

## CITY OF O'FALLON

### GARY L. GRAHAM

Mayor

### PHILIP A. GOODWIN

City Clerk

Walter Denton  
City Administrator

### DAVID H. HURSEY

City Treasurer

### ALDERMAN

Gene McCoskey Ward 1 Matt Smallheer Ward 4

Richie Meile Ward 1 Michael Bennett Ward 5

Jerry Albrecht Ward 2 Courtney Cardona Ward 5

Robert Kueker Ward 2 Ray Holden Ward 6

Jerry Mouser Ward 3 Ned Drolet Ward 6

Kevin Hagarty Ward 3 David Cozad Ward 7

Herb Roach Ward 4 Harlan Gerrish Ward 7

## CITY COUNCIL MEETING

### A G E N D A

Monday, June 1, 2015

7:00 P.M. – Council Chambers

#### I. CALL TO ORDER

#### II. PLEDGE OF ALLEGIANCE

#### III. ROLL CALL

#### IV. APPROVAL OF MINUTES – [May 18, 2015](#)

#### V. PUBLIC HEARING

#### VI. REPORTS

**A. Residents of O'Fallon** – This portion of the City Council meeting is reserved for any resident wishing to address Council. The Illinois Open Meetings Act (5 ILCS 120/1) mandates NO action shall be taken on matters not listed on this agenda, but Council may direct staff to address the topic or refer the matter to a committee. Please provide City Clerk with name & address; speak into microphone; limit presentation to 3 minutes; and avoid repetitious comments. Thank you.

#### B. Clerk's Report

#### C. Mayor's Report

1. Proclamation declaring June 1, 2015 as Doris Vivian Day

#### VII. RESOLUTIONS –

#### VIII. ORDINANCES

##### A. 1<sup>st</sup> reading -

[ITEM 1](#) – Ord. Amending Chapter 97, regarding the Lock Box System ([staff report](#))

##### B. 2<sup>ND</sup> Reading –

2. Ord. authorizing the purchase of real estate at 112 North Lincoln ([click here for info](#))
3. Ord. amending Ord. 623, Zoning, development known as Fezziwig's ([click here for info](#))
4. Ord. amending Ord. 623, Zoning, development known as Academy Sports ([click here for info](#))

5. Ord. approving the execution of an Economic Incentive agreement between the City of O'Fallon and Washington Prime ([click here for info](#))
6. Ord. authorizing the execution of an Intergovernmental agreement with O'Fallon ([click here for info](#)) Community School District 90 and O'Fallon Township High School District No. 203
7. Ord. approving the Tax Increment Redevelopment Plan and Project for the Central City Redevelopment Project Area ([click here for info](#))
8. Ord. designating the Central City Redevelopment Project Area ([click here for info](#))
9. Ord. adopting Tax Increment Financing for the Central City Redevelopment Project Area ([click here for info](#))

## **IX. STANDING COMMITTEES**

1. Community Development
2. Public Works
3. Public Safety
4. Finance and Administration
5. Parks/Environment

**X. EXECUTIVE SESSION** – Occasionally, the Council may go into closed session in order to discuss such items covered under 5 ILCS 120/2 (b) which are as follows: Legal Matters; Purchase, Lease or Sale of Real Estate; Setting of a price for sale or lease of property owned by the public body; Employment/appointment matters; Business matters or Security/criminal matters and may possibly vote on such items after coming out of closed session.

## **XI. ACTION TAKEN ON EXECUTIVE SESSION ITEMS**

## **XII. ADJOURNMENT**

**O'FALLON CITY COUNCIL  
MINUTES OF THE REGULAR COUNCIL MEETING  
Draft May 18, 2015**

The regular meeting was called to order at 7:03 p.m. by Mayor Gary Graham who led the Council in "The Pledge of Allegiance to the Flag."

Philip Goodwin, City Clerk, called the roll: Gene McCoskey, present; Richie Meile, present; Robert Kueker, present; Jerry Albrecht, present; Jerry Mouser, present; Kevin Hagarty, present; Matthew Smallheer, present; Herb Roach, present; Michael Bennett, present; Courtney Cardona, present; Ned Drolet, present; Ray Holden, present; David Cozad, present; Harlan Gerrish, present. A quorum was declared present.

**APPROVAL OF MINUTES:** Mayor Graham asked for approval of the minutes. Motion was made by J. Mouser and seconded by J. Albrecht to approve the minutes of May 4, 2015. All ayes. Motion carried.

**PUBLIC HEARING** – None scheduled.

**RESIDENTS:** Mayor Graham invited any resident who wished to speak to come forward.

Todd Roach representing the District 90 School Board talked about how the TIF will affect the school. He discussed a letter that was sent earlier. The District is willing to work with the city. He stated that the District is on the State list as one of fifteen of the worse financial districts. They are on the watch list. The State has cut their aid for the last four years. He stated that 95% of their funding comes from residential and agricultural. They understand the TIF is there to generate more funds for the City. They are asking for a pass-through that is agreeable to both that will fund the schools. A proposal was given on April 16<sup>th</sup> and are willing to get 25% outside of Southview and 50% within.

Mayor Graham responded if they are willing to stop development and get nothing? T. Roach answered that they are willing to work on an agreeable pass-through, as they are not looking to stop the TIF.

J. Drolet came forward and stated he echoes the statement by T. Roach. He was concerned about the downtown area competing with Southview, as the money goes into a pool. How do you protect the downtown businesses when they want to upgrade their property when Southview is competing? They could have to wait potentially twenty years.

T. Shekell stated the TIF is going to be handled by paying as you go. So if a small business owner makes improvements, it will be given back to the owner on their eligible costs. Some businesses can choose to exclude themselves in answer to J. Drolet's question.

Mayor Graham added that it also includes over twenty-three years for improvements.

J. Drolet also spoke about Item 1 and how we are going to pay for the feasibility study. He believes the bonded debt will go against the city which would prevent you for bonding for infrastructure. He requested the Council table the resolution for now until you come up with the financing structures.

Mayor Graham responded that our job is looking down the road in five years. The study is not about building tomorrow but for the future needs. It is about planning ahead.

Terry Lysakowski stepped forward to state he would prefer the city work on infrastructure needs and is opposed to an aquatics center.

## **REPORTS:**

**Clerk's Report:** City Clerk Goodwin had nothing to report.

**Mayor's Report:** Mayor Graham read a proclamation declaring the week of May 17 – May 23, 2015 as National Public Works Week and a Proclamation declaring the month of May as Building Safety Month.

He announced that this month's Southwestern Illinois Council of Mayors will be held Thursday, May 28<sup>th</sup> at Roemer Topf in Mascoutah. Please contact Jamie by May 22<sup>nd</sup> to make your reservation.

**RESOLUTIONS:** Motion by J. Albrecht and seconded by G. McCoskey to approve Item 1 – a Resolution authorizing the Mayor to enter into an agreement with Ballard\*King & Associates for the purpose of professional services conducting a feasibility study for the Town Centre/Community Recreation Centre in an amount not to exceed \$24,000.

M. Smallheer said he would like to leave it until after July 1<sup>st</sup>. He was concerned about cuts from the State. Mayor Graham said it has been budgeted for the next year.

H. Roach agreed with Mr. Smallheer as we may have to trim \$400,000. We should look further into it.

J. Albrecht stated if we do the Feasibility Study then you have something to go to potential partners with. If we had not been planning in the last fifteen years, we would not have been ready for the development that occurred.

M. Bennett agreed we need to go ahead with this. We should be dealing from a position of knowledge. Mary Jeanne has been looking into this. We need to know if the center is feasible. The funds from the center would support it from the revenue generated. We would not bond out. There is an old saying, "If you are failing to plan, you are planning to fail".

M. Smallheer clarified he is not against the study, he just does not think the timing is good.

R. Kueker is also concerned that we may be getting less money after the first of July. He thought we would have to revise our budget at that time.

W. Denton said we just entered our 2016 budget. The State enters theirs in July. The current proposal is a decrease in our income tax revenue which goes into the General Fund. The study would come out of the Parks budget which does not come out of the General Fund.

Mayor Graham said the Governor has asked to defer the LGDF until next year. So that possibly would not change our budget. This is not the first time we have had this issue.

R. Kueker said we will not get a reduction, so what we show right now is what we will get through April 30, 2016, so we may not have to reduce the budget?

W. Denton said we just do not know yet. So far nothing has been passed in the General Assembly.

R. Kueker said the study is discretionary. The Parks receive 5% of the utility tax. He is not against the study, just the timing.

G. McCoskey added that we have over 354,000 items in the warrant tonight. The City business has to go on. If cuts have to be made, we will do it. When it comes to planning, you have to look forward. We have always been fiscally responsible.

N. Drolet said we have had other studies that came back restrictive, such as the Library. Mayor Graham clarified that the Library is a different taxing body. N. Drolet said there is no urgency here for this study. We should wait to see what the budget is doing in a few months.

**ROLL CALL:** McCoskey, aye; Meile, aye; Albrecht, aye; Kueker, no; Mouser, aye; Hagarty, no; Roach, no; Smallheer, no; Bennett, aye; Cardona, aye; Holden, aye; Drolet, no; Cozad, aye; Gerrish, aye. Ayes – 9; Nos – 5. Motion carried.

Motion by J. Albrecht and seconded by G. McCoskey to approve Item 2 – a Resolution authorizing the Director of Finance to secure a lease/purchase agreement for equipment/vehicles for FY 2015/2016.

**ROLL CALL:** McCoskey, aye; Meile, aye; Albrecht, aye; Kueker, aye; Mouser, aye; Hagarty, aye; Roach, aye; Smallheer, aye; Bennett, aye; Cardona, aye; Holden, aye; Drolet, aye; Cozad, aye; Gerrish, aye. Ayes – 14; Nos – 0. Motion carried.

**ORDINANCES:**

**1<sup>st</sup> Reading –**

Motion by J. Albrecht and seconded by J. Mouser to consider on 1<sup>st</sup> Reading, Ordinance items 4, 5, and 6 under the Omnibus Agreement. All ayes. Motion carried.

Mayor Graham read the resolutions:

Item 4 – An Ordinance. amending Ord. 623, Zoning, development known as Fezziwig's

Item 5 – An Ordinance amending Ord. 623, Zoning, development known as Academy Sports

Item 6 – An Ordinance approving the execution of an Economic Incentive agreement between the City of O'Fallon and Washington Prime

Motion by J. Albrecht and seconded by J. Mouser to approve on 1<sup>st</sup> Reading, Ordinance items 4, 5, and 6 under the previous Omnibus Agreement.

**ROLL CALL:** McCoskey, aye; Meile, aye; Albrecht, aye; Kueker, aye; Mouser, aye; Hagarty, aye; Roach, aye; Smallheer, aye; Bennett, aye; Cardona, aye; Holden, aye; Drolet, aye; Cozad, aye; Gerrish, aye. Ayes – 14; Nos – 0. Motion carried.

Motion by J. Albrecht and seconded by J. Mouser to consider on 1<sup>st</sup> reading Items 7, 8, 9, and 10, under the Omnibus Agreement. All ayes. Motion carried.

Mayor Graham read items 7, 8, 9, and 10:

Item 7 – An Ordinance authorizing the execution of an Intergovernmental agreement with O'Fallon Community School District 90 and O'Fallon Township High School District No. 203

Item 8 – An Ordinance approving the Tax Increment Redevelopment Plan and Project for the Central City Redevelopment Project Area

Item 9 – An Ordinance designating the Central City Redevelopment Project Area

Item 10 – An Ordinance adopting Tax Increment Financing for the Central City Redevelopment Project Area

Motion by H. Roach to send items 7, 8, 9, and 10 to committee until the District and City can come together and talk.

T. Shekell said the attorneys have looked at the District's letter, but they felt it was too far from it. They felt it was not feasible. Mayor Graham added we have an agreement with District 203. T. Shekell said they had Mr. Bruckert and Mr. Weber look at it, and they said in particular Southview is the hardest piece to develop because of the cost. It is \$800,000 to one million per acre to get the ground leveled and ready for development. With the cost of demolishing buildings, it just gets too far out for a violable project with a 50% pass-through.

M. Bennett said he would like it to pass on 1<sup>st</sup> reading. He is optimistic that an agreement can be met at 10%. It is a time consuming process. Mayor Graham asked him what his basis of 10% is, as there is the downtown and Southview. M. Bennett said we have been very proud that we have not raised property taxes. He supports Southview development. However, the streetscape will make the downtown area look nice, but that takes property tax dollars. We should find a different funding for that kind of improvement. We should not compete with the schools for tax dollars.

Mayor Graham said the school districts are looking at a County wide vote for sales tax. There is no money in the TIF. We set it up, so the individual businesses get back their increment individually. The City also has an option to disperse it back to the schools.

M. Bennett said that consolidation is the end result true solution. I think the City still has room to negotiate with the schools.

Motion died from a lack of a second.

N. Drolet stated he has to refrain from discussion and voting on the TIF or anything associated with the business or redevelopment plan project area, as he is a property owner.

Motion by J. Albrecht and seconded by J. Mouser to approve on 1<sup>st</sup> reading Items 7, 8, 9, and 10 under the previous Omnibus Agreement.

H. Roach added that we have been creative helping new businesses, and we can be creative with helping existing businesses. We could assist in the demolition in Southview.

**Vote on original motion - ROLL CALL:** McCoskey, aye; Meile, aye; Albrecht, aye; Kueker, aye; Mouser, aye; Hagarty, aye; Roach, no; Smallheer, no; Bennett, aye; Cardona, aye; Holden, aye; Drolet, recuse; Cozad, aye; Gerrish, aye. Ayes – 11; Nos – 2; Recuse - 1. Motion carried.

## **2nd Readings –**

Motion by J. Albrecht and seconded by K. Hagarty to approve on 2nd reading Item 11, an Ordinance establishing and designating the Route 50/Scott-Troy Road Business District and approving the Route 50/Scott-Troy Road District Plan.

**ROLL CALL:** McCoskey, aye; Meile, aye; Albrecht, aye; Kueker, aye; Mouser, aye; Hagarty, aye; Roach, aye; Smallheer, aye; Bennett, no; Cardona, aye; Holden, aye; Drolet, aye; Cozad, aye; Gerrish, aye. Ayes – 13; Nos – 1. Motion carried.

Motion by J. Albrecht and seconded by K. Hagarty to approve on 2nd reading Item 12, an Ordinance establishing and imposing certain Business District taxes in the Route 50/Scott-Troy Road Business District.

**ROLL CALL:** McCoskey, aye; Meile, aye; Albrecht, aye; Kueker, aye; Mouser, aye; Hagarty, aye; Roach, aye; Smallheer, aye; Bennett, no; Cardona, aye; Holden, aye; Drolet, aye; Cozad, aye; Gerrish, aye. Ayes – 13; Nos – 1. Motion carried.

Motion by J. Albrecht and seconded by K. Hagarty to approve on 2nd reading Item 13, an Ordinance amending Section 94.03 of Chapter 94.

**ROLL CALL:** McCoskey, aye; Meile, aye; Albrecht, aye; Kueker, aye; Mouser, aye; Hagarty, aye; Roach, aye; Smallheer, aye; Bennett, no; Cardona, aye; Holden, aye; Drolet, aye; Cozad, aye; Gerrish, aye. Ayes – 13; Nos – 1. Motion carried.

#### **STANDING COMMITTEES –**

**Community Development:** Motion by J. Albrecht and seconded by G. McCoskey to approve the Special Event requests from Wal-Mart to have storage trailers with conditions. All ayes. Motion carried.

**Public Works:** G. McCoskey stated they had no business to bring forward.

**Public Safety:** C. Cardona said the next meeting will be June 8<sup>th</sup> at the Public Safety Building.

**Finance/Administration:** Motion by M. Bennett and seconded by J. Albrecht to approve Warrant #325 in the amount of \$565,799.54.

**ROLL CALL:** McCoskey, aye; Meile, aye; Albrecht, aye; Kueker, aye; Mouser, aye; Hagarty, aye; Roach, aye; Smallheer, aye; Bennett, aye; Cardona, aye; Holden, aye; Drolet, aye; Cozad, aye; Gerrish, aye. Ayes – 14; Nos – 0. Motion carried.

**Parks and Environment:** R. Holden said the committee will meet June 8<sup>th</sup> at 5:30 p.m. at the Public Safety Building.

**EXECUTIVE SESSION:** Mayor Graham stated he needed a motion to go into Executive Session to discuss purchase of real estate. Motion by J. Albrecht and seconded by J. Mouser to go into closed session.



**ROLL CALL:** McCoskey, aye; Meile, aye; Albrecht, aye; Kueker, aye; Mouser, aye; Hagarty, aye; Roach, aye; Smallheer, aye; Bennett, aye; Cardona, aye; Holden, aye; Drolet, aye; Cozad, aye; Gerrish, aye. Ayes – 14; Nos – 0. Motion carried.

The Council went into closed session at 8:00 p.m. and returned at 8:11 p.m.

Motion by J. Albrecht and seconded by M. Bennett to consider on 1<sup>st</sup> Reading, Ordinance Item 3, authorizing the purchase of real estate at 112 North Lincoln.

**ROLL CALL:** McCoskey, aye; Meile, aye; Albrecht, aye; Kueker, aye; Mouser, aye; Hagarty, aye; Roach, aye; Smallheer, aye; Bennett, aye; Cardona, aye; Holden, aye; Drolet, aye; Cozad, aye; Gerrish, aye. Ayes – 14; Nos – 0. Motion carried.

J. Albrecht commended the NickFest group for a nice event. It was a great effort.

H. Roach agreed. He added that on behalf of the American Legion, he would like to thank the City Council for the success of the roadblock this past weekend.

**ADJOURNMENT:** Motion by J. Albrecht and seconded by G. McCoskey to adjourn. All ayes. Motion carried.

The meeting was adjourned at 8:12 p.m.

Submitted by,

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Philip A. Goodwin  
City Clerk

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

**CITY OF O’FALLON, ILLINOIS  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING  
CHAPTER 97, OF THE O’FALLON  
CODE OF ORDINANCES  
REGARDING LOCK BOX SYSTEM**

**WHEREAS**, the City currently maintains, in its Code of Ordinances, Chapter 97, Fire Prevention; and

**WHEREAS**, Section 97.32 of the Ordinance provides the Chief of the Fire Department shall retain a master key to all lock systems; and

**WHEREAS**, it is in the best interest of the City and its residents that the Shift Commander of the O’Fallon Police Department also retain a master key to all lock systems.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:**

Section 1. The forgoing recitals are incorporated herein as findings of the City Council.

Section 2. Chapter 97, Section 97.32 contents; master keys, is hereby amended to read as follows:

“The owner of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow the unlocking of a door to the interior of the structure. The Chief of the Fire Department and the Police Department Shift Commander, shall each retain a master key to all lock box systems and the key shall be of such design whereby it is non-reproducible.”

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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ATTEST:

Approved by the Mayor this \_\_\_\_ day

(seal)

of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor

| <b>ROLL CALL:</b> | McCoskey | Meile | Kueker | Albrecht | Mouser | Hagarty | Drolet | <b>SUB TOTALS</b> |
|-------------------|----------|-------|--------|----------|--------|---------|--------|-------------------|
| Aye               |          |       |        |          |        |         |        |                   |
| Nay               |          |       |        |          |        |         |        |                   |
| Absent            |          |       |        |          |        |         |        |                   |

| <b>ROLL CALL:</b> | Roach | Bennett | Cardona | Smallheer | Holden | Cozad | Gerrish | <b>SUB TOTALS</b> | <b>SUM OF TOTALS</b> |
|-------------------|-------|---------|---------|-----------|--------|-------|---------|-------------------|----------------------|
| Aye               |       |         |         |           |        |       |         |                   |                      |
| Nay               |       |         |         |           |        |       |         |                   |                      |
| Absent            |       |         |         |           |        |       |         |                   |                      |



## CITY COUNCIL AGENDA ITEMS

**To:** Mayor Graham and City Council  
**From:** Eric Van Hook, Chief of Police  
Walter Denton, City Administrator  
**Date:** June 1, 2015  
**Subject:** Ordinance Amending Chapter 97- Fire Prevention

**List of committees that have reviewed:** Public Safety

### **Background:**

#### **Chapter 97:**

Section 97.32 of the Ordinance provides the Chief of the Fire Department shall retain a master key to all lock systems. It is in the best interest of the City and its residents that Shift Commander of the O'Fallon Police Department also retain a master key to all lock systems. The O'Fallon Police Department responds to fire and EMS calls for service and are usually first on scene. Having access to the lock systems will be extremely beneficial on medical calls since the Fire Department doesn't typically respond to these calls for service.

**Legal Considerations, if any:** Reviewed by City Attorney, Dale Funk.

**Budget Impact:** None

**Staff recommendation:** Approval.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING  
THE CITY OF O’FALLON TO  
PURCHASE REAL ESTATE AT  
112 NORTH LINCOLN**

**WHEREAS**, the Corporate Authorities of the City of O’Fallon deem it advisable, necessary and in the public interest for the City of O’Fallon to acquire the real estate commonly known as 112 North Lincoln Avenue, O’Fallon, Illinois; and

**WHEREAS**, pursuant to the provisions of 65 ILCS 5/11-61-3 the municipality is authorized to purchase real property for public purposes; and

**WHEREAS**, Ronald J. Warhoover, Sr. and Cheri E. Warhoover, owners of said real estate, have agreed to sell such property to the City of O’Fallon according to the terms of the proposed contract previously submitted to the City of O’Fallon.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS;

Section 1.

The forgoing recitals are incorporated herein as findings of the City Council.

Section 2.

The City Council hereby determines that it is advisable and necessary and in the interest of public that the City of O’Fallon purchase from the Sellers, Ronald J. Warhoover, Sr. and Cheri E. Warhoover the real estate commonly known as 112 North Lincoln Avenue, O’Fallon, Illinois according to the terms of the proposed contract.

Section 3.

The Mayor and Clerk of the City are hereby authorized and directed to execute the documents necessary and do all things essential to complete the purchase the aforementioned real estate from Ronald J. Warhooover, Sr. and Cheri E. Warhooover.

Section 4.

This ordinance shall be in full force and effect from and after its passage and approval and its publication in the manner provided by law.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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ATTEST:

Approved by the Mayor this \_\_\_\_\_ day

(seal)

of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor

| <b>ROLL CALL:</b> | McCoskey | Meile | Albrecht | Kueker | Mouser | Hagarty | Roach | <b>SUB TOTALS</b> |
|-------------------|----------|-------|----------|--------|--------|---------|-------|-------------------|
| <b>Aye</b>        |          |       |          |        |        |         |       |                   |
| <b>Nay</b>        |          |       |          |        |        |         |       |                   |
| <b>Absent</b>     |          |       |          |        |        |         |       |                   |

| <b>ROLL CALL:</b> | Smallheer | Bennett | Cardona | Holden | Drolet | Cozad | Gerrish | <b>SUB TOTALS</b> | <b>SUM OF TOTALS</b> |
|-------------------|-----------|---------|---------|--------|--------|-------|---------|-------------------|----------------------|
| <b>Aye</b>        |           |         |         |        |        |       |         |                   |                      |
| <b>Nay</b>        |           |         |         |        |        |       |         |                   |                      |
| <b>Absent</b>     |           |         |         |        |        |       |         |                   |                      |

CITY OF O'FALLON  
ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING  
ORDINANCE 623, ZONING  
DISTRICTS OF THE CITY OF  
O'FALLON, ILLINOIS  
(DEVELOPMENT KNOWN AS  
"FEZZIWIG'S") LOCATED AT  
225 WEST 1<sup>ST</sup> STREET**

**WHEREAS**, the applicant, Timothy Moore & Ellen Leaf-Moore of Fezziwig's Marketplace, has filed an application requesting approval of a planned use rezoning to authorize reuse of the existing building for a gourmet market, wine and tea sales, cooking classes and small scale events at 225 West 1<sup>st</sup> Street in O'Fallon; and

**WHEREAS**, the applicant has filed an application with the City of O'Fallon, Illinois pursuant to the requirements of all applicable laws, including City Ordinance 3471, "Planned Uses"; and

**WHEREAS**, the Planning Commission of the City of O'Fallon, Illinois held a public hearing on April 28, 2015, in accordance with state statute, and recommended to approve the petitioner's request to obtain a B-2(P) Planned General Business District zoning for the property with a vote of 7 ayes to 0 nays as outlined in the adopted Planning Commission Report, attached hereto and declared to be an inseparable part hereof (Exhibit A); and

**WHEREAS**, on May 11, 2015 the Community Development Committee of the City Council reviewed the rezoning and recommended approval with a vote of 6 ayes to 0 nays.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:**

**Section 1.** That upon the effective date of this Ordinance, the described property, known as "Academy Sports", be henceforth classified as zoning district B-2(P) Planned General Business District with the following conditions:

- 1) The planned use approval includes approval for alcohol sales for on- and off-premise consumption (primary building and carriage house) and an outdoor seating area with alcohol sales in the courtyard between the primary building and the carriage house.
- 2) The property will not be used as a restaurant.

- 3) Future use of the rear carriage house may require additional building permits and conformance with Building Codes and the Illinois Accessibility Code.

**Section 2.** A Certified Copy of this ordinance, with all referenced attachments, shall be filed with the City Clerk’s office of the City of O’Fallon, Illinois.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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ATTEST:

Approved by the Mayor this \_\_\_\_\_ day

(seal)

of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor

| ROLL CALL: | McCoskey | Meile | Albrecht | Kueker | Mouser | Hagarty | Roach | SUB TOTALS |
|------------|----------|-------|----------|--------|--------|---------|-------|------------|
| Aye        |          |       |          |        |        |         |       |            |
| Nay        |          |       |          |        |        |         |       |            |
| Absent     |          |       |          |        |        |         |       |            |

| ROLL CALL: | Smallheer | Bennett | Cardona | Holden | Drolet | Cozad | Gerrish | SUB TOTALS | SUM OF TOTALS |
|------------|-----------|---------|---------|--------|--------|-------|---------|------------|---------------|
| Aye        |           |         |         |        |        |       |         |            |               |
| Nay        |           |         |         |        |        |       |         |            |               |
| Absent     |           |         |         |        |        |       |         |            |               |



CITY OF O'FALLON  
ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING  
ORDINANCE 623, ZONING  
DISTRICTS OF THE CITY OF  
O'FALLON, ILLINOIS  
(DEVELOPMENT KNOWN AS  
"ACADEMY SPORTS") LOCATED  
AT 1574 WEST HIGHWAY 50**

**WHEREAS**, the applicant, Chris Mulloy of Lincoln Crossing, LLC, has filed an application requesting approval of a planned use rezoning to authorize construction of a 63,000 square foot, sporting good retail store at 1574 West Highway 50 in O'Fallon; and

**WHEREAS**, the applicant has filed an application with the City of O'Fallon, Illinois pursuant to the requirements of all applicable laws, including City Ordinance 3471, "Planned Uses"; and

**WHEREAS**, the Planning Commission of the City of O'Fallon, Illinois held a public hearing on April 28, 2015, in accordance with state statute, and recommended to approve the petitioner's request to obtain a B-1(P) Planned Community Business District zoning for the property with a vote of 7 ayes to 0 nays as outlined in the adopted Planning Commission Report, attached hereto and declared to be an inseparable part hereof (Exhibit A); and

**WHEREAS**, on May 11, 2015 the Community Development Committee of the City Council reviewed the rezoning and recommended approval with a vote of 6 ayes to 0 nays.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:**

**Section 1.** That upon the effective date of this Ordinance, the described property, known as "Academy Sports", be henceforth classified as zoning district B-1(P) Planned Community Business District with the following conditions:

1. A variance to allow the parking lot to be striped according to the site plan and allowing the parking lot to remain as constructed, in terms of existing landscape islands and lighting.
2. A variance to allow the front elevation to have three wall signs, not to exceed 300 square feet in total size.

**Section 2.** A Certified Copy of this ordinance, with all referenced attachments, shall be filed with the City Clerk’s office of the City of O’Fallon, Illinois.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\*\*\*\*\*

ATTEST:

Approved by the Mayor this \_\_\_\_\_ day

(seal)

of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor

| ROLL CALL: | McCoskey | Meile | Albrecht | Kueker | Mouser | Hagarty | Roach | SUB TOTALS |
|------------|----------|-------|----------|--------|--------|---------|-------|------------|
| Aye        |          |       |          |        |        |         |       |            |
| Nay        |          |       |          |        |        |         |       |            |
| Absent     |          |       |          |        |        |         |       |            |

| ROLL CALL: | Smallheer | Bennett | Cardona | Holden | Drolet | Cozad | Gerrish | SUB TOTALS | SUM OF TOTALS |
|------------|-----------|---------|---------|--------|--------|-------|---------|------------|---------------|
| Aye        |           |         |         |        |        |       |         |            |               |
| Nay        |           |         |         |        |        |       |         |            |               |
| Absent     |           |         |         |        |        |       |         |            |               |

CITY OF O’FALLON, ILLINOIS  
ORDINANCE NO. \_\_\_\_

**ORDINANCE APPROVING THE FORM  
AND AUTHORIZING THE EXECUTION  
OF AN ECONOMIC INCENTIVE  
AGREEMENT BETWEEN THE CITY OF  
O’FALLON, ILLINOIS, AND  
WASHINGTON PRIME**

**WHEREAS**, the City is authorized pursuant to the provisions of 65 ILCS 5/8-11-20 et. seq., as amended (the “Economic Incentive Act”) to share a portion of any retailer’s occupation taxes and service occupation taxes (the “Municipal Sales Taxes”) generated by a redevelopment project with the developer of such project to induce the developer’s undertaking and performing of such project; and

**WHEREAS**, the City desires to induce Washington Prime (“Washington Prime”) (the “Developer”) to undertake an approximately 63,000 square foot retail store within the City (the “Redevelopment Project”) and has determined that the Redevelopment Project qualifies for funding under the Economic Incentive Act pursuant to the findings as set forth in this Ordinance; and

**WHEREAS**, the City has negotiated an Economic Incentive Agreement (the “Agreement”) with the Developer whereby the City has agreed to provide funding for the Redevelopment Project from Municipal Sales Taxes generated by the Redevelopment Project to induce the Developer’s undertaking and performance of such project, and the Developer has agreed to undertake the Redevelopment Project pursuant to the provisions of the Agreement; and

**WHEREAS**, the City of O’Fallon believes it is in the best interests of its citizens to enter into an Economic Incentive Agreement with Washington Prime.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**SECTION 2. Findings.** The City Council hereby makes the following findings pursuant to the provisions of the Economic Incentive Act:

(a) For the property subject to the Agreement that is currently vacant (such vacant property determined and analyzed both on a parcel by parcel basis and viewing the property on a whole), such property has remained vacant for a period of at least one year, and the buildings on the improved part of the Project Site have remained less than significantly unoccupied or underutilized for at least one year;

- (b) That the Redevelopment Project is expected to create or retain job opportunities within the City;
- (c) That the Redevelopment Project will serve to further the development of adjacent areas;
- (d) That without the Agreement, the Redevelopment Project would not be possible;
- (e) the Developer meets high standards of credit worthiness and financial strength as demonstrated to the City by, among other things, specific evidence of equity financing for more than ten percent (10%) of the total Development Project costs;
- (g) That the Redevelopment Project will strengthen the commercial sector of the City;
- (h) That the Redevelopment Project will enhance the tax base of the City;
- (i) That the Agreement is made in the best interest of the City and its citizens; and
- (j) That the Agreement does not share or rebate any portion of retailers' occupation taxes that would have been paid to another unit of local government.

**SECTION 3. Approval of Agreement.** The form of the Agreement entitled "City of O'Fallon, Washington Prime Economic Incentive Agreement" (the Agreement) by and between the City of O'Fallon, Illinois (the "City") and Washington Prime on file in the office of the City Clerk of the City of O'Fallon, Illinois, is hereby approved, and all terms and provisions of the Agreement are hereby agreed to by the City (see attached Agreement made part of this Ordinance by reference and hereby known as Exhibit "A").

**SECTION 4. Execution of Agreement.** The Mayor is hereby authorized and directed to execute and deliver on behalf of the City, the Agreement on file in the office of the City Clerk. The City Clerk is authorized and directed to affix, impress or otherwise reproduce the seal of the City upon each executed copy of the Agreement and to attest the execution of the Agreement hereto attached.

**SECTION 5. Washington Prime Incremental Sales Tax Fund.** The City hereby establishes the Washington Prime Incremental Sales Tax Fund in the custody of the City Treasurer. The City covenants and agrees to immediately deposit and hold all Incremental Sales Tax Revenues (as defined in the Agreement) in the Washington Prime Municipal Sales Tax Allocation Fund and apply such moneys as provided in the Agreement.

**SECTION 6. Severability.** It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. If any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

**SECTION 7. Governing Law.** This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Illinois.



CITY OF O'FALLON, ILLINOIS

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF  
O'FALLON ("CITY") WHICH  
AUTHORIZES THE EXECUTION OF  
AN INTERGOVERNMENTAL  
AGREEMENT WITH O'FALLON  
COMMUNITY SCHOOL DISTRICT  
NO. 90 AND O'FALLON TOWNSHIP  
HIGH SCHOOL DISTRICT NO. 203  
("SCHOOL DISTRICTS")**

**WHEREAS**, the City of O'Fallon, St. Clair County, Illinois ("City") is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution ("Constitution") and the laws of the State of Illinois, including particularly the Illinois Municipal Code (the "Municipal Code"), and all laws amendatory thereof and supplementary thereto (Chapter 65, Act 5, Illinois Compiled Statutes (2006)); and

**WHEREAS**, the City and School Districts are authorized and empowered by Article VII, Section 10 of the Constitution of the State of Illinois (1970) and 5 ILCS 220/1, *et. seq.*, to enter into intergovernmental agreements for any purpose not prohibited by law; and

**WHEREAS**, the City adopted a certain Redevelopment Plan entitled Central City Tax Increment Financing Redevelopment Plan and Project" within established geographic boundaries and tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et. seq.* (hereinafter the "Act"); and

**WHEREAS**, the purpose of the plan is to foster economic development in the City and to attract business and new jobs to the City, thus providing increased tax revenues to the City and the taxing districts within its boundaries; and

**WHEREAS**, the Act allows a municipality to pledge all or a portion of incremental property tax revenues generated within a TIF Area to repayment of certain redevelopment project costs and/or bonds or notes issued to fund such costs, and provides that the portion of incremental property tax revenues not so pledged may be declared as surplus and distributed to all Taxing Districts; and

**WHEREAS**, the continued provision of quality education by the School Districts is important to the City and its citizens and is critical to attracting business and further economic development in the City, in that the existence of good public schools is

an important factor in the location of commercial development and residential development; and

**WHEREAS**, the City wants to ensure that all of the Taxing Districts get a fair share of the tax increment revenue from the redevelopment project.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

**Section 1.** That the preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one (1) of this Ordinance; and

**Section 2.** That the City shall enter into an Intergovernmental Agreement with the O'Fallon Community School District No. 90 and the O'Fallon Township High School District No. 203, a copy of which is attached hereto and incorporated herein as Exhibit A; and

**Section 3.** The Mayor is hereby authorized and directed to execute, on behalf of the City, the Intergovernmental Agreement between the City and School Districts, and the City Clerk is hereby authorized and directed to attest to the Intergovernmental Agreement and to affix the seal of the City thereto. The Intergovernmental Agreement shall be in substantially the form attached hereto as Exhibit A, with such changes therein as shall be approved by the officers of the City executing the same, such official signatures thereon being conclusive evidence of their approval and the City's approval thereof; and

**Section 4.** The City shall, and the officials, agents and employees of the City are hereby authorized and directed to, take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance; and





CITY OF O’FALLON  
ORDINANCE NO. \_\_\_\_\_

**ADOPTING TAX INCREMENT  
FINANCING FOR THE CENTRAL  
CITY REDEVELOPMENT PROJECT  
AREA**

**WHEREAS**, the City of O’Fallon, Illinois desires to adopt tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et. seq., as amended, hereinafter referred to as the "Act".

**WHEREAS**, the City of O’Fallon has adopted a Tax Increment Redevelopment Plan and Project, designated the Central City Redevelopment Project Area pursuant to the provisions of the Act, and has otherwise complied with all other conditions precedent required by the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O’FALLON, ILLINOIS, AS FOLLOWS:

**Section 1.** Tax increment financing is hereby adopted in respect to the Tax Increment Redevelopment Plan and Project for the Central City Redevelopment Project Area (the “Area”) approved and adopted pursuant to Ordinance No. [REDACTED] of the City of O’Fallon, which said Area was designated pursuant to Ordinance No. [REDACTED] and the boundaries thereof being legally described therein.

**Section 2.** After the total equalized assessed valuation of taxable real property in the Central City Redevelopment Project Area exceeds the total initial equalized assessed value of all taxable real property in the Central City Redevelopment Project Area, the ad valorem taxes, if any, arising from the levies upon taxable real property in the Central City Redevelopment Project Area by taxing districts and the rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 of the Act each year after the effective date of this Ordinance until the redevelopment project costs and all municipal obligations issued in respect thereto have been paid shall be divided as follows:

- a. That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the Central City Redevelopment

Project Area shall be allocated to and when collected shall be paid by the County Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

- b. That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each lot, block, tract or parcel of real property in the Central City Redevelopment Project Area over and above the initial equalized assessed value of each property in the Central City Redevelopment Project Area shall be allocated to and when collected shall be paid to the municipal treasurer who shall deposit said taxes into a special fund called "the Special Tax Allocation Fund for the Central City Redevelopment Project Area" of the City of O'Fallon for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof, pursuant to such appropriations which may be subsequently made.

**Section 3.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**Section 4.** This Ordinance shall be in full force and effect from and after its approval, passage, and publication as required by law.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\*\*\*\*\*

ATTEST:

Approved by the Mayor this \_\_\_\_\_ day

(seal)

of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor



CITY OF O'FALLON, ILLINOIS  
ORDINANCE NO. \_\_\_\_\_

**ORDINANCE DESIGNATING THE  
CENTRAL CITY REDEVELOPMENT  
PROJECT AREA**

WHEREAS, the City Council has heretofore in Ordinance No. \_\_\_\_\_ adopted and approved the Tax Increment Redevelopment Plan and Project for the proposed Central City Redevelopment Project Area, with respect to which a public hearing was held on May 4, 2015, and it is now necessary and desirable to designate the area referred to in said plan as the Central City Redevelopment Project Area;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, ILLINOIS,

**Section 1.** The area described in the attached Exhibit A is hereby designated as the Central City Redevelopment Project Area pursuant to Section 11-74.4.4 of the Tax Increment Allocation Redevelopment Act:

**Section 2.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**Section 3.** This Ordinance shall be in full force and effect from and after its approval, passage, and publication as required by law.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\*\*\*\*\*

ATTEST:  
  
(seal)

Approved by the Mayor this \_\_\_\_ day  
of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor

| <b>ROLL CALL:</b> | McCoskey | Meile | Albrecht | Kueker | Mouser | Hagarty | Roach | <b>SUB TOTALS</b> |
|-------------------|----------|-------|----------|--------|--------|---------|-------|-------------------|
| Aye               |          |       |          |        |        |         |       |                   |
| Nay               |          |       |          |        |        |         |       |                   |
| Absent            |          |       |          |        |        |         |       |                   |

| <b>ROLL CALL:</b> | Smallheer | Bennett | Cardona | Holden | Drolet | Cozad | Gerrish | <b>SUB TOTALS</b> | <b>SUM OF TOTALS</b> |
|-------------------|-----------|---------|---------|--------|--------|-------|---------|-------------------|----------------------|
| Aye               |           |         |         |        |        |       |         |                   |                      |
| Nay               |           |         |         |        |        |       |         |                   |                      |
| Absent            |           |         |         |        |        |       |         |                   |                      |

Attachments:

Exhibit A: Boundary Description - Central City Redevelopment Project Area