



City of Troy

City Council Meeting

Tuesday, January 17, 2022 at 6:30pm

Location: Council Chambers, City Municipal Building, 116 East Market Street, Troy, Illinois 62294

A. Call to Order and Pledge of Allegiance

Mayor David Nonn called the meeting to order at 6:30pm and led the council and other attendees in the Pledge of Allegiance.

B. Roll Call in Alphabetical Order

Council Members Present: Mayor David Nonn; Aldermen Dan Dawson, Tim Flint, Elizabeth Hellrung, Nathan Henderson, Sam Italiano, Debbie Knoll, Tony Manley, and Troy Turner. **Absent:** None.

Other City Officials Present: City Administrator Jay Keeven, Treasurer Kelly Huelsmann, Clerk Kim Thomas, Chief of Police Brent Shownes, Public Works Director Rob Hancock, Building and Zoning Administrative Coordinator Linda Taake, City Attorney Fred Keck, and City Engineer Tom Cissell.

C. Reading and Approval of Minutes

Motion: To approve the city council minutes from the January 3, 2023, city council meeting.

Moved by Manley. **Second by** Italiano. Unanimously approved by voice vote.

D. Communications – to be provided by the City Clerk - none

E. Citizen Participation

1. Rezoning of 416-418 Franklin Drive

Many citizens attended the meeting to comment on proposed rezoning of property on Franklin Drive:

Sam Johnson, resident, Mark Steven Court – Before speaking, Mr. Johnson shared photos with council members showing the drainage issues in the area. His comments are below, transcribed verbatim:

"This is about the rezoning at 416 and 418 on Franklin...I am here representing 15 different property owners who signed our statement, some of whom are also here today to speak against this amendment.

As a group, we don't believe that amending the zoning to allow for a duplex is going to benefit Troy or the surrounding community. So, I'd like to start with that fact and why we're here, which is zoning. We believe that this application is built on technicalities. The only reason Mr. Hartman (the owner) can apply for a change to R-2 is because his property happens to sit next to five acres of R-2 property. However, that five acres is farmland, which is not typically zoned R-2. This farmland has been zoned R-2, but used as farmland, since at least 2002, according to records at the zoning office. We wonder if this is truly the intent of the five-acre rule. Let me be clear, we're talking about a property that happens to be next to five acres of property that happens to be zoned incorrectly and that happens to allow for an application to R-2. Some people may say the application technically meets the requirements, but we seriously question the true intent of the zoning rules is being applied in this situation. You add to this fact that, if you exclude this farmland, there are no R-2 properties near the property in question. If you go and on the property in question, you can't see another R-2 zoned property. In fact, if you draw a line on a map going north, east, or south, you will not find an R-2 property anywhere close to the property in question. Only if you look in one specific slice to the west, and only after going over five adjacent properties, can you find an R-2 zoned property. The last thing I want to do is encourage this group to consider the long-term implications of this

change. We spoke at the Planning and Zoning [Commission] and they only considered whether the request met technical requirements. I disagree with how the [commission] viewed their role. For example, if we're talking about a property that's being considered for commercial or industrial use, will we simply ask if it meets the requirements, and then approve it? I have to imagine that you weigh the pros and cons and the long-term effects of the property type and the planned facility for the surrounding community. I believe the same level of foresight should apply to our consideration of this request. The potential long-term effect is the possibility of water damage on the surrounding properties, which you are all seeing in the photos and on the QR code which you can access. As you've seen in the provided images and hopefully read in our statement, nearby property owners are already experiencing many water issues. We believe any change to this area will only make those issues worse. You can see, based on the images we've shared, how much water flows through and is maintained by this area. Where will all the excess water go now that it's not being absorbed and managed by this area, with the duplex there? Would a very large portion of the property in question need to be raised multiple feet? We fear it will flow off onto surrounding properties. I've been promised by the city that it would require extensive work before approving the construction, and I believe Mr. Hartman and the city are genuine in their desire to fix the problem, however, as you will hear from others here tonight, the history of development in this area, with the city's approval, is a history of worsening water conditions for surrounding properties. Based on images publicly available on the Madison County parcel viewer, as far back as 2002, the creek that ultimately drains much of the water in this area used to flow right through where my own home and street are currently located. That creek was diverted, with the city's approval, and water now causes problems for all of us. Who will be responsible if water continues to be a problem? Who will take accountability today for the potential water issues of the future? Many of our neighbors have called the city for help over the years with no help to be found despite the fact that the city approved the water changes that led us here. And so, again, you might say to yourself that this is a hearing about zoning, not about water. Again, I urge you to consider the second and third order effects this zoning change could have on the surrounding property owners. The fact is, this zoning is the first step towards construction, and every time new construction is approved by the city in this area, water issues only get worse. Despite more promises by the city, we don't believe these issues will be properly addressed. At lastly, I'd like to address construction and the disruption it would cause in this area. Mr. Hartman claims on his application that construction will not affect the surrounding community. We disagree completely. Beyond the potential for the construction of the building to cause water damage to the surrounding properties, the process of construction will be extremely disruptive. Everything being discussed requires the operation of heavy machinery, removing many trees, potentially dredging or regrading land, moving dirt in and out, pouring foundations, and then actually building a duplex. These are loud and disruptive machines that will be active for many months. This is in a quiet area where people work from a home full of children from toddler age to high school, many of whom you can find outside playing outside in community yards on any nice day. What happens when the area is suddenly inundated with heavy machinery and trucks, going in and out for months on end? My wife and I are expecting a baby in April. Are we to believe that construction won't be disruptive to a baby? We believe there is no realistic scenario where all the work required in the construction does not disrupt the lives of the people surrounding it. So, I want to thank you for this time. I hope you will consider the long-term effects of what this proposal means for the area. The strong likelihood, based on the area's history with similar projects, all approved by the city, of the potential for more water issues and disruption. Thank you."

Mayor Nonn responded to Mr. Johnson, thanking him for his time and concern. The mayor told Mr. Johnson that the council will be looking into this situation extensively.

Mr. Johnson's comments were followed by comments from multiple members of the area.

Christina Nutter asked the council to delay their vote and come out to the property to see how the construction would affect the people who live there. She spoke of the zoning issue already addressed by Mr. Johnson and water drainage concerns. She also asked why the property must be rezoned as R-2 for the property owner and the city to address the drainage issue. In the past, the property owner has not taken

proper care of the property. There are multiple dead trees. She discussed the disruption and the danger to area children by the heavy equipment coming in and out of the area during construction. She also addressed the inconvenience to occupants of the existing duplexes. The current drive is already too small for residents to turn around on it. She does not want the property to be rezoned.

Lisa Jackson said the full scope of the construction should be addressed during the rezoning discussion. She is concerned that removal of trees could divert more water, increasing the flooding and drainage issues. She is also concerned about the lack of privacy. When she bought the property in 2010, she asked about the zoning because she desired a wooded area behind her. She informed the council that she talked to the Madison County Stormwater Drainage Department. Their records show that the land behind her home is agricultural. She echoed concerns about the disruption that will be caused by the construction.

Karen Long is a 22-year resident of Franklin Avenue. When she moved in, the land behind her home was all farmland. When the owner of the property died, the family sold the property. A subdivision was built and that's when her basement started flooding. The city has tried to fix the road to help with the water situation - without success. The school bus stop in front of her house is constantly filled with water or mud, causing the children to sometimes stand in the street while waiting for the bus. She asked the council to reconsider the zoning request.

Megan Johnson stated she is opposed to the rezoning of the property. She said there are misleading statements in the rezoning application. She said the owner has already stated that he will need to raise the land and remove trees for the construction. She is concerned with the disruption that will be caused by the construction and by the potential for increased water issues that already plague the area. She asked why the drainage issues have not already been resolved by the city or the property owner.

Eric Patton said the water issues in the area have never been resolved. It is a huge issue. The water from his property drains to the area of the proposed construction. He is concerned the construction would cause further drainage issues. He invited the council to come and look at the property, which can be seen from his house. He also spoke on the rezoning. The property is being rezoned on a technicality. He asked if there was a way to rezone the farmland west of the property. In addition, the driveway where the duplexes are located is a long narrow drive. There is no room to turn around. Many times, people must back all the way out to Franklin Avenue. Accidents occur frequently.

2. Rezoning of 2466 Formosa Road

Mr. Jim Malecek thanked the council for their time and consideration of his zoning request.

F. Mayor's Comments

Mayor Nonn said he will be out to look at the water issues on Franklin Avenue.

G. City Administrator and City Attorney Comments

1. *City Administrator's Comments*

Mr. Keeven asked the Administrative & Community Services Committee to meet before one of the March council meetings, preferably the first Monday in March. He wants to discuss salaries for non-union employees. He would also like them to meet in April or May to review the revised city personnel handbook.

2. *City Attorney's Comments - none*

H. Consent Agenda for December 2022

1. *Treasurer Reports*

2. *Building & Zoning Report*

3. *Business Registrations*

4. *Police Report*

5. *Water Plant & Wastewater Treatment Plant Report*

Motion: To approve the consent agenda as presented.

Moved by Henderson. **Second by** Knoll. **Vote:** Motion passed. (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

I. Administrative and Community Services Committee Report

Alderwoman Hellrung thanked the Planning Commission for their work last Thursday.

1. Results of the Two Planning Commission Public Hearings – Thursday, January 12, 2023

The purpose of the first hearing was to address rezoning of property at 416-418 Franklin Avenue, from R-1 to R-2. The second hearing was to rezone 2466 Formosa Road from R-1 to I-1. Both rezoning requests are recommended for approval by the Planning Commission.

2. Results of the Planning Commission Meeting – January 12, 2023

The meeting was brief, but included discussion and planning commission approval of the Troy Town Centre revised drawings. The Town Centre will be mixed use R-1 and C-1 properties.

3. Building and Zoning Administrative Coordinator's Report

Mrs. Taake announced that, because the Planning Commission has been so busy, they will be meeting twice a month in order to start looking at some of the C-1 and other zoning classes. The first bi-monthly meeting will be Thursday, January 26, 2023. Also, 28 of the 29 liquor licenses have been renewed. One business did not send their payment until January 10th. They are currently not selling alcohol. They will receive their license in the next 1-2 weeks.

J. Finance and Economic Development Committee Report

1. Approval of Bills for the Month of December 2022/January 2023 (Aged Obligation Report)

Computer-run checks for January in the amount of \$684,327.19, manual checks for December in the amount of \$84,860.32, and payroll expenses for December in the amount of \$361,767.37.

Motion: To approve the Aged Obligation Report as presented, and pay the bills totaling \$1,130,954.88.

Moved by Henderson. **Second by** Knoll. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

2. Results of the Finance & Economic Development Meeting – January 17, 2023

The committee met prior to tonight's council meeting and discussed a resolution for a property tax abatement for a business coming to Troy. The resolution is on tonight's agenda. They also discussed the budget for the upcoming fiscal year.

3. City Treasurer's End of Year Report - none

K. Law Enforcement and Emergency Services Committee Report

1. Chief of Police Report – no report

L. Public Works Committee Report

1. City Engineer Report

Mr. Cissell briefed the following projects:

Carrington Farms and Villas – There is a donation agreement/development agreement on tonight's agenda for the council's consideration. If the agreement is approved, Osborn Properties will donate the bike trail parcel, which will allow the trail to be built from the Goshen Trail to the trail on Hwy 40. This project is on the Madison County Transit (MCT) five-year plan, and is funded in the amount of \$4M.

Old Troy Road/IL-162 Roundabout – He reviewed Lochmueller's proposal and provided comments. If Lochmueller's reply is received in time, the contract can be considered at the next city council meeting.

Street Maintenance/Lion's Drive – Plans are complete and were sent to Public Works (Mr. Hancock) for review. This should be available for city council action in late February or early March.

Market Street Sidewalks/Hickory to Dewey Street – He is reviewing street lighting selections for Market Street and provided three possibilities to the council. If none of the three are acceptable, he will need to look for additional possibilities. Also, he informed the council that the TAP Program grant from East-West Gateway was approved for all the sidewalks and curbs from Hickory to Dewey Street.

2. Director of Public Works Report

Mr. Hancock briefed the following projects/events:

Motor Fuels Tax (MFT) Funding – The 2023 MFT estimate was approved by IDOT, which means the Public Works Department can now move forward with the bidding of building materials and supplies.

Preliminary Flood Maps – Mr. Hancock brought maps with him tonight which show proposed changes to the flood zones for Madison County. These maps will eventually set the flood insurance rating map. Some flood areas have expanded, encroaching into Troy city limits and pre-annexation areas. He encouraged the council members to look at the maps after the meeting. There will be two informational meetings this week, in Granite City and Wood River. The Federal Emergency Management Agency (FEMA) and Department of Natural Resources (DNR) personnel will be there to answer questions from the public. A link to these meetings and the maps, is available at the city website.

Homes of Liberty Place, Phase 3 – Public Works did a final inspection today. There was one leaking tap. He is confident the developer and contractor will resolve this. Everything else has been addressed. As long as the developer has submitted all the needed documents, Mr. Hancock is going to recommend the final plat move forward at the next city council meeting.

M. Reports of Special Committees (as needed) – none

N. New Business - none

O. Ordinances and Resolutions called by the City Clerk, with Citizen Participation

1. Ordinance 2023-01 - An Ordinance Approving an Amendment to the Official Zoning Map, Changing the Zoning Designation of Real Estate Owned by Clarence and Eleanor Jane Adelhart from R-1 Single-Family Residential to I-1 Light Industrial (11+ Acres of a Vacant 20+ Acre Tract at 2466 Formosa Road)

Motion: To approve Ordinance 2023-01 as presented.

Moved by Turner. **Second by** Italiano.

Mr. Cissell stated that this is the storage unit development at Bouse and Formosa Road. The ordinance met the city council a month ago. At the December meeting, the council requested the proposal be returned to the planning commission and recommended the property be rezoned to I-1 instead of C-3. They also requested a more detailed plan (which was presented to the planning commission on January 12, 2023, by Mr. Malecek, the potential purchaser of the property). The planning commission then returned a revised recommendation to rezone the property as I-1.

Mr. Cissell reminded the council that this is just a rezoning application and does not give permission to build storage units yet. His opinion is that I-1 zoning makes better sense because the properties surrounding this tract are also I-1.

Alderwoman Hellrung said she believed the request came to the planning commission with a clause stating, if Mr. Malecek does not purchase the land, it does not rezone, and reverts back to R-1. Mrs. Taake said this stipulation was on the notice for the planning commission public hearing. It is not in the ordinance, but can be added.

Mr. Keck then asked Alderman Turner and Alderman Italiano if they would withdraw their motion and second to allow for an amendment to the ordinance. They both did so.

Motion: To amend Ordinance 2023-01, adding a statement causing rezoning of the property to be contingent on sale.

Moved by Turner. **Second by** Italiano. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

Motion: To approve Ordinance 2023-01 as amended.

Moved by Hellrung. **Second by** Henderson. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

2. *Ordinance 2023-02 - An Ordinance Authorizing the Execution of a Water Service and Pre-Annexation Agreement (20 Doug Drive, St. Jacob)*

Motion: To approve Ordinance 2023-02 as presented.

Moved by Hellrung. **Second by** Italiano. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

3. *Ordinance 2023-03 - An Ordinance Authorizing the Execution of a Water Service and Pre-Annexation Agreement (93 Red Coach Lane)*

Motion: To approve Ordinance 2023-03 as presented.

Moved by Hellrung. **Second by** Manley. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

4. *Ordinance 2023-04 - An Ordinance Authorizing the Execution of a Water Service and Pre-Annexation Agreement (245 South Wilson Heights Road, Collinsville)*

Motion: To approve Ordinance 2023-04 as presented.

Moved by Italiano. **Second by** Henderson. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

5. *Ordinance 2023-05 - An Ordinance Authorizing the Execution of a Water Service and Pre-Annexation Agreement (8426 Steelecrest Lane)*

Motion: To approve Ordinance 2023-05 as presented.

Moved by Dawson. **Second by** Turner. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

6. *Ordinance 2023-06 - An Ordinance Authorizing the Execution of a Water Service and Pre-Annexation Agreement (8806 Country Lane)*

Motion: To approve Ordinance 2023-06 as presented.

Moved by Turner. **Second by** Italiano. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

7. *Ordinance 2023-07 - An Ordinance Approving an Amendment to the Official Zoning Map Changing the Zoning Designation of Real Estate Owned by Hometown Family Properties from R-1 Single-Family Residential to R-2 Two-Family Residential (416-418 Franklin Avenue)*

Motion: To approve Ordinance 2023-07 as presented.

Moved by Italiano. **Second by** Manley.

Alderman Turner asked if Hometown Family Properties already owns the property to be rezoned. Mr. Hartman, owner of Hometown Family Properties, responded that he does. Alderman Turner then asked about the current zoning of the adjacent properties owned by Hometown Family Properties. Mr. Hartman replied that the properties are zoned as R-1 but are being utilized as R-2. Alderman Turner stated that the current ordinance requires that streets be furnished for all lots. That means a public road would need to be built and the property would have to be divided. Alderman Turner does not believe this rezoning is a good idea, based on the city's future land use map.

Alderman Hellrung informed the council, while developing the zoning map, mass zoning was done in that area. This particular parcel is not the only one with a duplex. There is one to the north of the property, one to the east, and one to the southeast. What the council decides on this property could also affect the other parcels around it, because they are all zoned R-1. If the rezoning is approved, the adjacent properties could also then be rezoned to R-2, if the owner decides to request it. These properties are grandfathered in (as R-1) with a ruling that the properties can stay the way they are unless they get destroyed. If this occurs, the owner can rebuild for a period of up to a year. If that doesn't happen, the property automatically reverts back to R-1 zoning.

Alderman Italiano said that one of the main issues in this area is drainage. He walked the area with the residents yesterday. He will be voting no on this ordinance. Alderwoman Hellrung said she thinks the drainage problems out there are bigger than anything Mr. Hartmann can fix. There are water issues not caused by this parcel. It would be unrealistic of the city to expect the owner to spend the money to fix all of it. She said the water and drainage issues need to be brought into control before anything else is done with property in the area.

The history of the zoning in this area was explained by Mrs. Taake. The city attempted to rezone the adjacent farmland, owned by Troy United Methodist Church, so it would conform to the zoning map. The church did not wish to pursue that. They want to keep the farmland property zoned as R-2. Alderman Dawson said he would like to look at the property before a vote is taken, but if he has to vote tonight, he will be voting no.

Mr. Hartman, property owner, said he does not want to create any further water issues. A lot of the surrounding area actually drains onto his property. The idea is to get it to where everything flows to the back property line. There is definitely a deeper issue with water drainage there. It's not solely based on his property, it's the surrounding area. His new duplex that he plans to build will probably have a retention pond or be detained somehow. South of the west property line, there is a drainage easement and there may be some issues there. He will work with anybody in the area to make the drainage issues better, but his idea is to put a duplex there and get his drainage to flow properly. He will meet all the codes and requirements that are necessary.

Alderman Hellrung said she thinks Mr. Cissell would work with the property owner to create a detention pond to help with the water issues, but she believes the building will create more issues. Alderman Henderson stated that the council isn't here to deal with the water issues. The council is here to decide if the property should be zoned R-2 or R-1, whichever matches the plan for that property. After additional discussion, Mayor Nonn called for the vote.

Vote: Motion failed (Aye = 0; Nay = 8)

Aye: None. **Nay:** Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner.

8. Resolution 2023-01 - Resolution of the City Council Regarding the Acceptance/Rejection of a Preliminary Plat (Carrington Farms)

Mr. Keck reminded council members that this resolution was tabled at the last meeting, so a vote to remove it from the table will be needed prior to acting on it.

Motion: To remove Resolution 2023-01 from the table.

Moved by Turner. **Second by** Henderson. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

Motion: To approve Resolution 2023-01 as presented.

Moved by Italiano. **Second by** Turner. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

9. Resolution 2023-02 - Resolution of the City of Troy, Illinois, Approving Property Tax Abatement for Creative Blow Mold Tooling

Motion: To approve Resolution 2023-02 as presented.

Moved by Turner. **Second by** Henderson. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

10. Resolution 2023-03 - Resolution of the City Council Regarding the Acceptance/Rejection of a Preliminary Plat (Stonebriar Manors Phase 2)

Motion: To approve Resolution 2023-03 as presented.

Moved by Turner. **Second by** Italiano. **Vote:** Motion passed (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

11. Resolution 2023-04 - Resolution of the City Council Regarding the Acceptance/Rejection of a Preliminary Plat (Troy Town Centre, First Addition)

Motion: To approve Resolution 2023-04 as presented.

Moved by Italiano. **Second by** Manley.

Alderman Turner expressed concern that Troy Boulevard, the main road immediately west of the proposed construction, is only 60 feet wide. He asked if this would accommodate all future use. Mr. Cissell responded that 60 feet meets code for the type of road ("collector street") that is planned and is sufficient. Alderman Turner then asked about added width for turn lanes. He added that, when Moran Development did their study for this area, they slated the property for commercial construction. Mr. Cissell said the need for turn lanes was debatable. An entrance for turn lanes will not be needed for every lot. He believes 60 feet is enough. Alderman Turner said he was against the zoning because of the

study completed by Moran. He thinks it should be mostly commercial in that area. Mr. Cissell said the area is zoned C-1, which is small stores, not big-box operations. It will be low-traffic commercial. There being no further conversation, Mayor Nonn called for the vote.

Vote: Motion passed (Aye = 7; Nay = 1)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley. **Nay:** Turner.

12. Resolution 2023-05 - A Resolution Authorizing the Mayor to Enter into an Agreement with Oates Associates to Provide Construction Engineering Services for the Clay Street Phases 2 and 3 Projects

Motion: To approve Resolution 2023-05 as presented.

Moved by Turner. **Second by** Italiano. **Vote:** Motion passed. (Aye = 8; Nay = 0)

Aye: Dawson, Flint, Hellrung, Henderson, Italiano, Knoll, Manley, Turner. **Nay:** none.

O. Closed Session - none

P. Adjournment

Moved by Italiano. **Second by** Hellrung. Approved by voice vote of the aldermen.

Meeting adjourned at 7:46pm.

Kimberly Thomas
Kimberly Thomas, City Clerk

Date Approved 2/6/2023