



DRAFT MINUTES
COMMUNITY DEVELOPMENT COMMITTEE
6:00 pm, Monday, September 28, 2009

Minutes of a regular meeting of the Community Development Committee of the City of O'Fallon, held in the Mayor's Conference Room, 255 S. Lincoln, O'Fallon, Illinois on **September 28, 2009**.

CALL TO ORDER: 6:05 p.m.

- I) **Roll Call** – Jerry Mouser, Rick Reckamp, Allen Medford, Jerry Albrecht, Gene McCoskey. Other Aldermen Present: Ed True, John Drolet, Ned Drolet. Staff: Ted Shekell, Jeff Stehman, Jennifer Howland, Pam Funk, Walter Denton, Dean Rich. Visitors: Scott Wuerz, Pat Bennett, Luann Bennett, Steven Thurgood, Terri Thurgood, Dan Kelley.
- II) **Approval of Minutes** – September 14, 2009. All ayes. Motion carried.
- III) **Items Requiring Council Action on** – October 5, 2009
 - A) Regency Park Corporate Campus Planned Use Rezoning, Annexation Agreement and Ordinance, and TIF Ordinances (2nd Reading) – Application on hold. Staff expects project to move forward in approximately two to three weeks.
 - B) General Text Amendments to Zoning Code of Ordinances to Section 3.02, Home Occupations; Section 3.12, Trailer Parking; and Section 9.020, to add Funeral or Mortuary Services, including Crematorium as Planned Use (1st Reading) – Staff presented Dan Vogel's strike-through version of the proposed text amendments and clarified that the regulations will be enforced as with all other zoning issues. The Committee unanimously recommended approval of the text amendments on First Reading.
 - C) Code of Ordinances – Chapter 100, and Chapter 94, Section 94.01 – Proposed Amendment to Municipal Code of Ordinances by adding Chapter 100, Outdoor Lighting in Residential Areas and Chapter 94, Section 94.01 Nuisances, to include general regulations for outdoor lighting in residential areas. (1st Reading) – Staff presented a brief overview of the proposed amendments. An amendment was made to 100.02 as follows:
 - (1) [same]
 - (2) Flood Lights are only permitted when they are down-lighted and installed such that the fixture shall be aimed down at least forty-five (45) degrees from vertical.
 - (3) The Planning Director may require shields to be installed on *any lights determined to be a nuisance* before, during or after the installation when needed to further reduce glare and lighting trespass.
 - (4) [same wording as original (3)]
 - (5) [same wording as original (4)]

There was some discussion about how the proposed ordinance changes will help the City address potential nuisance issues. Ted Shekell read a portion of a recent article from the Illinois Municipal Review called "Abating Public Nuisances." The article made a distinction between "public" and "private" nuisances, stating that the State of Illinois gives municipalities the authority to deal with nuisances, but that a nuisance claimed by only one party is considered a "private" nuisance and is likely not enforceable

by the City. Staff also clarified that the specific issue the Bennett's have brought to the City's attention will be dealt with separately from this proposed ordinance. Pat Bennett, resident, stated that other communities use lumen levels and shielding requirements.

The Committee unanimously recommended approval of the ordinance as amended on First Reading.

- D) Code of Ordinances – Chapter 94, Section 94.01 and Chapter 98, Section 98.11 – Proposed Amendment to Chapter 94, Nuisances and Chapter 98, Streets and Sidewalks, to include a prohibition of water discharge no closer than 10 feet to any property line, in addition to public sidewalk, street, curb or street gutter. (1st Reading) – Staff provided an overview of the proposed ordinance. Some residents direct their stormwater directly into a storm drain. This is permitted as long as it is approved by the City Engineer. Many lots, especially newer subdivisions, have swales between lots to handle drainage. The proposed ordinance includes language that will allow the City to act on a nuisance complaint even if the drainage is being discharged 10 feet from the property line. The Committee unanimously recommended approval of the ordinance on First Reading.
- E) Annexation Agreement (Resolution) – To enter into annexation agreement with Julie Spengler for property located at 2110 Borchers Ln, O'Fallon, IL 62269; including all or part of Parcel #04-27.0-200-046; totaling approximately 1.45 acres. The Committee discussed closing up some of the holes in the City boundary, where there are pockets of land not currently incorporated but are nearly surrounded by the City limits. Ted Shekell explained that the holes will close one day, and if the City follows the infrastructure plans for those areas as outlined in the Comprehensive Plan, the annexation of that land should happen naturally and sensibly. Alderman John Drolet also inquired about why some areas of the City have Lebanon or Fairview Heights mailing addresses. Staff explained that an election was held a few years ago, but was unsuccessful and couldn't be held again for a 10 years, according to three postal service. The Committee unanimously recommended approval of the annexation agreement resolution.
- F) Santa Hut (Resolution and Lease) – Staff provided a brief overview of the proposed lease, stating that it is set to renew automatically every year. Alderman Ned Drolet explained that the proposed location of the Santa Hut is not ideal, but it is acceptable. An amendment will be made to the lease: "*II. Use of Premises/Access: The Premises shall be used solely as a place for children to visit with Santa Claus at the Santa Hut, or as otherwise approved by the City Council, during a period of time as determined by the Lessee.*" The Committee unanimously recommended approval of the Resolution and Lease as amended.
- G) Special Event Permit for OTHS Tennis 5K Halloween Fun Run/Walk (Motion) – Staff provided a brief overview of the event. The Committee unanimously recommended approval of the Special Event Permit.

IV) Other Business – none

MEETING ADJOURNED: 6:52 P.M.

Next Meeting: Monday, October 12, 2009 @ 6:00 P.M. – Mayor's Conference Room

Prepared by: Jennifer Howland, Senior City Planner