

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, MAY 15, 2017**

Mayor Michaelis called the Regular Session to order at 7:08pm. Council members Schwarz, Frey, Bellm and Nicolaides were present. Others in attendance were City Manager Mark Latham, City Attorney Michael McGinley, Asst. City Manager Peck; Directors Bell, Gillespie, Imming, Korte, and Schoeck; Building & Zoning Kevin Limestall and Derek Jackson, EMS Chief Wilson and Fire Chief Bloemker, Lt. Conrad, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm, 52 citizens and 1 member of the news media.

MINUTES

Councilman Schwarz made a motion to approve the minutes of the May 1, 2017 Special and Regular Sessions as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

PRESENTATION

Mayor Michaelis stated that Mr. and Mrs. Ed Harvey were planning to be here tonight, for this presentation; however, they have Highland Area Community Chorus practice for an upcoming concert. This plant comes out of the White House, going back to the days of JFK. This is the parent plant and has a history, which is three pages long. The plant be prominently placed in City Hall where all can see, along with the history of the plant. Ed Harvey, is son of Dallas Harvey, a WWII veteran and Pearl Harbor survivor.

PUBLIC FORUM

Citizens' Requests and Comments:

Lee Iten Post #439 VFW Ladies' Auxiliary Poppy Days Announcement – Linda Iberg, President of Lee Iten Post #439 VFW Ladies' Auxiliary, that give poppies away during the Memorial Day weekend, in return for donations. Ms. Iberg explained, in 2002, the American Legion bought the equipment that cut the little red cloth from the company that originally started making the poppies. Between the American Legion and VFW, we distribute them for people to wear in remembrance of those that served and sacrificed, and to show honor for those currently serving in the armed forces. This is the first year for National Poppy Days, which will be May 26, 2017.

Chamber of Commerce – 2017 Street Art Fest Request –Nancie Zobrist, Chamber of Commerce [Executive](#) -Director, requested street closure and to hold the Street Art Fest on the downtown square. We will start the event on Friday night, September 15, at 7pm with the Highland Jaycees hosting a beer tasting festival, “Hops & Colors”, which will go until 10:00pm. We are asking for closure of the streets

at 10:00pm on Friday, September 15, and that the streets be swept for the artwork to be applied. The full festival will begin Saturday, September 16, with a rain date of Sunday, September 17. We would like to request that if the rain date is not used, that the streets remain closed, so that people may view the artwork. A lot of the logistics is the same as past years, including "Run for Color" 2-Mile Fun Run, where powder is thrown on the runners. The proposed route is to start the run at the corner of Laurel and Main, run west on Main Street to Center Street then north, following that around to Madison Street. They will turn south on Deal Street to West Monroe Street, where runners will encounter a turnaround before Hemlock. The runners will follow that route back to the intersection of Laurel and Main Street. This route was chosen for safety reasons. Additionally, the Highland-Pierron Fire Department members have volunteered to cover the intersections for traffic control. We appreciate the city's assistance with this project. Our hope is to bring people into Highland and attract families for the event. Councilwoman Bellm made a motion to approve the Highland Chamber of Commerce's request to hold the Street Art Fest, along with the 2-Mile "Run for Color" Fun Run, September 15-16, with a rain date of September 17 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Mayor Michaelis stated anyone that wishes to address the council on any other concerns, including any of those items on the agenda, should do so now. As the issues come before the council for discussion and vote, the council will be given the floor for discussion.

Robert Dunn, 35B Auburn Court, stated he is here to speak on the request for apartment use and mixed-use rezoning. He provided to the council a density map, with red dots representing those against this. He referenced Resolution 97-09-1210, Page 1, Paragraph 2, regarding the annexation agreement of this property, authorizing to execute for and to bind the city hereto. Page 2, Paragraph 6, states shall be zoned R1C. Paragraph 13, the agreement binding on successor terms for a period of time assigned for a full-term of twenty years and commencing for said twenty years. The event of the annexation was on said date of September 2, 1997. Mr. Dunn stated that tells me that until September 2, 2017 that it cannot be re-zoned. Mike McGinley, City Attorney for City of Highland, acknowledged the annexation agreement Mr. Dunn was holding and he had highlighted. To clarify within that agreement it states something of most importance, also, that is it states the owners, Delmar Mersinger Trust, realize the said property will be subject to the city's zoning laws and ordinances in effect. Per Code 90-115 property comes in as R1C as of the time the property was annexed in. The agreement was done before annexation to protect the property owner and the city. As soon as the property is annexed in, city and state laws apply, as the annexation agreement states the property is then "subject to the city's zoning ordinance". Everything is pointed out, but a little bit of clarification. When ordinance passed to annex it in, which changed that. Mr. Dunn stated when mentioned of "bait and switch", this property was brought in R1C. The villas are not R1C; they are not single-family. The zoning of those properties were changed already to allow those villas to be built.

Nancie Zobrist, Exec. Director of Highland Chamber of Commerce stated I am here to speak to the rezoning of property at 12328 Sportsman Road and 245 Field Crossing Drive. The Chamber feels that this development will have a direct positive development on economic growth of the community.

Susie Pfister, owner and operator of Hirsch's Tavern, stated I got an email today that the council was going to raise the liquor license from \$400 to \$1500. The State of Illinois increased their liquor license to \$600. Those fees are excessive. That amount is more than double the state amount. Mayor Michaelis explained people concerned about the number of gaming parlor licenses approached. The liquor licenses have a set number. The conversation started out as gaming parlors. In reworking the ordinance, we discussed how to match uses into different classifications of licenses. With regards to the amount of the new license fees proposed, Mr. McGinley did some research. Once we get into that item to vote on issue, Councilman Schwarz and Councilman Frey are abstaining from that item on the agenda. Mayor

Michaelis asked City Attorney McGinley to explain the fees. City Attorney McGinley pointed out that Hirsch's Tavern will go from \$400 to \$500 for a license fee. Mrs. Pfister replied I have applied for a gaming license. Attorney McGinley explained we are bringing clarification on the businesses that apply for these licenses, with the revision. Class A1 or A2 would be for taverns; Class B, grocery stores; Class E, clubs; Class F, allows salons to have drinks; Class G, gaming parlors. Attorney McGinley asked Mrs. Pfister, do you have food. Mrs. Pfister replied I did, until this year, with frozen pizzas. Since I did not have a firewall, I can no longer do that. City Attorney McGinley stated we did not want to penalize those that have gaming, but we want more control. We have met the maximum of liquor licenses. With the present ordinance, we had used up the available liquor licenses. If a restaurant wants to come into town, we could give them a liquor license. The rates were determined after surveying other towns. In January 2016, Herrin, IL set theirs at \$1250 across the board; Urbana, IL, (40,000 population), \$4780; Effingham, \$1400 - \$1500; and, Mt. Vernon, hovers around the \$1,000 range. The intent is to regulate the license. Susie Pfister asked what Madison County charges. City Attorney McGinley responded he did not know. Mrs. Pfister responded, \$500. Did you check what these towns were at before they adjusted? City Attorney McGinley explained the concern was to be equivalent to what they are now.

Ray Voss, owner and operator of HiTop Bowl, 212 Walnut Street, stated my concern is not the increase to \$1500. I can understand increase, because everything goes up. But, nothing this substantial.

Mayor Michaelis asked when the last time we increased the license fee was. Deputy City Clerk Hediger stated she did not know or recall any increases in her twenty-some years with the city. City Clerk Bellm concurred. Mrs. Pfister asked how many liquor licenses are there. City Attorney McGinley reported: Class A1 (Tavern), three; Class A2 (taverns with gaming), three; Class B (Convenience Stores), unlimited; Class C (Stores), Unlimited; Class D1 (establishments serving food with no gaming), eight; Class D2 (establishments serving food with gaming), ten; Class E (Entertainment Clubs), unlimited; Class G (Gaming Parlors), two; Class H1 (hotels without gaming), unlimited; Class H2 (hotels with gaming), two. The "1" designates without gaming; "2" is with gaming. For example, "A1" is a tavern; "A2" tavern with gaming; "D1", restaurant without gaming; and, "D2", restaurants with gaming.

Darrin Reichmann, owner of Broadway Bar & Grill and soon-to-be Chippers, pointed out that the city makes 5% off the gaming in every establishment that has liquor license already. I would suggest \$100 or \$200 more than those that does not have gaming. I see there is more monitoring that is needed if there is gaming. I have not had anyone come in, personally. If there is an additional expense, because of gaming, then I do understand it. Mayor Michaelis stated I do not support anything like the \$5000 that Urbana is charging; however, several within the community have expressed concern over the number of gaming parlors and gaming in this town and its continued growth. Mr. Reichmann pointed out if you look at the gaming parlors that are out there that are the true parlors, they are not generating any money for the city. They do not pay the sales tax and employ the number of workers we do. Mayor Michaelis stated he would like to hear from other tavern owners if the person that recreationally games is more apt to come in to your establishment if you have gaming along with food and/or drink or both or not. Mr. Reichmann stated I think they are going for the atmosphere. In 9 years in Highland, the liquor sales have been dropping down. Tavern owners cannot make money on the liquor sales and are going to food sales. Mayor Michaelis acknowledged a lot of constraints have been put on the establishments by the State of Illinois.

Kent Weise, owner of Korner Keg, and member of Madison County Liquor Control stated the amount of fees for non-home rule is capped from the State of Illinois. Liquor establishments and those under liquor licensing are facing numerous regulations from background checks to facing increases with sugar and sales tax increases. On our establishments, gaming is not that large of a revenue source. Look at the real money. The first column of the report is the electronic numbers, not real money. The second column is the money divided between everyone – state, machine owners, establishments, and the city.

We do not make 100% on the money. In looking at saturation levels, you can see from reports on gaming in Nevada that with parlors, the “mom and pop” places hurt the most. The parlors do make good money; however, the sales tax that we make and pay as businesses with other offers is much more and cuts into those revenues, and we employ far more people. You are still taking a percentage on the gaming. The state has taken other forms – such as the ability to do dice, cards and pop-shots away. We cannot donate liquor to a fundraiser; otherwise, we lose our license. As owners, we cannot play the games. The state send “underagers” in to try to drink alcohol and play the games. It is a different market for us to survive in. We sell pouring and packaged liquor; and, in a year, we hope to have a kitchen going. A gaming parlor has very few working it. The state liquor license went up only \$100. I serve on boards of the county and one of the six state liquor associations. We were one of the associations that started the gaming licenses. Presently, there is a proposed bill for the casinos to own the games. We have almost 2,000 members statewide, with 300 in Madison County, as the largest county association.

Lewis Dunning, with his wife, Ginny, 20A Auburn Court, addressed the council on items E, F, G & H on the agenda. Mr. Dunning stated we are not upset with the council. The bad feelings are directed at the Combined Planning & Zoning Board, not the city. It was a slap in the face to the city and residents to be back here again. They are nice apartments, but we oppose the location. We heard that two of the council members are changing their votes. I served on a village board. It was inappropriate for members of the council to discuss such items prior to open meeting discussion. We feel the zoning board did not hear our voices and does not listen to us or care for our feelings. They city is not there to make money, but to listen to the concerns of citizens. The answer from Planning & Zoning Board President as to why the special meeting was that ‘we just wanted to be done with this and to get it over with’. The feeling we just got from them was, ‘say what you got to say and just go home’. Mr. Dunning reported Ray Ford was told this is not what we are discussing and he should sit down. Trying to get out on to Route 40 at 6:00pm when the bus has dropped off is almost impossible. What will another 100 cars do to that intersection? Northwest Manor residents do not like the traffic from the people that use that street as a short cut to get to Route 143 and head to Glen Carbon, Edwardsville, or the interstate in general. The apartments will increase the traffic through their subdivision. Why put extra stress and worry on people in this area? Legacy Place will have to view the end of this building; Westview residents will the backside view of the complex. We all thought this area would remain R1C. If the apartments were going to be there, no one would have purchased there. Autumn Crest Subdivision has turned out to be a tight knit community. We watch out for each other. Our taxes for the villa, for the first year alone was \$3000. The apartment taxes will be ~\$90,000. The rental rate runs from \$900 - \$1200. Will it decrease our value? Not sure, but it will not show in our tax bill, but rather in the resale value of our homes. Give the incentive to build to the homeowners. Highland already has 50 apartment complexes. Mr. Wilken also has several opening in his upscale apartments. If they have money to live upscale, they will have money for drugs. Stay away from apartments. The drainage problems subject came up. Planning & Zoning Board’s reply was, ‘That is what sump pumps are supposed to do.’ Residents are afraid to leave their homes, in case the sump pump fails. The drainage should have been done right before many of the homeowners moved in. Did an engineer come in before our subdivision was built? Surely, they did; but look at what happened.

Highland is a community of friendly people, many churches, lovely parks, swimming pool, the Korte Rec Center, and Lory Theater. We enjoy all the businesses. Highland has it all, and we believe in purchasing locally. We own a rental in Edwardsville. We buy our appliances in Highland. We were disheartened the Chamber of Commerce was voicing their support for this. I will just buy at Walmart in Edwardsville. Two-story apartments do not fit with the landscape of the area. Driving down the beautiful parkway, it will stick out like a sore thumb. Stress wears on people and affects their health. The residents are disappointed this issue is back again. We had friends from out of town that question how this keeps coming back. Most people think this is a done deal and that the Planning & Zoning Board of Appeals has power to dictate. If the zoning can be changed at 245 Field Crossing Road, people have to

wonder if there could be a bait and switch in their area also. Will Highland get their goodwill back? The city is not a business; it is there to represent the people. 237 residents, strongly opposed to this matter, sign the petition. So, there is growing opposition to this. We have been married for 54 years, and made Highland our home for 12 years. We are expecting the council to deny the rezoning of this property. The issues have been very upsetting to us; even affecting our health.

John Lee, 60A Chase Way, stated he strongly opposes the rezoning. I am not concerned about the type of complex, but rather the type of people that go in there. I lived in Dubuque, IA for 18 years before moving to Highland, two years ago. We lived in an area where Section 8 Housing went in. The good guys move out and bad guys move in. We want Highland to grow, but we want it to grow in the right way. With great respect I want ask you to deny this rezoning and use of the property.

Terri Munie, 125A Auburn Court, requested limiting development of the existing areas so the height and size of structures remain similar. To change the zoning, alters the functionality and purpose of Autumn Crest Subdivision, and the direct covenant of the 237 residents that signed the petitions when they purchased their properties. The 237 signatures should not be set aside for the desires of the developer to make a profit.

Carol Oldenski, 190A Field Crossing Drive, stated she is opposed to the rezoning of two parcels, 245 Field Crossing Drive and 12328 Sportsman Road. This was voted down less than two months ago. Why does the landowner want to change the zoning of the property now? The apartments will have nine-foot height ceilings, which will make the building even taller than a normal two-story home. Planning & Zoning Board of Appeals Chairman Brad Korte stated there are apartment complexes in other residential areas of Highland. I wanted to see what he was talking about, so I drove around. The size of the apartment complexes are much smaller than this development. They are in areas where there was two-story homes. In some areas, there are no single-family homes near them, but rather surrounded by businesses. There are two businesses by Autumn Crest, Legacy Place & San Gabriel, which are residential facilities and single-story structures. What is so wonderful about this area, because of 245 Field Crossing? Austin Wilken stated there are more utilities in their desired locations on this parcel. Don't tell me this is a "not in my backyard" issue, because this will be in my front yard every day. There will be more than 100 cars using a one-block area on Field Crossing. I know two residents looking for homes; they are now looking in other areas of Highland. They are not even considering moving to my neighborhood. At the April 5, 2017 meeting, you turned down this request. What has changed? The development has not changed; the residents of Highland and Autumn Crest still feel the same.

Barbara Heim, 35A Auburn Court, stated she is opposed to rezoning 245 Field Crossing Drive, opposed to rezoning 12328 Sportsman Road, and still opposed to the special use request for development of apartment complex in this area. The City of Highland made a promise to me when I purchased my home; I expect they will continue to honor their commitment. I am adamantly opposed to apartments in Autumn Crest Subdivision. Why does he not build them by his Crown Pointe complex? We were here on April 5, with 35 signatures, to present to Planning & Zoning. On April 17, we presented 49 signatures. On May 10, we presented Planning & Zoning a petition with 213 signatures, yet they voted to approve the same requests that you voted down. We are here May 15, with 237 signatures. That is more than double those 30 days ago. Many of asked why, and got the answer, 'because I wanted to get this over with.' This tells us that all members of Planning & Zoning Board had their minds made up. The zoning chairman made sure to hear all the voices; however, when the Planning & Zoning Board is willing to vote against that many people, it seems our voices were not heard. At the zoning meeting, since when does the Chamber take a stand on developments? Is it because the city manager is on the Chamber of Commerce Board of Directors? It states the Chamber exists to 'encourage residents to shop and buy local when they can'. I purchase almost all my items and medical needs in Highland. These Chamber of Commerce requests do not make me feel valued. In my opinion, bringing back issues that have been denied brings

into question the integrity of process. This whole mess has eroded public confidence in the governing boards of Highland. There are more than two hundred of us. Highland's image is that we are community that listens to its residents and serves its residents. Now we are here with almost twice the opposition. My expectation is that the city will deny the request again of both 245 Field Crossing Drive and 12244222 Sportsman Road.

Linda Heinritz, 95B Crimson Court, stated I have a couple of technical things with regards to this issue. I come from a family-owned land survey business. Our subdivision is set up with catch basins for water. My unit is the newest in the subdivision. The sump pump runs every three minutes. The contractor and city both did a lot of work out there. The subdivision was required to put a pipe along the south side of subdivision. The water comes down the hillside from the hill above us and takes the water to the catch basin. When subdivision was to be finished the developer was to finish some things, but these were never completed. The water table is very high out there. The new development would take water from the east and west. When you put parking lots, driveways and buildings in, water cannot go down into the soil. The people that live behind that catch basin are going to have problems. I am not sure who is going to be liable, as the developer is no longer there to take responsibility anymore. A two-story development is going to produce a lot of water runoff. On Field Crossing, there will be several children, each day, getting off the bus at the stop sign. With two- and three-bedroom apartments, how many children are going to get off? There are a lot of other things that need to be considered with the kind of apartments that you want. There are some real issues involved, not just our feelings.

Mayor Michaelis asked Director Gillespie to comment on the drainage out there. Public Works Director Joe Gillespie explained two detention ponds are designed for the development and are working as designed. Mayor Michaelis stated I don't want to get into a big discussion on the drainage; however, I did want staff to respond on those concerns.

Gilbert Frith, 140 Harvest Crest Court, stated we moved in about a month ago. We moved to Highland three years ago. Economic growth is good. When I listen to what Mrs. Zobrist said, I am not sure that apartments would be in the best interest of the people in that area. There is ground on the south side. Is this going to open the door to additional complexes along that route? It seems like the wrong area for the apartments with all the single-story single-family homes.

Charles White, 180B & 195 Field Crossing Drive, explained I would own the property across from the apartment complexes. I agree with all they have said tonight, and oppose the rezoning for these complexes. Why not build these further down the road and across the road? Not in the Autumn Crest Subdivision. I feel the drainage was designed, in this area, for single-family homes, not for apartment complexes. I spoke with some of my real estate friends and they say property values will go down, get over it. Presently, there is quite a bit of traffic on Field Crossing. That will only increase with development. Maybe the council should pass an ordinance that states if something is voted down, it cannot be brought back for a set period. The Belleville News Democrat headlined, 'City Hall listens to opponents of apartment complexes.' What will it say now? Mayor Michaelis asked City Attorney McGinley to comment on suggestions regarding procedures on when and how often we hear something. Attorney Mike McGinley stated we do not have any ordinances regarding such procedures; however, if the council wants to suggest that we can.

Patricia Lohman, 190B Field Crossing Drive, thanked Building Code and Zoning Supervisor Kevin Limestall and others that tried to fix the zoning classification of the villas. I purchased my duplex a little over a year ago. While driving down the road to the unit, I knew how quiet and tranquil this area would be. This is important to me, since I work every day. I felt I made a good investment and completed the last of the paperwork to convert the property from a condo to a villa, last month. I believe the apartments will change the tranquility and safety in the area. I question how much background checks

will be done to fill the units quickly. I have concerns about the drainage in the area, during this last rainfall. She presented the council with pictures of the area, taken in April and May 4. I have a sump pump, like everyone else in the area. These rains are not just once in a lifetime events; they happen a lot. Please let our neighborhood remain intact. I am opposed to having a two-story complex right out my front door.

Janie Bircher, 50A Auburn Court, stated she is opposed to rezoning of these properties and opposed to the apartment complex. When husband died in October 2009, I decided the property of three-acres was too big for me to maintain. I did not want to live in an apartment or rent. I also did not want to live next apartment complexes. I was happy to find a small home with a small yard in a tranquil neighborhood. I was relieved when they were opposed to apartment complexes. Brad and Austin are again applying for apartments. We were told the property owner has the right to refile as often as they want. There are now 237 owners from our subdivision and neighboring subdivision that oppose this. We attended the meetings and we had several people presented at the podium to the Planning & Zoning Board, but were not considered. Some of the reason for opposition is the drainage problems that exist out there. People brought pictures to show. What is the resident supposed to do? No one wants to repair it. So who is supposed to take care of it? It has to be taken care of before apartments can be put in, if they are granted. I just asked that you help us, before passing any zoning changes. We deserve to have this area remain R1C, because we moved to this area for this reason. We bought here because it was zoned R1C. Please consider us when you make your vote.

Brad Wilken, 4039 State Route 160 Highland, stated I would like to unpack a lot of what we have talked about tonight. We heard some concerns and I would like to address those. The project is called Willowbrook. You can see from the presentation how it would look as it sits with Frank Watson Parkway. They are large units with three bedrooms, two bathrooms. The two 16-plex apartment units and two 12-plex units. He showed the landscape of the units as it would display. This is three-steps up from the last project we built. We are going to be able to accommodate some senior citizens in lower units. We would like to attract those from Scott Air Force Base and Edwardsville. We have talked about amenities with pool, playground, dog park, coffee bar and dry-cleaning pickup. All the cars are house internally in the development, with 35-40 additional parking spaces then the required number. Setback exists for landscaping and lane width allows two fire trucks to pass each other. There is no need for residents to travel down Field Crossing Drive. They would likely take Sportsman Road. These are the four acres we want to build on. There are four single-family homes out to the west. When 40-50 duplex villas were proposed, they were opposed by the 25 single-family homes. We have looked for other properties around Highland to meet our criteria for utilities and topography. The sewer is on the right side of the road. If the property across the street, had the utilities, topography and draining survey work done by Oates Associates already, we would go to that side of the street.

Mr. Wilken addressed drainage concerns by stating most discharges would go to the front. We have to meet city and state EPA requirements. What has been brought up with owners regarding the sump pumps in that area, I do not know about specifically to speak on. Planning & Zoning Board Chairman Brad Korte already brought up that this is 80-foot roadway, which would be adequate. The Planning & Zoning Board took their time and listened, to everyone for 3.5 hours, and gave their opinions. We are starting at an \$895 price point and we would like to get it to \$995. This is upscale pricing to attract residents that are going to contribute to Highland. With regards to property values, if they were vinyl-sided, lower rental I would understand and see that. This is a photo from a project in Mascoutah, which will be very similar. He showed the façade of a similar complex recently built in Mascoutah, similar to the 16-plex they are looking at. We make sure people are out there taking care of the properties. Mayor Michaelis stated he thought you talked about this before, but please explain your screening process to make sure. Brad Wilken explained Austin shows every apartment we have. We have to go with objective criteria. We qualify over the phone about income and number of occupants.

Once a year, we go into every unit for inspection. We run everyone through national criminal background check. We normally do not accept anyone with credit score under 600, unless it was a specific incident such as a major medical issue caused it. We do everything we can to check all references. We do not check with a past landlord, as a reference, because if they were a bad renter the landlord will likely not say. Mayor Michaelis asked how you handle if someone moves in that has criminal background or over the occupancy limits. Mr. Wilken stated, it says specifically, in our lease, that if you are having someone stay with you longer than two weeks, you have to notify us. We keep up with that from other residents, maintenance staff, and security cameras.

Mr. Frith stated he had a question about utilities, since this development is an isolated area. The city has to provide water, sewer, and electric and fire protection to us. Since they are their own area, will they have their own? Mr. Wilken responded we pay for utilities and property taxes, for fire, police and ambulance services, also.

A resident asked what you are going to do when it rains. I have been living out there for 5-10 years. When you get a heavy rain, they get flat full. The water is not going to go into the ground. Mr. Wilken stated Oates Associates and Netemeyer Engineering has designed and approved the engineering for proper drainage and we will do what the city and EPA requires us to do. We will abide by any code enforcement. City Manager Latham inserted, if you lived there before Frank Watson Parkway was built, you know that drainage was improved with the canal to the north. A lady contended by stating the water cannot get away when it rains those big rains. Roberts is probably worst then mine. The water is not all getting away.

Austin Wilkin stated one of the main concerns is drainage for the neighbors. I know there is going to be a lot of impervious area. Most of the drainage is designed to go to the north. We have to rely on our engineers. I do not know, but existing issues may have been created by their contractors. Detention areas on our property we will own. We are here to address any concerns. From what the engineering reports our drainage plans will work. Highland needs growth. Planning & Zoning Board acknowledged this. We are excited to hear that Apex is going to expand and bring new growth. We hope this will spark growth. There are not many places that this type of development will work. A lot of thought that goes into selecting location. If across the street had the utilities and was available, we would go over there. It is not available. We feel this is a good transition area. The caliber of buildings we are putting out there assures they will not be Section 8 Housing. You do not put granite countertops and nine-foot ceilings. The mortgage that you have to carry on the property would ensure the owner would not turn it over to Section 8 Housing. We are building the complex with landscaping around it to be a buffer to Frank Watson Parkway and the neighboring subdivisions.

Kathy Ellis, 2010 Vulliet Road, asked what about existing single-family homes. I did not spend \$300,000 to build our home and look at your complex out my back window. Is it fair for us to build this home and see this? It is not fair to any us in our quiet residential area. Are people from Scott Air Force Base going to care? Those people move in and out all the time. They do not care. Mr. Wilken responded, yes I do think it is fair. It is a transitional area. If we build fair market value and use the building materials we are using, it will not decrease values. I do not feel it right to come after a property owner.

Mr. Frith stated I was thinking about what the lady was saying. I do think it is a concern to have two-story complex by one-story homes. We wanted to get away from the two-story living. I remember the government build a housing complex many years ago and it got tore up. Mayor Michaelis responded that is why I asked about the screening process.

Mr. Dunning asked can you tell us who your builder would be. Austin Wilken, 4625 Werner Drive, reported there are a couple of companies we are bidding on this with. In the past, we have worked with K-Five Construction.

Mayor Michaelis asked for ten-minute temporary adjournment. Councilwoman Bellm made a motion to approve a temporary adjournment; seconded by Councilman Schwarz. All council members voted aye, none nay. Motion carried. 9:35pm

Mayor Michaelis called for reconvening the Regular Session at 9:45pm. Councilwoman Bellm made a motion to reconvene; seconded by Councilman Frey. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried. Others in attendance were City Manager Mark Latham, City Attorney Michael McGinley, Asst. City Manager Peck; Directors Bell, Gillespie, Imming, Korte, and Schoeck; Building & Zoning Kevin Limestall and Derek Jackson, EMS Chief Wilson and Fire Chief Bloemker, Lt. Conrad, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm, 58 citizens and 1 member of the news media.

Requests of Council:

No requests or comments were made.

Staff Reports:

Mayor Michaelis noted City Manager Latham is going to discuss what the city has tried to do with the intersection of Hemlock/Frank Watson Parkway/Route 143. City Manager Latham reported before building Frank Watson Parkway, we went to IDOT to request a traffic light intersection. IDOT wanted all the different traffic lanes, which have been put in, but did not feel the intersection warranted signals. Posted traffic speed limits have been reduced in that area. We feel it meets all the requirements of a signal intersection. This past week, we went to IDOT and proposed the City of Highland paying for the signals to be put in. We asked this same thing again. We may have to work with Representative Charlie Meier and others to get this done. If we have offered and agreed to pay for installation and maintenance, we do not understand why we cannot get approval. Mayor Michaelis assured the citizens they are aware of the concerns.

NEW BUSINESS

Approve Mayor's Reappointment of Terry Remelius to the Police and Fire Commission – Councilman Schwarz made a motion to approve the mayor's reappointment of Terry Remelius to the Police and Fire Commission, for a three-year term to expire June 2020, as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Approve Mayor's Reappointment of Russell Heuberger to the Liquor Control Commission – Councilwoman Bellm made a motion to approve the mayor's reappointment of Russell Heuberger to the Liquor Control Commission, for an additional three-year term, to expire June 2020, as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Approve Mayor's Reappointment of Jon Boulanger to the Telecommunications Advisory Board – Councilman Schwarz made a motion to approve the mayor's reappointment of Jon Boulanger to the Telecommunications Advisory Board, for another three-year term, to expire May 31, 2020, as attached;

seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Approve Purchase of Tantalus Systems Inc. Tech Support & Maintenance Agreement –
Councilwoman Bellm made a motion to approve purchase of Tantalus Systems Inc. Tech Support & Maintenance Agreement from Tantalus Systems, Inc., in the amount of \$28,382.67 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #17-44/ORDINANCE Approving Rezoning of Real Estate Located at 12328 Sportsman Road From “R1C” Single Family Residential to “MX” Mixed-Use District – Councilman Schwarz made a motion to approve Bill #17-44/Ordinance #2784 approving rezoning of real estate located at 12328 Sportsman Road from “R1C” Single Family Residential to “MX” Mixed-Use District as attached; seconded by Councilwoman Bellm. Lisa Peck, Community & Economic Director/Asst. City Manager and Derek Jackson, Building & Zoning Supervisor that handle all application processes were in front of council to answer any questions regarding the items before the council with regards to rezoning requests. Mr. Jackson explained the request is only to change the R1C zoning of this parcel at this time, with no intended use for this property at this time. Planning & Zoning Board approved this request by a vote of 7-0. If approved to Mixed-Use, it would have to come back before Planning & Zoning Board and the council for anything can be put there. At this time, there is no intended use. Mayor Michaelis pointed out the council denied this previously. I want to take you back in time and see what I have seen brought into this room for many years. Building City Hall was turned down three times before it was approved. Remember Glik Park, which had hundreds of people against the building of Glik Park? Do you remember the controversy regarding the \$2M renovation of the Downtown Square? The police department? Well, there should have been on that! We have differences of opinions. There will always be difference and controversies in communities – all communities. I do not know how it is going to turn out. Whichever way it goes, remember it is not personal. It is a community decision. We ranked 18th or 19th in State of Illinois, just a few years ago. We all have value as a member of a community. If you do not like how Planning & Zoning Board handled the meetings, you have to remember that they are guided by existing comprehensive plans. I live at 110 Sunflower. When I moved there 11 years ago, there was empty fields and rabbits behind me. The rabbits moved out, but the neighbors moved in, and I found some really great neighbors. I hope those thoughts help us as we move forward. Mayor Michaelis asked Mr. Jackson to explain what the comprehensive plan is. Mr. Jackson stated the comprehensive plan is a vision document, which is policy, but not law. We try to use the comprehensive plan to make decisions consistent with it. Councilwoman Bellm stated I consider the comprehensive plan to be one of the most important documents. It is put together by a group of citizens gathered solely for participating in the process. This was first done in 2005, finalized in 2006. It was updated in 2013 and then a small revision lately. Highland is going to grow. It is just a matter of how it grows. Whether I agree with it or not, I think it is the most important, because of what the citizens tell they wanted through the process of developing the plan. I feel compelled to follow it.

Councilman Schwarz stated someone asked earlier what had changed. I want to explain why I voted no last time, and why I will be changing my vote this time. Part of it was because of the comprehensive plan. A strong part of me wanted to vote yes, because I felt this was the spot to put this. This area has Legacy Place and the duplexes already. I was not aware that all property comes in as R1C. I did not realize there is a 75-foot barrier between the properties. It was probably the first time I was not fully confident in my vote. The city does all these things to incentivize growth, but yet turning down a large development. Of course, everyone is going to say ‘not in my backyard.’ As a councilmember, you have a responsibility to look out for 10,000 not 200. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #17-45/ORDINANCE Approving Rezoning of Real Estate Located at 245 Field Crossing Drive From “R1C” Single Family Residential to “MX” Mixed-Use District – Councilwoman Bellm made a motion to approve Bill #17-45/Ordinance #2785 approving rezoning of real estate located at 245 Field Crossing Drive from “R1C” Single Family Residential to “MX” Mixed-Use District as attached; seconded by Councilman Schwarz. Mr. Jackson explained this item is just for rezoning. They do have an intended use, which will be for the apartment complex, which is the next item on the agenda. Councilwoman Bellm stated I mentioned at a previous meeting that we could do much worse if this was not rezoned to Mixed-Use. Assistant City Manager Lisa Peck pointed out, even if this is a permanent zoning for this parcel, any time there is an unplanned use of the property, it gives additional oversight by the city by design by having it zoned Mixed-Use. This gives the city assurance that there is no bait and switch by the development. Mixed-Use is designed to be for transitional buffers. These three properties across the road are Mixed-Use because they are adjacent to industrial properties. Councilwoman Bellm summarized the Mixed Use zoning provides additional protection. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #17-46/RESOLUTION Making Separate Statement of Findings of Fact in Connection with Ordinance Granting Special Use Permit to Brad and Austin Wilken for 245 Field Crossing Drive – Councilman Schwarz made a motion to approve Bill #17-46/Resolution #17-05-2451 making separate statement of findings of fact in connection with ordinance granting Special Use Permit to Brad and Austin Wilken for 245 Field Crossing Drive as attached; seconded by Councilwoman Bellm. Supervisor Derek Jackson explained this is the request that everyone is here regarding tonight. Twenty-four townhomes and thirty-two apartments. This parcel does lend itself to transitional. The development proposes 145 parking spots. With regards to street parking, the right-of-way on Field Crossing Drive is 80-feet, which is allows for parking. Typically, what we see there now is parking by staff of Legacy Place. They are proposing a large screening area. With regards to drainage, Autumn Crest Phase 2 has had a drainage plan designed by Netemeyer Engineering and reviewed by Oates Associates. The developers will be on the hook for repairs and improvements required to the drainage within this development. Lighting is prohibited on the sides adjacent Frank Watson Parkway and Autumn Crest. They did not requested, nor will they be allowed, to put any advertisement signage up on the property. At their expense, they will be required to install a crosswalk and provide sidewalks. Assistant City Manager Peck added the developers are exceeding the required landscape buffer and have worked greenscape into the site plan. Councilwoman Bellm asked them to talk about the drainage. As mentioned at Planning & Zoning, if the drainage problems get worst, what are the alternatives or means for residents of Autumn Crest? Supervisor Derek Jackson stated the problems there now have nothing to do with this. There is full expectation that the property owners have to maintain the detention for their own development. Subdivisions regularly experience problems when there is changes to the drainage as lots are constructed on. It sounds like there is not an HOA that meets or the developer did not hold up to their end of the bargain. Councilwoman Bellm stated at least we have it on record that someone will address it, if it gets worst. You already showed that Mixed-Use is transitional. Planning & Zoning Board has looked at it diligently, twice. I value their time and input. The Chamber of Commerce and Industrial Development Commission have looked at this and support it also. When I grew up on Poplar Street, there was no traffic. When I returned to Highland and moved back into that house on Poplar Street, traffic was going by almost all the time. We are trying to address growth and changing dynamics. Young people, today, want to lock the door, go to work or go out socially; they do not want the maintenance. I do not know if it will effect property values. Some say it will; some say it won't. It will not become Section 8 Housing. The value of it is too high. Everything comes in R1C; that is how it is. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #17-47/ORDINANCE Granting Special Use Permit to Brad and Austin Wilken to Operate Multiple Family Dwellings Consisting of Townhomes and Apartments in the “MX” Mixed-Use Zoning District, Specifically at 245 Field Crossing Drive – Councilman Schwarz made a motion to approve Bill

#17-47/Ordinance #2786 granting Special Use Permit to Brad and Austin Wilken to operate multiple family dwellings consisting of townhomes and apartments in the “MX” Mixed-Use Zoning District, specifically at 245 Field Crossing Drive as attached; seconded by Councilwoman Bellm. Mr. Jackson stated this is the exact same request, just in the form of an ordinance. City Attorney Michael McGinley explained this has to pass as an ordinance, according to ordinance. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #17-48/ORDINANCE Amending the City’s 2013 Comprehensive Plan’s Future Land Use Map – Councilwoman Bellm made a motion to approve Bill #17-48/Ordinance #2787 amending the City’s 2013 Comprehensive Plan’s Future Land Use Map as attached; seconded by Councilman Schwarz. Building & Code Supervisor Derek Jackson reported Planning & Zoning Board of Appeals has been working on this for close to a year. The parcels affected are owned by Korte-Luitjohan and Grandview Farms, which are currently, zoned Industrial. We have them in the plan as Single Family. Korte-Luitjohan’s property is currently used as Industrial. Dr. Drake some ideas that fall into industrial use. There are twenty-six properties along Route 160 with Prairie Trails, perfect area for residential. We are getting demand for use of Flax Drive with medical facilities. There are plans to continue growth of Prairie Trails and would like to keep it RIC. The other area is along Veterans’ Memorial Parkway at Broadway and Iberg. Highland-Pierron Fire Department has plans to construct a fire station on the southeast corner. Along Iberg Road on the east side, between Broadway and Veterans’ Memorial Parkway, there is commercial for three lots only. On the west side, along Veterans’ Memorial Parkway, we are leaving it MX, Mixed-Use for transitional purposes. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #17-49/ORDINANCE Declaring One 2000 Jeep Grand Cherokee to be Surplus Property and Authorizing its Sale – Councilman Schwarz made a motion to approve Bill #17-49/Ordinance #2788 declaring one 2000 Jeep Grand Cherokee to be surplus property and authorizing its sale as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Bill #17-50/ORDINANCE Repealing and Superseding Chapter 6 of the Highland Municipal Code Regarding Alcoholic Beverages – Councilwoman Bellm made a motion to table Bill #17-50 repealing and superseding Chapter 6 of the Highland Municipal Code regarding alcoholic beverages as attached. Mayor Michaelis informed the council that Mr. Reichmann has approach with a request for a liquor license; that is on hold until something is in place. Councilwoman Bellm made a motion to approve Bill #17-50/Ordinance #2789 repealing and superseding Chapter 6 of the Highland Municipal Code, regarding alcoholic beverages as attached; seconded by Councilman Nicolaides. Mayor Michaelis stated as he read this after legal put this together, I shared with Mike that I thought the fee was high, but I thought it was a good starting point. I am aware of the obstacles that these establishments go through. \$1500 is probably too high. Councilman Nicolaides agreed \$1500 is too high. Mayor Michaelis asked for suggestions on an amount. Councilwoman Bellm explained we are trying to limit the gaming; however, these establishments are feed to death already. City Manager Latham pointed out you have to decide what the difference is for the gaming. How much should it be? Mayor Michaelis noted it is \$400, right now for all. Legal council discussed with Mayor Michaelis in sidebar. Councilwoman Bellm stated I do not have a problem with the increase of \$400 to \$500. There are difference between a Class G that serves liquor as a side, then a Class D2 that serves food and liquor and has gaming as side. City Attorney McGinley advised you have to treat everyone equal on the bases of if they having gaming. If you are making a distinction about gaming, then you have to treat them all the same. Gambling requires more oversight, so it could necessitate the additional fee. Councilman Nicolaides asked what prevents Mr. Reichmann from getting a license now. City Attorney McGinley explained all the liquor licenses expire June 30, so they need to get this in to place so everyone knows the amount. Councilman Nicolaides asked why can we not come back in a month or two weeks. Councilwoman Bellm proposed those at \$400

without gaming go to \$500. Those with gaming go to \$750. I thought we could base it upon whether the gaming was a major portion or not. Councilwoman Bellm motion to amend the ordinance to change the classifications as attached and change the fees for establishments. Motion failed due to a lack of second.

Kent Weise, operator of Korner Keg, and member of Illinois Liquor Association and Madison County Liquor Association, came forward with one solutions you may do. Liquor license is flat rate, but the machines have a flat tax of \$25 per machine. The gaming commission limits the number of machines for establishments based upon revenues they are taking in. If revenues go down, then some or all the machines are pulled. City Attorney Mike McGinley pointed out that Highland is a non-home rule municipality. We can only issue liquor licenses by state statue. Mr. Wiese stated that state statue allows for non-home rule to tax by machine. Attorney McGinley stated I am not aware of any that statue. Councilwoman Bellm stated what if we raise it \$100 across the board. Councilwoman Bellm made a motion to restructure the classification and raise all liquor license holder fee by \$100 for those with gaming; seconded by Councilman Nicolaides. Roll Call Vote: Bellm and Nicolaides voted aye, none nay. Councilman Schwarz and Councilman Frey abstained. Mayor Michaelis voted aye. Motion carried and item amended.

Roll Call Vote to approve Bill #17-50/Ordinance #2789 repealing and superseding Chapter 6 of the Highland Municipal Code regarding alcoholic beverages as amended Bellm and Nicolaides voted aye, none nay. Councilman Frey and Councilman Schwarz abstained. Mayor Michaelis voted aye. Motion carried.

REPORTS

Approve Warrant #1058 – Councilwoman Bellm made a motion to approve Warrant #1058 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried. All council members voted aye, none nay. Motion carried and meeting adjourned at 11:05pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk