

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 John Drolet Ward 4

Richie Meile Ward 1 Michael Bennett Ward 5

Ed True Ward 2 Courtney Cardona Ward 5

Jerry Albrecht Ward 2 Jim Hursey Ward 6

Jerry Mouser Ward 3 Ray Holden 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, January 5, 2015

7:00 P.M. – Council Chambers

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES – [December 15, 2014](#)

V. PUBLIC HEARING – 1. Annexation agreement with Larry and Elizabeth Fulford for approximately 6.85 acres located at 1117 Old Vincennes Trail, 04-28.0-200-044

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

1. Request from Lifelong Music in O'Fallon Schools to conduct a raffle on January 30, 2015 for cash at the KC Hall at 402 E. Hwy 50

C. Mayor's Report

1. Swearing in of new policemen

VII. RESOLUTIONS –

ITEM 1 – Resolution authorizing the Mayor to sign an annexation agreement with Larry and Elizabeth Fulford for 1117 Old Vincennes Trail (Click to view staff [report](#), [agreement](#) and aerial [map](#))

ITEM 2 – Resolution approving and accepting a subdivision of land to be known as the "Estates at Old Vincennes Trail" (Click to view [plat](#))

ITEM 3 – Resolution authorizing the submission of a public question on the ballot for the April 7, 2015 consolidated election regarding whether the City should lease the City's

water and sewer system (After additional information is shared with City Council in Executive Session)

VIII. ORDINANCES

A. 1st reading

ITEM 4 – Ord. amending Ord. 3319, Development Manual, Chapter 155, Appendix A, Ord. 3471 and 3665, Planned Uses, Chapter 158, Section 119; Ord. 623, 3587 and 3786, Signs authorized without a permit (Click here to view the staff [report](#), and PC [report](#))

B. 2ND Reading

5. Ord. amending Chapter 111, Section 111.99 (**On Hold**)

IX. STANDING COMMITTEES

1. Community Development – *Minutes Attached*
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 December 15, 2014**

The regular meeting was called to order at 7:00 p.m. by City Clerk Goodwin 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; Ed True, present; Jerry Albrecht, present; Jerry Mouser, present; Kevin Hagarty, present; John Drolet, present; Herb Roach, present; Michael Bennett, present; Courtney Cardona, present; Jim Hursey, present; Ray Holden, present; David Cozad, present; Harlan Gerrish, present. A quorum was declared present.

City Clerk Goodwin announced that Mayor Graham would not be present. He asked for a motion to appoint a Mayor Pro Tem. Motion by J. Albrecht and seconded by R. Meile to appoint J. Mouser as Mayor Pro Tem.

Mayor Pro Tem Mouser asked for approval of the minutes. Motion was made by J. Albrecht and seconded by J. Hursey to approve the minutes of December 1, 2014. All ayes. Motion carried.

PUBLIC HEARING – Mayor Pro Tem Mouser opened the hearing for the annexation agreement with Michael Dietz for an approximate 2.84 acres located at 9920 Rieder Road, Lebanon, Illinois at 7:02 p.m. and asked for public input. Mayor Pro Tem called three times for public input but no one stepped forward. He closed the public hearing at 7:03 p.m.

RESIDENTS: Mayor Pro Tem Mouser invited any resident who wished to speak to come forward.

Mike Cook stepped forward to comment about the letter that was in the water bills, which he thought contained conflicting information about the water and sewer bids. He also asked the Council to ensure that the question stated on the ballot is straightforward, clear and easy for the voters to understand. Mayor Pro Tem answered that he believes there will be public forums to ensure everyone has a good understanding before voting.

Beth Hendricks, co-owner of Sweet Katie Bees, voiced her concern that privatization increases the cost of the water bills. She stated that the sale of the system would only provide a short term solution.

Terry Lysakowski asked if the referendum would be binding. He was told that by State Law, it is non-binding. Mayor Pro Tem Mouser replied that the State statute has only certain issues that can be considered binding, and the water sale is not one of them.

Dr. Melanie Stewart stated that the maintenance of streets should already be in the budget, as it is routine. She suggested that there is mismanagement, as she believes the Council should consider necessities versus amenities. She does not think that property taxes should be increased.

Cheryl Sommer stated that she was concerned that the water and sewer issue not be made one of raising property taxes.

REPORTS:

Clerk's Report: Motion by E. True and seconded by J. Albrecht to approve the following requests:

1. Request from the VFW Post 805 to conduct a monthly raffle at 223 W. First Street starting January 2015 and ending December 2015
2. Request from the Knights of Columbus to conduct a monthly raffle at 402 E. Hwy 50 starting January 2015 and ending December 2015
3. Request from OTHS Softball Boosters to conduct a raffle on January 24, 2015 for a lotto tree at 402 E. Hwy 50

All ayes. Motion carried.

Mayor's Report: Mayor Pro Tem Mouser had no report.

RESOLUTIONS: Motion by J. Albrecht and seconded by E. True to pass Resolution Item 1 – a Resolution approving the release of certain Executive Session minutes. All ayes. Motion carried.

Motion by J. Albrecht and seconded by E. True to pass Resolution Item 2 – a Resolution recommending schedule B of the Executive Session minutes remain closed because the need for confidentiality still exists.

J. Drolet stated he believes the Council should review the minutes, as some have been closed for over thirty years. J. Albrecht replied that most are personnel issues and should remain closed even if some of the people are gone. D. Funk said that Mr. Drolet has a right to review. Over the years, various Council members have reviewed them. They are reviewed twice a year now. J. Drolet responded that maybe every other year the Council should review them in depth. Ayes – 13; No – 1, Drolet.

Motion by J. Albrecht and seconded by J. Hursey to pass Resolution Item 3 – a Resolution authorizing the submission of a Public Question on the ballot for the April 7, 2015 Consolidated Election regarding whether the City should lease or sale the City's water and sewer system.

Motion by M. Bennett and seconded by J. Hursey to amend the motion to remove the word “or sale”.

J. Drolet voiced his concern that if we remove the word “sale”, the resolution would not apply. J. Mouser said it seemed like no one was interested in a sale. J. Drolet said that it was talked about in Executive Session. J. Drolet said he never saw the letter that was in the water bills before it went out, and he disagreed with its contents.

H. Gerrish asked whether removing the word “sale” implies that we would rule out the possibility of a sale.

ROLL CALL: McCoskey, aye; Meile, no; True, aye; Albrecht, aye; Mouser, aye; Hagarty, no; Drolet, no; Roach, no; Bennett, aye; Cardona, aye; Hursey, aye; Holden, no; Cozad, no; Gerrish, aye. Ayes – 8; Nos – 6. Motion carried.

D. Cozad stated what we want to accomplish is to have a resolution on the ballot. It will be non-binding. That is our overall goal. His concern is that the perception will be that we can sell it since the resolution only included the option to lease.

M. Bennett replied that his intent to remove “or for sale” from the resolution because no one showed an inclination to pursue a sale. They had agreed to review bid proposals for the lease.

J. Drolet suggested that the attorney will have to step in if we are disclosing Executive Session items. J. Drolet said we do not have any numbers, as they were not given to the Council. We were given four options: sell it to a private, sell it to a non-profit, lease it to a private, and lease it to a non-profit. We were not given information showing the pros and cons. We have not seen any numbers or any bid packages.

H. Roach asked if we could make a motion that we will only consider a lease. J. Mouser added that we could make a motion that we would not sell it.

D. Funk reminded the Council that it is only an advisory opinion. You are not held bound. You want to leave all of your options open.

Motion by J. Hursey and seconded by G. McCoskey to reconsider and overturn the motion to amend the Resolution authorizing the submission of a Public Question on the ballot for the April 7, 2015 Consolidated Election regarding whether the City should lease or sale the City’s water and sewer system and vote on the original motion.

ROLL CALL: McCoskey, aye; Meile, aye; True, no; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, no; Cardona, no; Hursey, aye; Holden, aye; Cozad, aye; Gerrish, aye. Ayes - 11; Nos – 3. Motion carried.

H. Roach implored the Council to give the citizens the right to vote on the sale or lease.

Vote on the original motion - ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye; Gerrish, aye. Ayes - 14; Nos – 0. All ayes. Motion carried.

Motion by J. Albrecht and seconded by H. Gerrish to pass Resolution Item 4 – a Resolution authorizing the Mayor to sign an annexation agreement with Michael Dietz for 9920 Rieder Road. All ayes. Motion carried.

ORDINANCES:

1st Reading – None brought forward.

2nd Readings –

Motion by J. Albrecht and seconded by G. McCoskey to pass 2nd Reading Ordinance, number 5, an Ordinance amending Chapter 77, Stop Signs for intersections at Stonebriar and Chesapeake Junction Subdivision – Norfolk Way, Cabot Court, Briar Meadow Court, Ridge Pointe Drive, Silverlink Drive, Pacific Crossing and Arriva Court. All ayes. Motion carried.

Motion by J. Albrecht and seconded by M. Bennett to pass 2nd Reading Ordinance, number 6, an Ordinance providing for the annual levy for the fiscal year commencing on the first day of May 1, 2014 and ending on the thirtieth day of April 2015.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye; Gerrish, aye. Ayes - 14; Nos – 0. All ayes. Motion carried.

Mayor Pro Tem Mouser said that that the Ordinance amending Chapter 111, Section 111.99 is on hold.

STANDING COMMITTEES –

Community Development: J. Albrecht stated the committee will meet next Monday at 6:00 p.m. at the Public Safety building. They will be discussing the video gaming ordinance.

J. Albrecht made a motion seconded by G. McCoskey to approve a one year commercial extension for the Frank Scott Lakeside Apartments Planned use. All ayes. Motion carried.

Public Works: R. Meile announced that they will meet December 22nd at the Public Safety Building at 7:00 p.m.

Public Safety: K. Hagarty said they will meet at 5:00 p.m. on January 12th at the Public Safety Building.

Finance/Administration: Motion by M. Bennett and seconded by J. Albrecht to approve Warrant #315 in the amount of \$836,413.73.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye; Gerrish, aye. Ayes - 14; Nos – 0. All ayes. Motion carried.

Parks and Environment: E. True said they will meet January 12th at 5:30 p.m.

EXECUTIVE SESSION: None brought forward.

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

The meeting was adjourned at 7:45 p.m.

Submitted by,

Philip A. Goodwin
City Clerk

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

CITY OF O'FALLON, ILLINOIS
RESOLUTION 2015 -

**AUTHORIZING THE MAYOR TO SIGN AN ANNEXATION AGREEMENT
WITH LARRY & ELIZABETH FULFORD FOR 1117 OLD VINCENNES TRAIL**

WHEREAS, a proposed annexation agreement has been filed with the City Clerk of the City of O'Fallon by Larry and Elizabeth Fulford for 1117 Old Vincennes Trail, more specifically Parcel Number 04-28.0-200-044; and

WHEREAS, the proposed annexation agreement has been reviewed and has been determined to be beneficial to the public welfare; and

WHEREAS, the proposed annexation agreement was reviewed at the December 22, 2014 Community Development Committee meeting and approved with a vote of 5-0; and

WHEREAS, a public hearing on such terms of the annexation agreement was held on January 5, 2015, before the O'Fallon City Council.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF O'FALLON, ILLINOIS THAT:**

- 1) The Mayor is authorized to sign an annexation agreement between the City of O'Fallon and Larry & Elizabeth Fulford for 1117 Old Vincennes Trail in substantially the form of the agreement attached to and made an integral and continuing part of this resolution by reference.
- 2) The City of O'Fallon hereby agrees with all terms and conditions as indicated therein.
- 3) This resolution shall be come effective immediately upon its adoption by the City Council.

Resolved by the Mayor and City Council of the City of O'Fallon this _____ day of _____, 2015.

Attest:

Approved:

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: January 5, 2015

Subject: Preannexation Agreement and Minor Subdivision, 1117 Old Vincennes Trail
(RESOLUTION)

List of committees that have reviewed: The Community Development Committee reviewed the agreement at its December 22, 2014 meeting and unanimously recommended it for approval.

Background

The petitioner, Larry Fulford has filed a petition to enter into a pre-annexation agreement for the property located at 1117 Old Vincennes Trail, Parcel Number 04-28.0-200-044, having approximately 7.40 acres. The parcel has an existing single-family residence and accessory structure, which is service with water from the City of O'Fallon. Researching the property found there was a water agreement established, however a pre-annexation agreement was never signed, which assures the property will be annexed into the city when the city limits become contiguous with the property. The parcel is currently zoned RR-3 (Rural Residential District) in St. Clair County. The property will be zoned A, Agricultural District upon its annexation to the City of O'Fallon.

A public hearing will be held at the City Council meeting on Monday, January 5, 2015 at 7:00 pm. At that same meeting, a resolution will be presented authorizing the Mayor to sign the pre-annexation agreement.

In addition to the pre-annexation agreement with the City, the petitioner is seeking City approval for a minor subdivision of the 7.40 acres. While the site is outside city limits, the property is located within the mile and a half review area and will need City Council approval. The minor subdivision proposes to create two lots; a 3-acre lot consisting of the existing single-family structure as well as a 4.40 acre tract for a new residence and accessory structure. Overall, the plat meets the area and balk requirements of the city's codes, but a few minor additions to the plat will be completed prior to the City signing off on the plat.

Legal Considerations: None

Budget Impact: None

Staff Recommendation

Staff recommends approval of the resolution for the pre-annexation agreement and the minor subdivision.

PRE-ANNEXATION AGREEMENT

This Pre-Annexation Agreement (Agreement) is made and entered into this 26th day of December 2014, by and between Larry & Elizabeth Fulford ("Owner") and the City of O'Fallon (the "City") a municipal corporation organized and existing under and by virtue of the laws of the State of Illinois by and through its Mayor and City Council (collectively, "Corporate Authorities").

A. Owner is the owner of record of certain parcels of real property located at 1117 Old Vincennes Trail O'Fallon, IL 62269, Parcel Number 04-28.0-200-044 and is contiguous to or is expected to be contiguous to the City of O'Fallon in St. Clair County, Illinois, which is more particularly described in Exhibit A attached hereto and made a part hereof (the "Parcel").

B. Pursuant to the provisions of 65 ILCS 5/11-15.1-1, *et seq.*, a proposed Pre-Annexation Agreement in substance and form the same as this Agreement was submitted to the Corporate Authorities and a public hearing was held thereon pursuant to notice, all as provided by statute and the ordinances of the City.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, and in compliance with the ordinances, codes, and regulations of the City in effect as of the date hereof, or as may hereinafter be enacted, the parties hereto hereby agree as follows:

1 **Annexation.** Owner has filed with the City Clerk a Petition for Annexation of the Parcel to the City conditioned on the terms and provisions of this Agreement, which petition has been prepared, executed, and filed in accordance with 65 ILCS 5/7-1-8, and the ordinances and other requirements of the City. A copy of said Petition is attached hereto as Exhibit C and made a part hereof. To the extent that the Parcel is not yet contiguous to the City, Owner agrees to execute such additional Petition in the future as may be required by the City upon the Parcel becoming contiguous to the City boundary. Subject to the requirements and conditions herein and satisfaction of the conditions of the Petition for Annexation, the City agrees to annex the Parcel by agreement pursuant to 65 ILCS 5/11-15.1-1, *et seq.* Owner has filed with the City Clerk a preliminary Plat of Annexation, which contains an accurate map of the Parcel, which Plat is attached hereto as **Exhibit B** and made a part hereof. This annexation is not for the purpose of a new residential development.

2. **Water Supply and Sewer Service.** From the effective date of this Agreement, the City shall supply, or continue to supply, fresh, potable water and sewer service (if applicable and when available) to the Parcel in quantities and pressure sufficient in all respects to serve the needs of the Parcel and the persons therein and subject to otherwise applicable usage charges, fees and regulations, provided that any change in the use of the property is subject to and in compliance with the provisions of the City's ordinances and regulations, whether prior to or after the effective date of the annexation.

3. Miscellaneous

- (a) This Agreement shall be effective for a term of twenty (20) years from the date hereof, provided that the obligations to the City shall survive such termination to the extent not inconsistent with 65 ILCS 5/11-15.1-1.
- (b) The Parcel shall be zoned Agricultural by the City upon annexation. The Owner shall retain the right to petition to rezone their property, pursuant to the laws of the City, during the term of the agreement. The City agrees that it will not seek to rezone the Parcel to another zoning district classification without the written petition of the Owner for the duration of the agreement.
- (c) Pole barn type construction and metal sided buildings shall be allowed for any new lawful agricultural or accessory structure.

- (d) The Parcel shall be subject to all laws, codes, ordinances, fees, annexation fees, taxes, usage charges, and regulations of the City, now existing or as may hereinafter be amended, enacted or enforced, and nothing herein shall be interpreted to limit the enforceability or application of such, except as provided herein; provided that no annexation fee shall apply to the Property and be required to be paid until the Property is rezoned at the request of the property owner or after termination of this Agreement.
- (e) This Agreement and the obligations of Owner hereunder shall be a covenant that shall run with the land, shall be a provision of any sale or other contract for transfer of interest in the Parcel, and may be recorded.
- (f) The undersigned persons whether signing individually, on behalf of a municipal corporation, or by an attorney-in-fact warrant themselves: (i) to be of lawful age, (ii) to be legally competent to execute this Agreement, (iii) to be fully authorized to execute this Agreement on behalf of themselves or the municipal corporation indicated below, and (iv) to have signed this Agreement on their own behalf or on behalf of such municipal corporation as their own free acts and deeds and/or the free acts and deeds of such municipal corporation after opportunity to consult with legal counsel.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

ATTEST:

CITY OF O'FALLON
A Municipal Corporation,
County of St. Clair
State of Illinois

-By: _____

By: _____

Name: Philip A. Goodwin

Name: Gary L. Graham

Title: City Clerk

Title: Mayor

OWNER: *Philip A. Goodwin*

OWNER: *Elizabeth A. Fulford*

DATED: *12/26/14*

DATED: *12/26/14*

BY: _____

BY: _____

ATTEST: _____

ATTEST: _____

State of Illinois
County of St. Clair

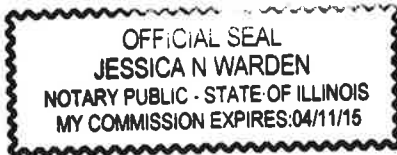
SUBSCRIBED AND SWORN to before me this *26th* day of *December*, 2014.

Jessica N. Warden
Notary Public

O'Fallon, Illinois

My Commission expires:

4/11/15



LIST OF EXHIBITS

- A. Legal Description of Parcel
- B. Plat of Annexation
- C. Annexation Petition

EXHIBIT C

PETITION FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS

The undersigned Petitioner hereby respectfully petition to annex to the City of O'Fallon, St. Clair County, Illinois, the tract of land described as follows:

PARCEL NUMBER(S): 04-28.0-200-044

ADDRESS(ES): 1117 Old Vincennes Trail O'Fallon, IL 62269

(See attached Exhibits "A")(hereinafter the "Tract")

and states as follows:

- 1. The Tract is not within the corporate limits of any municipality.
2. The Tract is contiguous to the City of O'Fallon, St. Clair County, Illinois.
3. There are 2 electors residing on the Tract.
4. The Petitioners are the sole owners of record of all land within the Tract, and they have also executed this Petition as such owners.
5. This Petition is conditioned on the provisions of a certain Annexation Agreement between the City of O'Fallon by and through its Mayor and City Council and Petitioners.

WHEREFORE, Petitioners respectfully request that the corporate authorities of the City of St. Clair County, Illinois, annex the Tract to said City in accordance with the provisions of this Petition and in accordance with the law in such case made and provided.

OWNER: [Signature]
DATED: 12/26/14
BY:
ATTEST:

OWNER: [Signature]
DATED: 12/26/14
BY:
ATTEST:

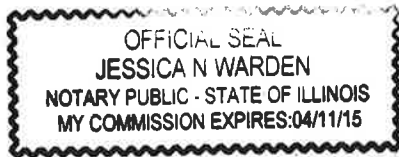
State of Illinois
County of St. Clair

SUBSCRIBED AND SWORN to before me this 26 day of December, 2014.

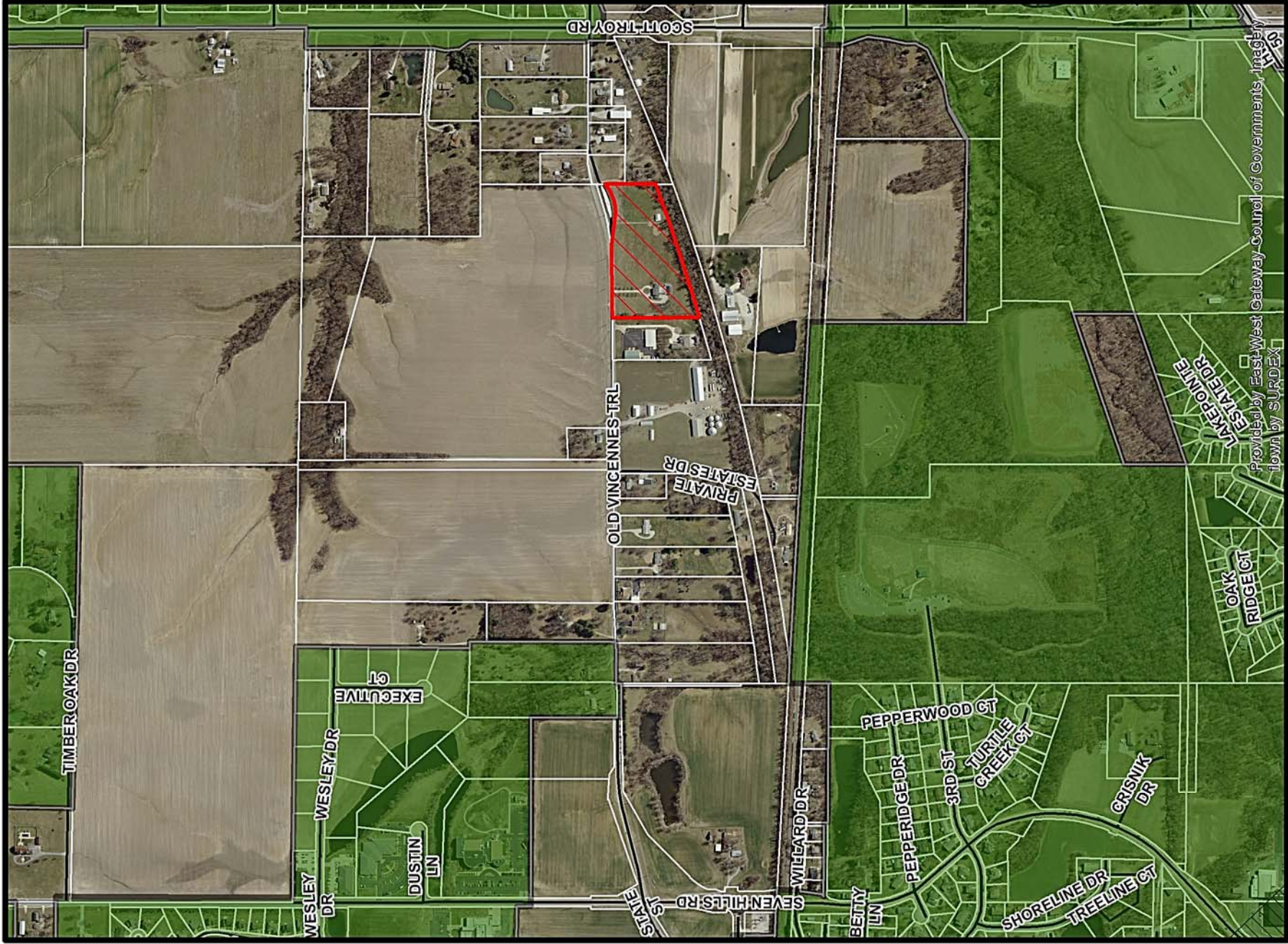
[Signature]
Notary Public

O'Fallon, Illinois

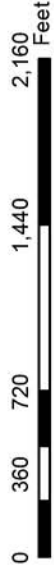
My Commission expires: 4/11/15



AA2014-03: 1117 Old Vincennes Trail - Aerial Map



Subject
Property



Fallon
ILLINOIS

CITY OF O'FALLON, ILLINOIS
RESOLUTION 2015 -

**A RESOLUTION APPROVING AND ACCEPTING A SUBDIVISION OF LAND TO BE
KNOWN AS THE "ESTATES AT OLD VINCENNES TRAIL" BY THE CITY OF
O'FALLON, ILLINOIS**

WHEREAS, the minor subdivision has been reviewed by the city planning and engineering staff and staff finds the minor subdivision acceptable; and

WHEREAS, the Community Development Committee reviewed the minor subdivision at the December 22, 2014 meeting and voted 5-0 to recommend approval; and

WHEREAS, the minor subdivision of The Estates at Old Vincennes Trail will create a new 3-acre lot and 4.4-acre lot with utility easements; and

WHEREAS, the proposed minor subdivision complies with the general requirements as set forth in the City's Ordinances, including the Land Subdivision Control Ordinance.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF O'FALLON AS FOLLOWS:**

- 1) That the above described The Estates at Old Vincennes Trail Minor Subdivision, a copy of which is attached and made an integral and continuing part of this resolution, be accepted and approved; and
- 2) That the City Clerk be and is hereby directed to file with the Recorder of Deeds of St. Clair County, Illinois a copy of this resolution, along with a copy of the plat and the recording expense shall be borne by the person(s) requesting approval of the plat; and
- 3) This resolution shall become effective immediately upon its adoption by the City Council.

Resolved by the Mayor and City Council of the City of O'Fallon this ____ day of _____, 2015.

Attest:

Approved:

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

BOUNDARY SURVEY

Being Part of LOT 10 in the NE 1/4 of SEC. 28
T.2 N., R. 7 W., of the 3rd P.M.
ST. CLAIR COUNTY, ILLINOIS

Centerline Section 28

OLD VINCENNES (50' W.) TRAIL

N89°36'25"E
202.41'

N89°37'50"E
399.33'

N89°37'50"E 253.00' (R&M)

276.10'

N89°37'50"E 969.67' (969.36')

439.57'

N42°19'47"E
32.15'

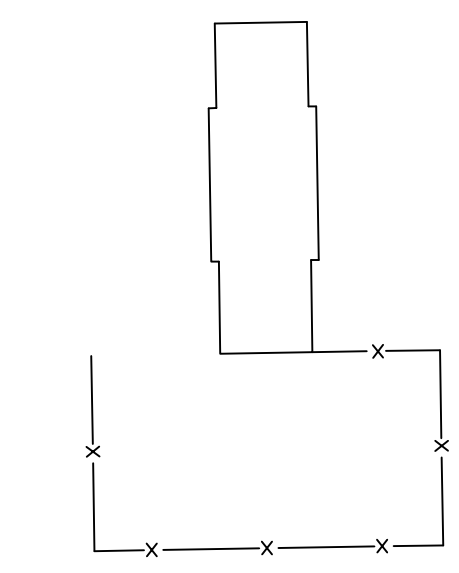
L=93.119
R=541.119

N00°37'51"E 309.35' (309.33')

N00°22'10"W 513.89' (512')

N00°22'10"W 582.78' (541.54')

3.00 ACRES



XXXX Old Vincennes Trail

4.317 ACRES

L=571.43'
R=11410.00

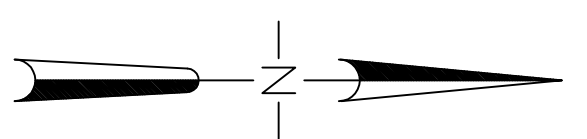
L=2988.14'
R=11410.00

L=262.22' (265')
R=11410.00

ABANDONED (100' W.) RAILROAD R/W

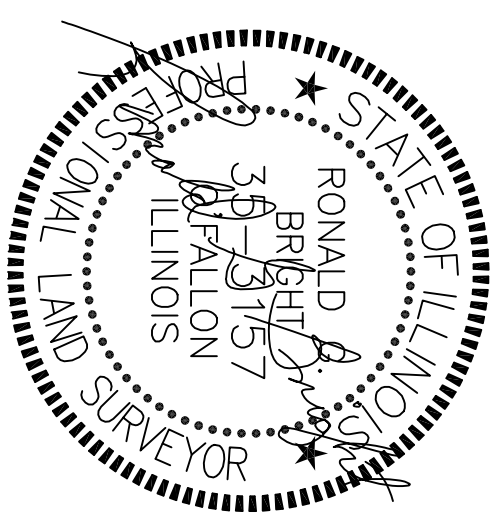
743.37' (R&M)

Center
Section 28

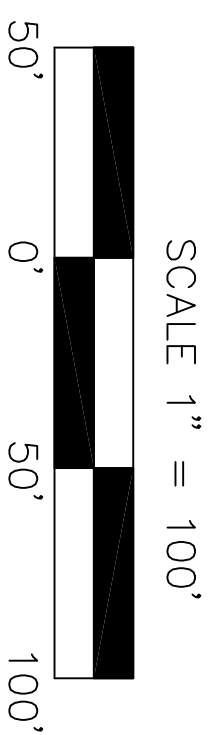


SYMBOL LEGEND

- ⊗ - FND IRON ROD W/CAP
- - FND IRON ROD or PIPE
- - SET IRON ROD
- △ - FND STONE
- () - RECORD MEAS.
- R&M - RECORD & MEAS.



12-08-2014



RGB SURVEYING, LLC

105 E. ADAMS STREET
O'FALLON, ILLINOIS 62269
(618) 624-9034 PHONE/FAX

BOUNDARY SURVEY
BEING PART of the NE 1/4, SEC. 28
T.2 N., R. 7 W., of the 3rd P.M.

CLIENT:
LARRY FULFORD
792 GREYSTONE PLACE
O'FALLON, ILLINOIS 62269
(618) 781-3460 PHONE

SURVEY DATA:
SURVEY DATE: DEC 2014
FIELD CREW: RGB/JNB
FIELD BOOK: 15, PG.46

NO.	DATE	PROJECT NO.	CONTRACT NO.
		FULFORD-14 0001	
		TRAWN	CHECKED
		R.C.B.	J.N.B.
		DATE	DEC. 08, 2014

BOUNDARY SURVEY
SHEET S1

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO.

**ORDINANCE AMENDING
ORD. 3319, DEVELOPMENT
MANUAL, CHAPTER 155, APPENDIX
A; ORD. 3471 AND 3665, PLANNED
USES, CHAPTER 158, SECTION 119;
ORD. 623, 3587 AND 3786, SIGNS
AUTHORIZED WITHOUT PERMIT**

WHEREAS, the Staff of the Community Development Department of the City have made the following recommendation to the City Council and believes such recommended regulations would be beneficial to the health, safety and welfare of the citizens of the City of O'Fallon; and

WHEREAS, the Planning Commission held a public hearing on December 16, 2014, and recommended to approve the proposed text amendments with a vote of 6 ayes to 0 nays; and

WHEREAS, the Community Development Committee reviewed the proposed text amendments at a meeting on December 22, 2014 and recommended approval with a vote of 5 ayes to 0 nays; and

WHEREAS, the City seeks to ensure zoning regulations are consistent and reasonable; and

WHEREAS, the City Council, after careful and due deliberation, and duly noticed public hearings as may be required for changes in zoning regulations, has concluded that adoption of the proposed amendments to the zoning regulations of the City's Code of Ordinances would be in the interests of the health, safety and welfare of the citizens of the City of O'Fallon.

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: Chapter 155 of the City Code of Ordinances and the corresponding Official Zoning Map are hereby amended by amending Appendix A: Approved Street Tree List to remove the following trees:

Callery (Bradford) Pear – *Pyrus calleryana*
Norway Maple – *Acer platanoides*
Gray Dogwood – *Cornus Kousa*
White Ash – *Frazinus americana*
Green Ash – *Fraxinus pennsylvanica*

Section 2: Chapter 158 of the City Code of Ordinances (previously Chapter 42 thereof) and the corresponding Official Zoning Map are hereby amended by repealing Section 158.119(F) of Article 6 “Planned Use” thereof and adopting a new Section 158.119(F) as follows:

Section 158.119 Consideration of a Planned Use.

(F) Duration of validity. The approval may specify the duration of a planned use’s validity, but in no event shall an approved preliminary site plan be valid for a period longer than 2 years from the date of such approval. The City Council may grant no more than three extensions not exceeding 12 months each upon written request. The approval of a revised preliminary site plan shall not automatically extend the time period during which the planned use is valid. In instances where there is another binding agreement between the city and the development with a longer duration of validity, the provisions of this section will not apply.”

Section 3: Chapter 158 of the City Code of Ordinances (previously Chapter 42 thereof) and the corresponding Official Zoning Map are hereby amended by repealing Section 158.163(B) of Article 8 “Signs” thereof and adopting a new Section 158.163(B) as follows:

Section 158.163 Signs Authorized without Permit; All Zoning Lots; Exemptions.

(B) Temporary signs; all non-residential zoning lots. In lieu of such temporary non-commercial signs as are permitted without a sign permit elsewhere in Section 12.040, each establishment may display one (1) temporary sign made of paper, cardboard or other lightweight materials with comparable support materials designed for temporary display of Messages under this subsection without a Permit. Such Temporary Sign may be displayed on Fridays, Saturdays, and Sundays, as well Monday when it is a federally-recognized holiday. Such temporary sign shall not exceed twenty-four (24) square feet if affixed to the building wall or six (6) square feet if affixed to the ground. Such temporary sign must be located entirely on the zoning lot where the establishment is located and must be outside of the sight distance triangle.

Section 4: Except as expressly amended herein, all other provisions of Title XV, Land Usage, Chapter 155 and Chapter 158 of the City Code of Ordinances (previously Chapter 42 thereof) and corresponding Official Zoning Map shall remain in full force and effect.

Section 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof or any portion adopted by reference therein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof or any portion adopted by reference therein. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

Section 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided 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	True	Albrecht	Mouser	Hagarty	Drolet	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Roach	Bennett	Cardona	Hursey	Holden	Cozad	Gerrish	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: January 5, 2015

Subject: P2014-11: Proposed Text Amendment to the Approved Street Tree List, Planned Use Validity and Signs Authorized without Permit – 1st Reading

List of committees that have reviewed: The Planning Commission reviewed this application at its December 16, 2014 meeting and unanimously recommended it for approval. The Community Development Committee reviewed this application at its December 22, 2014 meeting and recommended it for approval with a vote of 5-0.

Background

Staff is proposing a number of text amendments to clean up a few items that need to be addressed. The amendments are to the approved street trees, the length a planned use would be approved and removing the sunset provision on the temporary signs over the weekend.

Please see the attached Plan Commission Project Report for more detailed information on the proposal.

Legal Considerations, if any: None

Budget Impact: None

Staff Recommendation

Staff recommends approval of the text amendments.



PROJECT REPORT

TO: Planning Commission
FROM: Justin Randall, Senior City Planner
Ted Shekell, Community Development Director
DATE: December 16, 2014
PROJECT: Proposed Zoning Code Text Amendments to the Approved Street Tree List, Planned Use Validity and Signs Authorized Without Permit

For the Planning Commission meeting Tuesday, December 16, 2014, staff is proposing a number of changes to the Code of Ordinances under the Public Hearing and application P2014-11. These amendments are described below.

Amendments to Approved Street Tree List, Chapter 155: Design Manual, Appendix A

In February 2005, the City Council adopted the subdivision street tree planting requirements, which included a list of approved trees. Since its adoption, the Emerald Ash Borer has spread to the State of Illinois causing the death of ash trees. Also we have received input from Jamie Frank from the Parks and Recreation Department on a number of trees which have been added to the invasive plants list according to the Midwest Invasive Species Information Network. Below is analysis and recommendations on keeping or removing a number of trees on the approved tree list from the Community Development and Parks and Recreation Departments.

1) Callery Pear

The O'Fallon Parks and Recreation Department has seen the Callery Pear invade native areas, Rock Springs Park is a prime example. Birds distribute the fruit and species can spread from a substantial distance away. Even the improved cultivars like Cleveland Select, Redspire and Aristocrat still have branching issues and susceptibility to fire blight. The risks, especially given how this species spread outweigh its continued use as an approved tree. The O'Fallon Parks and Recreation Department recommends removing the Callery Pear from the approved tree list.

2) Goldenraintree

Several Goldenraintree planted in Forest Park near natural areas that have not spread into those areas. The tree is not used widely as a street tree in the St. Louis metro but St. Louis city parks have a quite a few, but they are difficult to find in any large quantity. According to Jamie Frank, the tree should not be planted in large numbers or near a natural area or in the woods but in an urban environment like a tree lawn or tree box there should not be a risk of it becoming invasive, therefore staff is not recommending the removal of this tree at this time.

3) Norway Maple

The Norway Maple doesn't do well as a street tree in the lower Midwest in general because of the heat. The tree is used in limited numbers as a street and park tree when a specific foliage effect was needed (dark purple foliage). The risk of it spreading via its samaras (seed) by the wind is limited if it is planted in a downtown area or tree lawn away from wooded/native areas. Because of the trees inability to thrive do to the heat in the lower Midwest, staff recommends removing the Norway Maple from the approved tree list.

4) Sawtooth Oak

This tree has been planted in both parks and tree lawns and does not appear to spread to native areas from the urban environments in which they have been planted. There is little risk of a Sawtooth Oak growing planted in a 4 foot tree lawn of spreading wildly out of control via its acorns. This is a good durable tree for tough environment, but is not the ideal species for the edge of your wooded suburban lot or to reforest a wild area. However, in a downtown tree well, urban park or tree lawn, there is not a risk of it becoming a problem as an invasive. The O'Fallon Parks and Recreation Department would recommend keeping the tree on the approved tree list until more conclusive data is set out indicating its use in the urban environment is a problem.

5) Gray Dogwood

This tree is generally classified as a shrub and suckers profusely. The tree is more acceptable to be used as a native planting or in a landscape massing versus use as a street or parking lot tree. The O'Fallon Parks and Recreation Department recommends removing the Gray Dogwood from the approved tree list.

As a result staff is recommending removing the following trees from the approved tree list:

- Callery (Bradford) Pear – *pyrus calleryana*
- Norway Maple – *Acer platanoides*
- Gray Dogwood – *Cornus Kousa*
- White Ash – *Fraxinus americana*
- Green Ash – *Fraxinus pennsylvanica*

Amendment to length of validity of Planned Use Approval Chapter 158, Article 6, Section 158.119(F)

Over the past few years there have been a few projects that have been approved by the City Council via the planned use process, but have not been constructed prior to the approval expiring. The length of validity of the planned use is 12 months, while typically appropriate, has caused issues with potential projects pending within the City of O'Fallon. When projects expire, the project is required to resubmit and seek reapproval, which costs the developer time and money. Staff is recommending extending the timeline for the validity of the planned use approval to 2 years and increasing the amount of Council extensions from 1 year to 3 years. Below are the current regulations and proposed amendments highlighted with strikethrough.

Proposed Amendment to Section 158.119(F):

"Duration of validity. The approval may specify the duration of a planned use's validity, but in no event shall an approved preliminary site plan be valid for a period longer than ~~12 months~~ 2 years from the date of such approval. The City Council may grant no more than ~~one~~ three extensions not exceeding 12 months each upon written request. The approval of a revised preliminary site plan shall not automatically extend the time period during which the planned use is valid. In instances where there is another binding agreement between the city and the development with a longer duration of validity, the provisions of this section will not apply."

Amendment to the Temporary Sign Regulations, Chapter 158, Article 8, Section 158.163(B)

The City Council approved temporary signage without a sign permit for establishments within the city, granting 1 sign on Fridays, Saturdays and Sundays, as well as Mondays when it is a federal holiday. The original approval was granted with a one year sunset provision; the City Council approved a two-year extension in 2012 to continue to allow the temporary signs. The last extension expires December 17, 2014, which will effectively end the allowance of a small temporary sign over the weekend for businesses and organizations in O'Fallon without City approval. This particular regulation is used quite often by businesses and would limit the ability for business to promote certain events on weekends. Additionally, staff is not aware of any major issues with the provision. Therefore, staff is

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recommending removing the sunset provision and making this regulation a permanent exemption for temporary signage on the weekends.

Proposed Amendment to Section 158.163(B):

" (1) In lieu of such temporary non-commercial signs as are permitted without a sign permit elsewhere in Section 12.040, each establishment may display one (1) temporary sign made of paper, cardboard or other lightweight materials with comparable support materials designed for temporary display of Messages under this subsection without a Permit. Such Temporary Sign may be displayed on Fridays, Saturdays, and Sundays, as well Monday when it is a federally-recognized holiday. Such temporary sign shall not exceed twenty-four (24) square feet if affixed to the building wall or six (6) square feet if affixed to the ground. Such temporary sign must be located entirely on the zoning lot where the establishment is located and must be outside of the sight distance triangle.

~~*"(2) This section is governed by a two year sunset provision. Unless otherwise amended by the City Council, this section will be in effect only until 12-17-2014."*~~

Community Development Department

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**DRAFT MINUTES
COMMUNITY DEVELOPMENT COMMITTEE
5:30 PM Monday, December 22, 2014**

Minutes of a regular meeting of the Community Development Committee of the City of O'Fallon, held at the Public Safety Building, 285 N. Seven Hills Road, O'Fallon, Illinois.

CALL TO ORDER: 5:30 PM

- I) Roll Call** – *Committee members:* Gene McCoskey, David Cozad, Ray Holden and Harlan Gerrish. *Other Elected Officials Present:* Herb Roach, Kevin Hagerty, Ed True and Michael Bennett. *Staff:* Pam Funk, Ted Shekell and Justin Randall. *Visitors:* Charlie Pitts, Chuck Jorgenson, Vern Malare, Nancy Chase, Phil Kammann, Tyler Cozad, Edward Martinez, John Schmitt, Jim Schmitt, Mike Bushey, Stephen Johnston and Joseph Uram.
- II) Approval of Minutes from Previous Meeting** – All ayes. Motion carried.
- III) Items Requiring Council Action**
 - A. Pre-annexation Agreement and Minor Subdivision – 1117 Old Vincennes Trail (Resolution) – Justin Randall gave a brief overview of the agreement and minor subdivision. Randall indicated there is a water agreement in place, but a preannexation agreement would be recommended. Randall noted that the subdivision would create two lots and the city was required to approve the subdivision because it was within the one and a half mile planning zone of the city. The committee discussed the pre-annexation agreement and minor subdivision, and recommended approval with a vote of 4-0.
 - B. Text Amendments (1st Reading) – Justin Randall gave a brief overview on the proposed text amendment to the approved street tree list, planned use approval lengths and a temporary sign regulations with a sunset provision. The committee discussed the proposed changes to the regulations and recommended approval with a vote of 4-0.
- IV) Other Business**
 - A. General Project Updates – Ted Shekell updated the committee on some of the current development projects. Parking in downtown was discussed, with a number of business owners requesting a short-term solution of 15 minute parking in front of a few businesses along 1st Street. Staff was asked to try to place signs along 1st Street to help the businesses.
 - B. Video Gaming – Ted Shekell gave a brief overview on the findings from Dale Funk on the video gaming laws and what the city was allowed to regulate. The committee discussed a number of items that could be addressed in the ordinance for video gaming, ultimately recommending some regulation on percentage of video gaming to other sales. An ordinance will be ready for review on the January 12th Community Development Committee meeting.

MEETING ADJOURNED: 6:30 PM

NEXT MEETING: January 12, 2014 – Public Safety Building

Prepared by: Justin Randall, Senior City Planner