

City of Troy
City Council Meeting Minutes
September 17, 2018

1. Regular City Council Meeting-7:30 p.m.

A. Call to Order and Pledge of Allegiance:

The meeting was held in the Council Chambers in the City Municipal Building, 116 East Market Street, Troy, Illinois, 62294 and was called to order by Mayor Allen Adomite at 7:30 p.m.; and the Council was led in the Pledge of Allegiance by Alderman Troy Turner.

B. Roll Call in Alphabetical Order: Present: Aldermen Nathan Henderson, Sam Italiano, Dan Jackson, Bonnie Levo, Doug Partney, Matt Thompson, Troy Turner and Jeff Zarzecki. Other Officials Present: Mayor Allen Adomite, City Administrator Jeff Soland, City Treasurer Dave Roady, Director of Public Works Rob Hancock, Building and Zoning Administrator Keith Frey, Chief of Police Brad Parsons, City Attorney Fred Keck, and Recording Secretary Heather Klueter. Absent: City Clerk Jamie Myers.

C. Reading and Approval of Minutes: Mayor Adomite stated that Clerk Myers had not presented minutes from either the August 06, 2018 or August 20, 2018 meetings.

D. Communications, to be provided by the City Clerk: Mayor Adomite stated that Clerk Myers had not presented any information to him on the Consolidated Election packets.

E. Citizen Participation, limited to three (3) minutes per Person:

1. Mr. Tim Greenfield-

Mr. Greenfield stated that he wanted to address the notice for bid on the patio addition at 356 Old Homestead for the Taylor Lakes drainage improvements project. Mr. Greenfield stated that this wasn't his first rodeo regarding the Taylor Lakes drainage improvement projects and that he was on the Council when the whole thing started with people's houses being flooded. Mr. Greenfield stated that he is adamantly opposed to spending taxpayer dollars on personal property to upgrade that property to keep it flooding from a lake, when that property was built originally at the wrong elevation and it floods, and now the City is going to spend taxpayer dollars to fix this man's property because the City is pushing water into the lake. Mr. Greenfield stated that funding of stormwater drainage is a really questionable item. He stated he previously voted for projects in Meadowbrooke/Turtle Creek because he thought it was the responsibility of the City due to the City approving the subdivision plans and not tracking them closely enough and creating problems. But, he stated, when it comes to taking a private person's property and upgrading it to solve a stormwater problem, he is absolutely against it. Mr. Greenfield stated that he lives on a lake and is a member of a lake owners association, and when they have a problem with the lake, whether an individual property problem or an association problem, they care for it themselves. He stated that when they had a problem with home's flooding when all the high water

came in, because of backed up drain pipes, the lake owners association decided to lower the level of the lake. In this case, Mr. Greenfield stated, the private owner should be paying for it himself, because its his property. Mr. Greenfield stated that he's familiar with Taylor Lakes, and that he knows that the drain pipe was not installed at the correct height when it was originally installed, so they could have a deeper lake on the other end and sell more lots. He stated the pipe was recommended to be lowered, which may have taken care of the property owner's problem, but the lake owners opposed that and they are going to sue the City if it lowers the level of the lake or try to do something with the pipe. But, Mr. Greenfield stated, the City should not be opening up this can of worms, taking care of people's personal property to satisfy a drainage problem. Mr. Greenfield stated that it is the owner's problem, not the City's problem, or the taxpayers of the City's problem. Mr. Greenfield stated that if the City goes this route with this individual property, than the City should put a public notice in the newspaper that the City of Troy will take care of all your problems, whether its reconstructing a retaining wall or patio, rebuilding a house, on any private lake that flooding is caused because of the drainage or overflows from the roads. Mr. Greenfield stated that he would be first to come in and ask that the City to replace his wall that's fallen over due to water levels in the lake continuing to rise because of flooding and drainage coming down Country Village, and that he probably won't be the only one.

2. Ms. Regina Hendrickson-

Ms. Hendrickson followed up on Mr. Greenfield's comments by stating that, when she was on the Council, the City had talked about lowering the level of the lake, that would require Alderman Jackson to abstain from voting, due to his family member that lives on the lake, and she would like to know if he abstained. Alderman Jackson responded that he did not abstain. Mr. Jackson stated that he asked City Attorney Keck if he had a conflict and that Attorney Keck answered that he did not have a conflict. Ms. Hendrickson stated that she did not trust City Attorney Keck. Ms. Hendrickson stated that it was interesting that, because he was considering buying a lot, that Mr. Jackson always abstained from matters concerning Hampton Glen subdivision, but that because he has a family member on the lake, who would be greatly affected by lowering the lake. Ms. Hendrickson stated to Mr. Keck that there the law can be interpreted many ways and that many cases could be brought forward. City Attorney Keck responded to Ms. Hendrickson that she could address him privately instead of addressing him in front of the Council. Ms. Hendrickson stated that she didn't wish to speak to him privately and that is the problem with this City Council, is that everything is done in the shroud of secrecy. Ms. Hendrickson also addressed that the recording of the City Council minutes on the Mayor's phone is not proper etiquette or authority, and that in his attempt to record those and provide them in a FOIA request, they were not audible. Ms. Hendrickson asked who provided them for the FOIA request. Ms. Hendrickson and Mr. Keck argued about whether the Council was required to answer questions during the Public Participation time. Ms. Hendrickson informed everyone that the audio program that was used to provide them as a FOIA, every 20 seconds there is a voiceover that says ASB Demo audio, therefore you cannot hear the minutes officially. Ms. Hendrickson stated that the Council might wish to consider taking some monies and investing in a

system that is upgraded to record everything. Finally, Ms. Hendrickson stated that when the last Council meeting was cancelled by the Mayor, that it is interesting that at 6:45pm on the 17th, on the City’s webpage, there was a notification and there was not a cancellation of this meeting. Ms. Hendrickson asked for that to be explained, could we let the citizens know in a news article, could an apology be made, or could we find out why we failed to notify the public, and why we only published information for the City Council and for the City Treasurer, and not the public. Mayor Adomite thanked Ms. Hendrickson for sharing her comments.

F. Mayor’s Comments: The Mayor had nothing to report.

G. City Administrator & Attorney Comments:

1. City Administrator’s Comments-

City Administrator Soland reported that applications for Public Works Crew Member would continue to be accepted through September 28, 2018, and that interviews would then be conducted, and that a choice would be brought to the Administrative Services Committee for review. Alderman Italiano asked City Administrator Soland for an update on the City Hall roof repairs.

2. City Attorney Comments-

City Attorney Keck had nothing to report.

H. Consent Agenda, including Administrative Reports and other items to be voted collectively with one roll call vote:

1. Treasurer’s Report for August 2018
2. Building Administrator’s Report for August 2018
3. Business Registrations for August 2018
4. Police Report for August 2018
5. Water and Sewer Report for August 2018
6. Approval of the Consent Agenda as Presented

Motion: To Approve the Consent Agenda as Presented. **Moved by** Italiano; **Seconded by** Thompson. **Vote:** Motion passed unanimously (**summary:** Aye = 8, Nay = 0, Abstain = 0).

Aye: Henderson, Italiano, Jackson, Levo, Partney, Thompson, Turner and Zarzecki.

I. Administrative and Community Services Committee Report:

1. Results of Zoning Board of Appeals Hearing - September 12, 2018-

Building and Zoning Administrator Frey reported that the Zoning Board of Appeals held a hearing on the Bullard property at the corner of Dewey and Clay Streets. The proposal is to add an addition to the attached garage that would violate the 25-foot setback requirement on the rear property line. The Zoning Board of Appeals approved a variance to let the owner build within 18-feet of rear property line. Mr. Frey stated that the property is in the older part of town and the neighbor adjacent to their west has an addition on their garage just four feet from the property line. Mr. Frey stated that the Zoning Board of Appeals felt that an attached garage addition was more desirable than an unattached garage, which, by ordinance, would only require a five-foot setback.

2. Results of Planning Commission Hearing - September 13, 2018-

Building and Zoning Administrator Frey reported that the Planning Commission held a hearing to consider a request for Ameren for a gas utility subdivision on Lot 7 of the Harvest Pointe subdivision. Mr. Frey stated no neighbors opposed the proposal and one neighbor gladly endorsed the proposal because it improved the privacy screening of the substation from the existing layout along Staunton Road. Mr. Frey also thought that the move of the substation further away from Staunton Road was also a safety improvement.

3. Results of Planning Commission Meeting - September 13, 2018-

Building and Zoning Administrator Frey had nothing to report.

4. Building and Zoning Administrator Report-

Building and Zoning Administrator Frey reported that he had new building plans for Aspen Creek's expansion and that he would be soon reviewing them. Alderman Partney asked Mr. Frey about the progress of the Little Caesar's strip mall and Mr. Frey indicated they are shooting for a mid-October completion. Alderman Levo asked about the progress of the reconstruction of My Brother's Place and Mr. Frey indicated that the progress was slow and that if it didn't improve that their building permit could be at risk.

J. Finance and Economic Development Committee Report:

1. Bills to be Approved and Paid for the Month of August/September 2018-

Motion: To Approve the Aged Obligation Report and Pay the Bills for the Months of August/September 2018 Totaling \$1,449,250.37, as Presented. **Moved by** Jackson; **Seconded by** Turner. **Vote:** Motion passed unanimously (**summary:** Aye = 8, Nay = 0, Abstain = 0). **Aye:** Henderson, Italiano, Jackson, Levo, Partney, Thompson, Turner and Zarzecki.

2. City Treasurer Report-

City Treasurer Roady reported his concern about the sales tax revenues from the months of April and June (received in June and August), when receipts were each \$17,000 lower than the previous year. Mr. Roady stated that drop would represent \$1.7 million in sales within the City for those two months. Alderman Jackson asked what percentage of the gaming expenditures the City receives gaming machines. City Administrator Soland explained that the City receives 5 percent of the "win," and City Attorney Keck clarified that the State gets a larger share.

K. Law Enforcement & Emergency Services Committee Report:

1. Chief of Police's Report-

Chief of Police Parsons reported that the Troy Police Department is working with Bethel Baptist Church to hold another ALICE training on October 2 & 3, 2018. Additionally, Chief Parsons reminded the Council that the Special Olympics truck convoy event would be held on the upcoming Saturday night with a 15-mile police-escorted route. The Troy Police Department completed a successful prescription drug takeback event as part of the Citywide garage sale.

L. Public Works Committee Report:

1. Approval of Lowest Bid for Public Works 2.5-Ton Dump Truck with Truck Centers Inc. for \$106,799.00-

Alderman Zarzecki presented the bids. Alderman Turner asked for clarification on the amount of the body portion of the bid through Woody's and its relevance to the State Bid. Public Works Director Hancock further answered the question as to the use of the state bidding process.

Motion: To Approve the Lowest Bid for Public Works 2.5-Ton Dump Truck with Truck Centers Inc. for \$106,799.00, as Presented. **Moved by** Zarzecki; **Seconded by** Thompson.

Vote: Motion passed unanimously (**summary:** Aye = 8, Nay = 0, Abstain = 0). **Aye:** Henderson, Italiano, Jackson, Levo, Partney, Thompson, Turner and Zarzecki.

2. City Engineer Report-

City Engineer Cissell reported that he was working through the improvement plans for Winding Rose Subdivision and Anderson Express Care. Alderman Italiano asked about the status of the change orders for water treatment plant project. Alderman Jackson asked about the status of the bid package for the first phase of the Fair Oaks Drainage improvements. City Administrator Soland indicated that they would soon be bid for opening in mid-October.

3. Public Works Department Schedule and Report-

No questions were offered by the Council.

4. Time for Director of Public Works-

Director of Public Works Hancock credited his employees that first worked the Brad Smith Run and then worked to manage the 5 inches of rainfall that day. The work by Korte & Lutjohn on the transmission main is progressing with a substantial completion in late-October. Mr. Hancock indicated that the clearwell had been completed, the last old filter would be removed on Friday, and that things were progressing quickly. Alderman Italiano asked if the water treatment plant was still within budget. Alderman Zarzecki indicated that data from last Council meeting showed that it was within budget. Mr. Hancock indicated that substantial completion of the plant project would probably happen in March 2019.

M. Reports of Special Committees (as needed): None.

N. Ordinances & Resolutions, called by City Clerk, with Citizen Participation limited to three (3) minutes per Person:

1. Ordinance 2018-19 - Granting of a Special Use Permit for 2341 Staunton Road Under Chapter 154 of the Codified Ordinances-

Motion: To Adopt Ordinance 2018-19, as Presented. **Moved by** Turner; **Seconded by** Italiano. Mayor Adomite stated this Ordinance codified the action of the Planning Commission. Alderman Zarzecki asked Mr. Frey about the timetable of construction and Mr. Frey indicated that construction would start within a week and that the old substation would be removed. Alderman Turner asked if work would be completed by

the end of 2018 and Mr. Frey stated that Ameren’s testimony at the hearing indicated that they would be complete by year’s end. **Vote:** Motion passed unanimously (**summary:** Aye = 8, Nay = 0, Abstain = 0). **Aye:** Henderson, Italiano, Jackson, Levo, Partney, Thompson, Turner and Zarzecki.

O. Closed Session (as needed):

1. Closed Session – 5 ILCS 120/2 (c)1 – Performance of a Specific Employee(s)-
2. Closed Session – 5 ILCS 120/2 (c)5 – Purchase or Lease of Real Property -

Motion: To Enter Closed Session Under 5 ILCS 120/2 (c)1 - Performance of a Specific Employee(s) and 5 ILCS 120/2 (c)5 – Purchase or Lease of Real Property, as Presented.

Moved by Jackson; **Seconded by** Turner. **Vote:** Motion passed unanimously (**summary:** Aye = 8, Nay = 0, Abstain = 0). **Aye:** Henderson, Italiano, Jackson, Levo, Partney, Thompson, Turner and Zarzecki.

The Council returned into Open Session at 9:44 pm.

P. Adjournment, no Later than 10:00 p.m.

Motion: To Adjourn the Meeting at 9:45 p.m. **Moved by** Jackson; **Seconded by** Henderson. **Vote:** Motion passed unanimously (**summary:** Aye = 8, Nay = 0, Abstain = 0). **Aye:** Henderson, Italiano, Jackson, Levo, Partney, Thompson, Turner and Zarzecki.

Submitted by:

Jamie Myers by Heather Klueter
Deputy Clerk

Jamie Myers, City Clerk, by Heather Klueter, Deputy Clerk