

**AGENDA
CHILLICOTHE CITY COUNCIL
CITY COUNCIL CHAMBER
MARCH 11, 2024
7:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL BY CLERK

READING OF MINUTES OF PREVIOUS MEETING BY CLERK

PETITIONS AND COMMUNICATIONS BY CLERK

PETITIONS AND COMMUNICATIONS FROM THE MAYOR AND ALDERPERSON

COUNCIL COMMITTEE COMMUNICATIONS

ANYONE WITH BUSINESS CONCERNING CITY GOVERNMENT

PRESENTATION OF BILLS, TRANSFERS AND PAYROLLS FOR PAYMENT AND DISCUSSION

MAYOR HUGHES

JUDICIAL COMMITTEE – ALDERPERSON D. WHITE

1. Discussion – Liquor/Gaming Licenses
2. Approve – Attorney to Prepare Ordinance – Code Change Add C 2 Special Use
3. Approve – Ordinance Bodywork Establishment
4. Approve – Ordinance – Rezoning 809 N. First St.
5. Approve – Ordinance – Rezoning Vacant Lot Adjacent to 809 N. First St

PUBLIC WORKS COMMITTEE – ALDERPERSON SHARP

1. Approve – Expenditure – Curb Replacement – S Bay Dr.
2. Approve – Waive Bid Process – Benedict Street Bridge Repair

FINANCE COMMITTEE – ALDERPERSON VANBRUWAENE

1. Approve – Resolution – Opposing Eliminating 1% Grocery Tax

ECONOMIC DEVELOPMENT COMMITTEE – ALDERPERSON CONNOR

1. Approve – Engineer to Bid Bradley Drainage Grant Projects

PUBLIC SAFETY COMMITTEE – ALDERPERSON JENKINS

1. Approve – Special Event Request – Crafts on the River Craft Show
2. Approve – Special Event Request – Tri to Beat MS
3. Approve – Special Event Request - Easter Egg Round Up
4. Approve – Request for Live Entertainment – American Legion
5. Approve – Purchase of Duty Ammunition – Police Department

HUMAN RESOURCE- ALDERPERSON GEHRIG

1. Approve – Salary Adjustment – Records/Collector – Byrnes
2. Closed Session – Personnel 5ILCS 120/2 (C) (1) – Appointment, Employment, Compensation, Discipline, Performance or Dismissal of Specific Employees
3. Approve – Annual Merit Increase for Supervisors

ADJOURNMENT

AGENDA CLERK

**CITY OF CHILLICOTHE
COUNCIL MEETING
MINUTES OF A REGULAR MEETING
March 11, 2024**

A regular meeting of the City Council of the City of Chillicothe, Peoria County, Illinois, met in Regular Session in person March 11, 2024 at 7:00 P.M with Mayor Michael D. Hughes presiding and with proper notice having been posted.

Mayor Michael D. Hughes called the meeting to order at 7:00 P.M.

The Pledge of Allegiance, to the Flag of the United States of America, was recited.

Chairman Hughes directed Clerk Byrnes to take roll.

Physically Present:
Mayor Michael D. Hughes
Treasurer B.L. Bredeman
City Clerk Jill M. Byrnes

Alderspersons Present:
Barry Bredeman, Patricia Westerman-Connor,
Courtney Gehrig, Jeff Jenkins, Gary Sharp,
Jacob VanBruwaene, Donald White, Timothy White

Alderspersons Absent:
None

Also Physically Present:
Office Manager Denise Passage
Police Chief Jeremy Cooper
City Attorney Kevin Day
Attorney William Streeter
City Engineer Dave Horton
Economic Development Director Amanda Beadles
Superintendent of Public Works Shawn Sutherland

Chairman Hughes declared a Quorum present.

**CITY OF CHILLICOTHE
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The Minutes of the Regular Council Meeting held on February 26, 2024 were presented. Motion Alderperson Jenkins, second Alderperson T. White, that the Council dispense with the reading of the Minutes of the February 26, 2024 Regular Council Meeting and approve the Minutes as presented.

Motion Carried Via Voce vote.

PETITIONS AND COMMUNICATIONS BY THE CLERK:

Clerk Byrnes presented the following Committee and Commission Minutes:

1. Chillicothe Plan Commission – 12/5/2023, 2/6/2024
2. Police Commission – 1/16/2024
3. Cemetery & Parks Committee – 2/20/2024
4. Judicial Committee – 2/28/2024
5. Marketing & Tourism Committee – 3/4/2024
6. Public Safety Committee – 3/5/2024
7. Public Works Committee – 3/6/2024

Clerk Byrnes presented the following reports:

1. City Collector's Report – 2/2024
2. Budget Report – 2/2024
3. City Treasurer Report - 2/29/2024
4. City Engineer Report – 3/6/2024

I am in receipt of an application to rezone property located at 615 W. Truitt from an R-1 to a C-2 Special Use pending discussion. This has been forwarded to the Plan Commission for a hearing date.

I am in receipt of an Application for Variance for property located at 1142 Cedar Street. A request for a 6 ft. fence in the front yard while the code requires 4 ft. The Zoning Board of Appeals will hold a Public Hearing on March 20, 2024 at 5:30 p.m. at City Hall.

I am in receipt of a letter from William Ohlmann, 1317 N. First Street which reads:
(See attached)

This will be referred to the City's Zoning Officer and then referred to the Judicial or Public Safety Committee as needed.

Motion Alderperson Jenkins, second Alderperson T. White, that the petitions and communications as presented by Clerk Byrnes be accepted and placed on file.

Motion Carried Via Voce vote.

**CITY OF CHILLCOTHE
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PETITIONS AND COMMUNICAITONS FROM THE MAYOR AND ALDERPERSONS:

None

COUNCIL COMMITTEE COMMUNICATIONS:

None

ANYONE WITH BUSINESS CONCERNING CITY GOVERNMENT:

Brian Detinger, 306 School Street, Sparland, IL., addressed the Council to state he had purchased property located at 809 N. First Street and the adjacent lot to 809 N. First Street and attended the Council meeting to answer any questions regarding re-zoning of said properties. Mr. Detinger was informed this issue would be addressed under the Judicial Committee agenda items.

Scott Turner, 821 N. Fifth Street, owner of FlexiSnake Inc. addressed the Council with a request to purchase property located at 615 W. Truitt pending approval to a C-2 Special Use. Mr. Turner currently has storage located in E. Peoria and would like use the property located at 615 W. Truitt for storage closer to his business. Mr. Turner was informed this issue would be addressed under the Judicial Committee agenda items.

Jake Adkins, 118 High Street, Germantown Hills, IL., owner of Chilli Liquors, addressed the Council with a request to change his current Class "B" liquor license to a Class "A" to allow for video gaming. Mr. Adkins was informed this issue would be addressed under Judicial Committee Discussion agenda items.

Landon Dunbar, 95 W. Oak Street, addressed the Council with continued concerns over the condition of property located at 1317 N. First Street. Mr. Dunbar questioned the City addressing this property as a nuisance in the future.

**CITY OF CHILLCOTHE
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Daniel Carter, 1314 N. First Street, addressed the Council with continued concerns over the condition of the property located at 1317 N. First Street. Mr. Carter felt the letter that was read during the Council meeting from William Ohlmann by Clerk Byrnes was retaliation against himself and Mr. Dunbar for their continued complaints on Mr. Ohlmann's property located at 1317 N. First Street.

Bill Smith, 850 E. Thompson Street, Princeton, IL, , President of Beck Oil Company, addressed the Council with a request to change his Class "B" liquor license to a Class "A" to allow for video gaming. Mr. Smith was informed that this issue would be addressed under Judicial Committee Discussion agenda items.

Motion Alderperson VanBruwaene, second Alderperson T. White, that the bills as presented be paid and the payrolls and transfers be approved.

Roll Call Vote was:

Ayes: Bredeman, Connor, Gehrig, Jenkins, Sharp
VanBruwaene, D. White, T. White

Nays: None

Chairman declared motion carried.

MAYOR HUGHES:

None

JUDICIAL COMMITTEE:

Discussion - Liquor/Gaming Licenses:

Alderperson & Chairman of Judicial Committee D. White, requested input from the Council on the addition of possibly two Class "A" licenses for both Chilli Liquors and Beck Oil Co.

Alderperson D. White read to the council his notes on the issue (see attached). After discussion it was the consensus of the Council to refer this agenda item to Judicial Committee for further consideration.

**CITY OF CHILLCOTHE
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Motion Alderperson D. White, second Alderperson Bredeman, that the Council authorize the City Attorney to draft an ordinance amending the City Code – Zoning Section 106-192 C-2 General Retail District (C) Special Uses by adding a special use for storage facility with no exterior storage with limited delivery hours.

Discussion: Alderperson D. White explained he had reviewed the site plan and business hours by FlexiSnake for said property. Several Alderperson's expressed positive comments in support of the local business FlexiSnake.

Roll Call Vote was:

Ayes: Bredeman, Connor, Gehrig, Jenkins, Sharp
VanBruwaene, D. White, T. White

Nays: None

Chairman declared motion carried.

Motion Alderperson D. White, second Alderperson T. White, that the Council approve Ordinance No. 24-03-01, an Ordinance amending the City Code regarding Bodywork Establishments.

Discussion: A brief explanation was given by both Chief Cooper, and City Attorney Kevin Day on the proposed Ordinance.

Roll Call Vote was:

Ayes: Bredeman, Connor, Gehrig, Jenkins, Sharp
VanBruwaene, D. White, T. White

Nays: None

Chairman declared motion carried.

**CITY OF CHILLICOTHE
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Motion Alderperson D. White, second Alderperson VanBruwaene, that the Council approve Ordinance No. 24-03-02, an Ordinance rezoning and changing the zoning map for the property located at 809 N. First St. (ID 05-28-101-001) from I-1 to R-1.

Roll Call Vote was:

Ayes: Bredeman, Connor, Gehrig, Jenkins, Sharp
VanBruwaene, D. White, T. White

Nays: None

Chairman declared motion carried.

Motion Alderperson D. White, second Alderperson T. White, that the Council approve Ordinance No. 24-03-03, an Ordinance rezoning and changing the zoning map for the vacant lot located North of 809 N. First St. (ID 05-21-361-011) from I-1 to R-1.

Roll Call Vote was:

Ayes: Bredeman, Connor, Gehrig, Jenkins, Sharp
VanBruwaene, D. White, T. White

Nays: None

Chairman declared motion carried.

PUBLIC WORKS COMMITTEE:

Motion Alderperson Sharp, second Alderperson Jenkins, that the Council approve an expenditure of \$4,400.00 payable to Engbrecht Concrete, for the installation of a curb at 130 S. Bay Dr. Payable from the Road and Bridge Fund.

Roll Call Vote was:

Ayes: Bredeman, Connor, Gehrig, Jenkins, Sharp
VanBruwaene, D. White, T. White

Nays: None

Chairman declared motion carried.

**CITY OF CHILLCOTHE
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ECONOMIC DEVELOPMENT COMMITTEE:

Motion Alderperson Connor, second Alderperson T. White, that the Council authorize the City Engineer to take the necessary steps to proceed with the bidding of the Bradley Drainage Projects.

Roll Call Vote was:

Ayes: Bredeman, Connor, Gehrig, Jenkins, Sharp
 VanBruwaene, D. White, D. White

Nays: None

Chairman declared motion carried.

PUBLIC SAFETY COMMITTEE:

Motion Alderperson Jenkins, second Alderperson T. White, that the Council approve the Special Event Request submitted from Connie Ware, for the use of Cutright Park on Saturday September 14, 2024 from 9:00 a.m. to 3:00 p.m. for "Crafts on the River" fall craft show.

Motion Carried Via Voce vote.

Motion Alderperson Jenkins, second Alderperson Bredeman, that the Council approve the Special Event Request submitted from Leann Stickel, for the use of Second Street from Shore Acres to Walnut Street, on June 8, 2024 from 8:00 a.m. to 11:00 a.m. for the "Tri to Beat MS Kids Triathlon".

Motion Carried Via Voce vote.

Motion Alderperson Jenkins, second Alderperson T. White, that the Council approve the Special Event Request submitted from Shirley Loser, for the use of City Park on March 30, 2024 from 8:00 a.m. to 1:00 p.m. for the "Easter Egg Round-Up".

Motion Carried Via Voce vote.

Motion Alderperson Jenkins, second Alderperson Bredeman, that the Council approve the Request for Live Entertainment in the outdoor pavilion as submitted by the American Legion, on March 24, 2024 from 2:00 p.m. to 6:00 p.m. for the live band "The Old Souls".

Motion Carried Via Voce vote.

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**CITY OF CHILLICOTHE
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Motion Alderperson Gehrig, second Alderperson T. White, that the Council approve the current salary of Office Manager, Chief of Police, Superintendent of Public Works and Economic Development Director be increased by 4% from January 1, 2024 through December 31, 2024, subject to standard payroll deductions and applicable State and Federal taxes.

Roll call Vote was:

Ayes: **Bredeman, Connor, Gehrig, Jenkins, Sharp
D. White, T. White**

Nays: **VanBruwaene**

Chairman declared motion carried.

Motion Alderperson D. White, second Alderperson Jenkins, to adjourn at 8:36 p.m.

Chairman Hughes declared the meeting adjourned.


Jill M. Byrnes
City Clerk



William Ohlmann

1317 N 1st St
Chillicothe, IL 61523
(309) 701-0415
will.ohlmann@gmail.com

RECEIVED
3/11/24

03/08/2024

Chillicothe City Council

Mayor Michael Hughes

Police Chief Jeremy Cooper

Zoning Officer Denise Passage

Judicial Committee Chairperson

City Attorney Kevin Day

City of Chillicothe
908 N. 2nd Street
Chillicothe, IL 61523

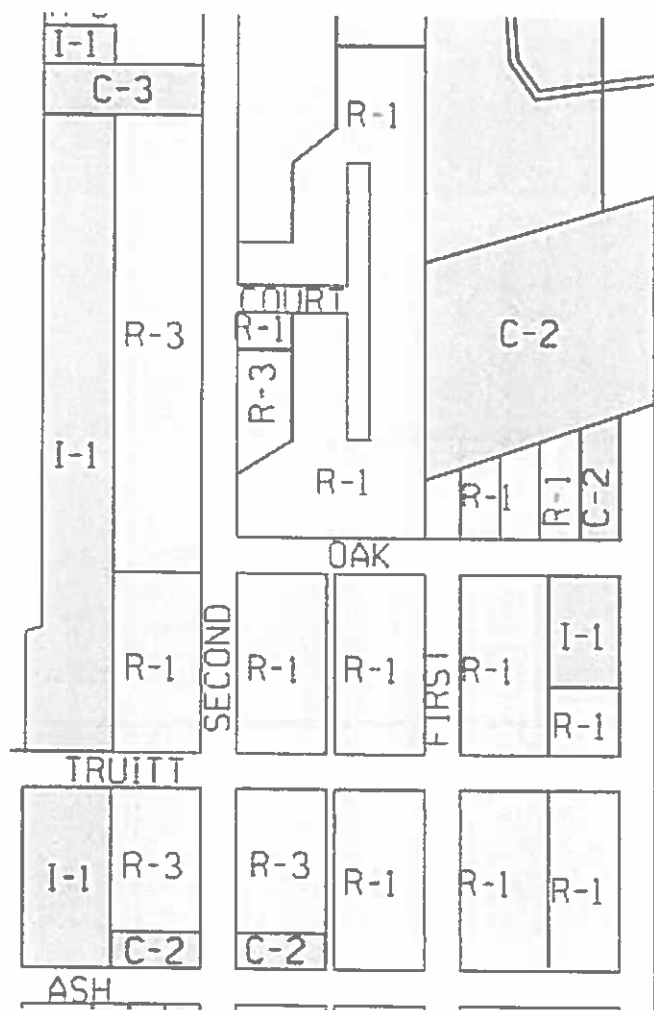
Hello Wonderful Leaders and City Council,

I write this letter today to express concern and opinions. It has been brought to my attention through "Zoning Issues" that my fence was against the code book and zoning books. I write this letter here today to request information, along with advise the council of some things!

How can one person run a business out of a house that is zoned residential? (R-1) to be exact. The addresses in question are listed below:

1. 95 W. Oak Street
2. 1314 N 1st ST

I have added a copy of the zoning map here in this letter, attached below:



If we take a look at this diagram above, both addresses are listed as R-1. When I refer to the code books for the City of Chillicothe IL, I find this.

R-1 Districts	Single-Family Residential
R-2 Districts	Two-Family Residential
R-3 Districts	Multiple-Family Residential
R-4 Districts	Multiple-Family Transfer Station
R-5 Districts	Residential Transfer Station
R-6 Districts	Urban Residential
R-7 Districts	General Residential
R-8 Districts	Office
R-9 Districts	Light Industrial
R-10 Districts	Heavy Industrial
R-11 Districts	Community Facilities
R-12 Districts	Living History Farms and Museum
R-13 Districts	Industrial Park
R-14 Districts	Agricultural
R-15 Districts	Recreational

So, the owner of Dunbar Transfer is violating the zoning section of the code book. (Article 3, sec. 106-131).

I then looked up the definition of R-1 land zoning and I find the following definitions, directly copy and pasted from the code book (Article IV sec 106-162)and find the following:

The following regulations shall apply in all R-1 districts:

- *Uses permitted: use restrictions..*
- Single-family dwellings are permitted.
- The total square-foot area of the garage may not exceed the ground floor area of the dwelling. The eave height of the garage may not exceed the average eave height of the dwelling.
- The combined total square footage of the dwelling, garages and accessory buildings may not exceed 50 percent of the square footage for the lot.
- *Floor area ratio.* The floor area ratio on a lot shall not exceed 0.5.
- *Required lot area.* Each dwelling shall be located on a lot having an area of not less than 7,500 square feet and a lot width of not less than 60 feet.
- *Yards.* Yards of the following minimum depths shall be provided:
- *Front yard.* The front yard shall be not less than 25 feet unless the dwelling unit is constructed in an established area on one side of the street between two intersecting streets which is improved with buildings that have observed a front yard depth of less than 25 feet. In such

established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building structure. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the lot, except that the building width of such lot shall not be reduced to less than 32 feet. No accessory building shall project beyond the front yard line on either street.

- *Side yards.* Each side yard shall be not less than five feet wide, and the sum of the two side yards shall not be less than 12 feet.
- *Rear yard.* The rear yard shall be not less than 20 feet, but in no event less than 20 percent of the depth of the lot.
- *Off-street parking.* Adequate off-street parking in accordance with the provisions of article VIII, division 2 of this chapter shall be provided.
- *Special uses.* A nonprofit community service agency may locate facilities on a lot having an area of not less than 10,000 square feet, provided that any structure constructed or placed thereon may not be more than two stories above the ground. In addition, there must be a minimum of a 20-foot border on any side adjacent to R-1 property. Parking shall not be allowed within the 20-foot border. Facilities so constructed within this special use shall be exempt from subsection (4) of this section (pertaining to required yards) and subsection (2) of this section (pertaining to floor area ratio).
- *Second dwelling.* A second dwelling may be constructed on a lot in the R-1 district under the following conditions:
 - Only one dwelling on the lot may be occupied;
 - The property owner must deliver to the city (i) a copy of a construction contract for the second dwelling and (ii) evidencing of financing and/or financial capacity sufficient to complete construction of the second dwelling as described in the construction contract;
 - The property owner must provide (i) an estimate of the cost of removal of the original dwelling and (ii) surety (as described in section 82-86 of the City Code) in the amount of 150 percent of such estimated removal cost; and
 - The property owner must provide evidence of appropriate insurance coverage
 - Construction of the second dwelling must be completed within one year after the date of issuance of a building permit for the second dwelling; and
 - The original home must be removed from the lot within 14 months after issuance of the building permit for the second dwelling.

Where in that section does it say that you can run a business out of a house that is zoned R-1 and STORE YOUR EQUIPMENT AND TRAILERS on that property? It does not.

So next, I went and looked up the definition of C-2 as there is a property that is zoned C-2 next to the land in question. When I find the definition of C-2 in the code book: (Article V, sec 106-192), it does not say that you can have a dump truck business and dump whatever gravel, or chip road gravel you collect down the hill that is located half on your property and half off your property. Matter of fact, being zoned C-2 according to the code book, a dump trucking business would not even fall under that.

So I looked what C-3 was, and I would agree that he needs to be zoned as either c-3 or I-1 or I-2 to be allowed to run a dump trucking business out of a house.

I do have a complaint also: In the mornings of the spring, summertime, and some of fall, Mr. Dunbar drives his heavy machinery down the road. His dump truck is loud, half the time he leaves his gate down, and it is clanging on the back of the dump truck. This wakes me, and my animals up at 5-7 am. Let alone the damage his dump truck is causing the roadway as he is driving it up a roadway that is not rated for heavy equipment.

I would also like to bring up the property and so called business at 1314 N. 1st ST, Chillicothe.

Carter's landscaping is also in violation of the codes in the ordinance books as they are zoned R-1 and according to R-1 they are not allowed to have a business out of a house.

I write this letter today to state that I want the city to confront the property owners, and that they be advised to cease operations of the businesses and fined for the times that they have been running a business out of their house illegally. I do not appreciate being singled out, and that is exactly what is happening. I am told this is complaint driven, which I understand it is...but the people doing the complaining are also in violation. That is why today, by writing this letter, I am filing a written complaint along with a paper trail that they are in violation of the ordinances, and I want accountability to be held. I am also stating that if things are not taken care of with the businesses running out of a property illegally, I will be consulting an attorney and seeking litigation.

Respectfully submitted

William Ohlmann

A concerned citizen

As Chair of the Judicial Committee, I would like for the Council and the Mayor/Liquor Commissioner to have a discussion about potential revisions to our liquor license ordinance and then refer the issue back to the Judicial Committee for any actions.

I think perhaps due to Lucky Dogs closing, it has created an interest by others to get video gaming at their establishments. I have been made aware of four businesses that want to apply for liquor and/or gaming licenses. Two of the four have actually made an application for licenses and the other two have had discussions with city hall and have been referred to the Judicial committee because each would require an ordinance change; neither of those two have approached the Judicial Committee. The two that have applied for licenses spoke today during public comment. And so, I think we should limit tonight's discussion to those two applications.

The City's ordinance controls the number of liquor and gaming establishments by putting a limit on the number of each liquor license classifications. Due to these limits, there are currently no liquor licenses available. Also, only certain liquor license classifications allow video gaming.

The two license applications in question are Beck's and Chilli Liquors. They both currently have a Class B license which allows the sale of carry-out packaged liquor but nothing poured on the premises; and gaming is not allowed. Both businesses would like to create a gaming room and, along with selling packaged liquor, also sell alcohol for consumption on their premises, and have gaming. And so, both have applied for a Class A license that allows exactly that.

Please understand that Lucky Dogs' license is expected to expire in May; but they have a Class D license for a "restaurant". And so, it really doesn't come into play for this discussion.

Class A licenses are currently limited to 10 licenses. To allow Beck's and/or Chilli Liquors to proceed, we would need to revise the ordinance to increase the stated limit to more than 10.

Questions? Discussion....

PUBLIC COMMENT

Meeting: City Council

Meeting Date: 3/11/2024

Time: 7:00pm

Place/Room: City Hall

Name

Address

Brian Dentinger
SCOTT TURNER

306 School St. Spilland, IL 61565
821 N 5th, Chilli

Jack Adkins

118 High St. G-town Hills, IL 61598

Landou Dunbar

95 W Oak St.

Daniel CARTER

1314 FIRST ST

BILL SMITH

850 E. THOMPSON ST. PRINCETON