, 2008 at 7:00 p.m.

Public Safety: E. True stated that they met on October 13th at 7:00 p.m. The minutes are in the packet. The next meeting is scheduled for November 10th at 7:00 p.m.

Finance/Administration: J. West said that the finance committee met before the Council meeting to discuss Warrant #170.

Motion was made by J. West and seconded by J. Albrecht to pay Warrant #170 in the amount of \$971,721.83.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; N. Drolet, aye; S. Engler, aye; M. Bennett, aye; D. Renner, aye; J. Albrecht, aye; J. West, aye. All Ayes. Motion carried.

The next meeting will be October 27th at 5:30 p.m.

Parks and Environment: J. Albrecht stated the next meeting is scheduled for November 10th at 5:30 p.m.

EXECUTIVE SESSION: Mayor Graham stated that we would go into executive session to discuss the purchase of real estate.

At 8:30 p.m. a motion was made by R. Reckamp and seconded by J. Albrecht to go into Executive Session to discuss the purchase of real estate.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; N. Drolet, aye; S. Engler, aye; M. Bennett, aye; D. Renner, aye; J. Albrecht, aye; J. West, aye. All Ayes. Motion carried.

At 8:36 p.m. the City Council returned from Executive Session.

A motion was made by J. Mouser and seconded by E. True to authorize the Mayor to enter into negotiations to purchase real estate.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; N. Drolet, aye; S. Engler, aye; M. Bennett, aye; D. Renner, aye; J. Albrecht, aye; J. West, aye. All Ayes. Motion carried.

ADJOURNMENT:

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

The meeting was adjourned at 8:37 p.m.

Submitted by,

Philip A. Goodwin, City Clerk

*Minutes taken by
Maryanne Fair, Deputy City Clerk
Proper notice having been duly given*