

**CITY COUNCIL, CITY OF ROCKFORD  
JOURNAL OF PROCEEDINGS  
OCTOBER 15, 2012  
COUNCIL CONVENED AT 6:15 P.M.**

1. The invocation was given by Father Ronald Montanye, St. Sebastian Orthodox Church/ Rockford Police Chaplain and the Pledge of Allegiance was led by Council Page Yesenia Centeno.
2. Roll Call:

Mayor Lawrence Morrissey

Aldermen: Durkee, Mark, Curran, Wasco, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -13-  
Absent: Hervey -1-
3. Alderman Mark moved to accept the Journal of Proceedings of October 9, 2012 seconded by Alderman Wasco. MOTION PREVAILED (Ald. Hervey absent).

**PUBLIC PARTICIPATION**

4. Roland Poska again suggested giving high school graduates a \$100,000 interest loan and nominated for a Golden Apple Award slice every art teacher in the Rockford School District for the past 50 years.
5. Prophet Yusef wished Jennifer Cacciapaglia, City Attorney, a happy birthday and spoke about the effects of domestic violence on a community and suggested the police department adopted new policies that will take control out of the hands of the abuser.

**PETITIONS AND COMMUNICATIONS**

6. Alderman Thompson-Kelly submitted an e-mail from Angie Goral, District 7 County Board Member, thanking the City for replacing two street lights in the 1000 and 1100 block of Rockton Avenue. Referred to Public Works Department.
7. Alderman Thompson-Kelly announced the Las Palmas Nightclub will have a ribbon cutting ceremony and grand opening on October 20<sup>th</sup> at 4:00 pm at 1116 South Main Street.
8. Alderman Wasco submitted a Memorandum from Chief Derek Bergsten regarding construction of aggregate training pad with three simulation containers at Station 6, the Fire Training Academy located at 3329 West State Street. Referred to Finance and Personnel Committee.
9. Alderman Beach submitted a request from Jen Hall, in conjunction with the Miracle Mile Car Show, requesting permission to amend the date of the event from October 13, 2012 to October 20, 2012 located at 4007 East State Street, due to the event being rained out. Alderman Beach moved to grant the Prayer of the Petitioner, seconded by Alderman Mark. MOTION PREVAILED (Ald. Hervey absent).

10. Alderman Mark submitted a Memorandum from Thaddeus Mack, Planner/Building Plans Examiner, regarding Easy Street and Logistics Parkway Street Name Change. Referred to Code and Regulation Committee.
11. Alderman Mark submitted a Memorandum from Marcy Leach, Engineering Operations Manager, regarding a Vacation request for Right-of-Way adjacent to 330 11<sup>th</sup> Street. Referred to Code and Regulation Committee.
12. Alderman Mark submitted a Memorandum from Patrick Zuroske, Capital Program Manager, regarding West State Street Corridor Project: Phase I (Kent Creek to Sunset) Acquisition of Parcels through Litigation. Referred to Code and Regulation Committee.
13. Alderman Mark submitted the Rockford Traffic Commission minutes from the meeting held on October 10, 2012. Referred to Code and Regulation Committee.
14. Alderman Beach mentioned he received a letter from a constituent concerning several accidents and a rollover at an intersection near his home. Referred to Public Works Department/Jeremy Carter
15. Alderman Johnson submitted two (2) requests for service. Referred to Public Works Department.
16. Alderman Johnson submitted a request for service from Chuck Burgess, 3344 Wesleyan. Referred to Public Works Department/CIP Manager.
17. Alderman Johnson submitted a letter from Linda Ksiazek requesting follow-up to a claim she filed against a city contractor. Referred to Legal and Public Works Departments.
18. Alderman Johnson submitted an e-mail from a constituent concerning dumping on the property located at 2715 Broadway. Referred to Community Development/Code Enforcement and Police Department.
19. Alderman Johnson submitted an e-mail from a constituent with concerns about past and future businesses in his residential neighborhood not being held to the conditions of the zoning it was approved for. Referred to LAB/ZBA.

### **NEW COMMITTEE REPORTS**

#### **2012-376CR**

20. Alderman Wasco read a Finance and Personnel Committee Report recommending the award for (2) Clam Loaders be made to the lowest bidder meeting specifications, JX Peterbilt, of Rockford, Illinois for their bid of \$302,211.00. The funding source is 2013 Street Division Capital budget.

Alderman Wasco moved to suspend Rule 11, seconded by Alderman Jacobson. MOTION PREVAILED (Ald. Hervey absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -13-  
Nays: -0-  
Absent: Hervey -1-

**2012-377CR**

21. Alderman Wasco read a Finance and Personnel Committee Report recommending the award for (1) Backhoe be made to the lowest bidder meeting specifications, West Side Tractor Sales, of Rockford, Illinois for their bid of \$84,750.00. The funding source is 2013 Water Division Capital Budget.

Alderman Wasco moved to suspend Rule 11, seconded by Alderman Jacobson. MOTION PREVAILED (Ald. Hervey absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -13-  
Nays: -0-  
Absent: Hervey -1-

**2012-378CR**

22. Alderman Wasco read a Finance and Personnel Committee Report recommending the award for City-Wide Sidewalk & ADA Package J be made to the low bidder, Stenstrom Excavation, of Rockford, Illinois for their bid of \$32,690.00. The funding source is Sales Tax.

Alderman Wasco moved to suspend Rule 11, seconded by Alderman Jacobson. MOTION PREVAILED (Ald. Hervey absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -13-  
Nays: -0-  
Absent: Hervey -1-

23. Alderman Wasco moved the adoption of a Finance and Personnel Committee Report recommending approval of the total vouchers for the week of October 15, 2012 in the amount of \$1,863,488.33. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -13-  
Nays: -0-  
Absent: Hervey -1-

24. Alderman Mark read a Code and Regulation Committee Report recommending the approval of the annexation of 2824 Rice Avenue. LAID OVER.

## OFFICERS REPORTS

25. Mayor Morrissey announced he will be attending the Annual IML Conference this week in Chicago.
26. Mayor Morrissey thanked the Winnebago County Integrity Task Force for taking on the investigation of the City of Rockford officer involved shooting last week.
27. Alderman McNeely offered her condolences to the family of the young man killed in last week's shooting and mentioned she has received many concerns from community members regarding officer involved shootings involving African American males.
28. Alderman McNeely recognized Paula Hughes, Rockford Mass Transit District, in the audience and announced RMTD will be hosting an event "Get On Board" for construction industry professionals on Tuesday, October 30<sup>th</sup> from 8:00 am to 12:00 (noon) at Rock Valley College, 330 North Mulford Road. For more information contact RMTD/Paula Hughes.
29. Alderman McNeely asked how long West State Street would be closed.  
  
Tim Hanson, Public Works Director, advised West State Street will be closed until December 1, 2012 for replacement of the water main, sewer, moving electrical and for demolitions in preparation for the reconstruction project next year.
30. Alderman Johnson distributed an article from the IML Legal Brief, "New Developments Under the Open Meetings Act".
31. Alderman Johnson thanked several people for making informative presentations at the Rolling Green Neighborhood Association quarterly meeting last Tuesday.
32. Alderman Mark reported last Tuesday night he and wife Sally celebrated their 30<sup>th</sup> Wedding Anniversary.
33. Alderman Mark expressed his concern that politicians are disregarding our local ordinance regarding the size of political signs. He asked the Legal Director to comment on this issue.  
  
Patrick Hayes, Legal Director, advised Alderman Mark in early October letters were sent to all candidates on the ballot this fall advising them of our local ordinance regarding political signs. He also mentioned having communication with both Winnebago County Party Chairmen who expressed every intention to cooperate and comply with the sign ordinance.
34. Alderman Mark felt comments made in the *Rockford Register Star* article concerning the On The Waterfront removing it's property from the Ingersoll Building were troublesome and is hopeful a resolution meeting both organizations needs can be reached.

- 35. Alderman Mark thanked Tim Hanson, Director Public Works and Dan Conness, Winnebago County Highway Commissioner, for their joint efforts on the Highcrest Road project.
- 36. Alderman Thompson-Kelly thanked Booker Washington Center for hosting a Breast Cancer Awareness Luncheon on October 12, 2012 at 1:00 pm.
- 37. Alderman Thompson-Kelly advised after reading the *Register Star* article about On The Waterfront removing it's property from the Ingersoll Building, she contacted Tim Hanson, Director of Public Works, who informed her an agreement was made with On The Waterfront to move by October 15<sup>th</sup>.

### UNFINISHED BUSINESS

#### **2012-379CR**

- 38. Alderman Mark moved the adoption of a Code and Regulation Committee Report recommending the approval of the proposed ordinance prohibiting the use of groundwater for the area surrounding 310 South Avon Street. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -13-  
 Nays: -0-  
 Absent: Hervey -1-

#### **2012-380CR**

- 39. Alderman Mark moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the modification of existing liquor license to include the sale of packaged liquor with a night club in the name of **Chris Wachowiak d/b/a Kryptonite** in a C-4, Urban Mixed-Use Zoning District at 308 W. State Street. Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.
3. Inside window signage shall not exceed 35% of the window surface area.
4. The sale of package liquor shall be limited to the tenant space shown as Exhibit E as the interior floor plan or the existing Kryptonite nightclub.
5. The terms of this ordinance shall expire one year from the date of passage unless the City Council votes to extend the same by removing condition five (5).

The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED (Ald. Beach, McNeely voted no; Ald. Hervey absent)

#### **2012-381CR**

- 40. Alderman Mark moved the adoption of a Code and Regulation Committee Report recommending the approval of the attached amendments to the fee schedule. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Jacobson, Johnson, Timm, Beach, Beck, Robertson -10-  
Nays: Thompson-Kelly, Elyea, McNeely -3-  
Absent: Hervey -1-

**2012-382CR**

41. Alderman Mark moved the adoption of a Code and Regulation Committee Report recommending the approval of the attached amendments to the tobacco ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Jacobson, Johnson, Timm, Beach, Beck, Robertson -10-  
Nays: Thompson-Kelly, Elyea, McNeely -3-  
Absent: Hervey -1-

**2012-164-O**

42. Alderman Mark moved the adoption of an Ordinance amending Article 63 of the Zoning Ordinance of the City of Rockford for a Special Use Permit for outdoor storage, recycling of salvaged materials and outdoor storage area for salvaged materials in an I-2, General Industrial Zoning District at 2xx Quaker Road and 217 Peoples Avenue. Approval is subject to the following conditions:

1. That the property conform with all building and fire codes.
2. That the property conform within all State and Federal Regulations
3. That the entrance drive be improved with concrete for a distance of 100 feet from Quaker Road (including apron in right-of-way) into the site and for employee and customer parking.
4. That a subdivision plat is submitted for City Council review and approval and recordation by the applicant.
5. Prior to establishment of use, the property shall be in conformance with site plan dated August 20, 2012, including construction and obtaining occupancy of "future building" (this will require connection to public sewer and water) and that the two existing buildings on the site be raised or brought into conformance with building codes.
6. That the special use permit shall lapse after a period of five (5) years from the approval date.

Approval is based on the Findings of Fact. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Elyea, Beck, Robertson -12-  
Nays: McNeely -1-  
Absent: Hervey -1-

**2012-165-O**

43. Alderman Mark moved the adoption of an Ordinance for the sale of the City owned properties listed:

724 7<sup>th</sup> Avenue – 11-26-401-003  
713 Locust Street– 11-22-234-012  
1329 School St – 11-15-380-038  
430 Knowlton St. – 11-27-405-001  
1006 Kishwaukee St. – 11-26-408-009  
3915 Delaware – 11-20-402-014  
806 Lee Street – 11-22-205-008  
1130 Andrews St. – 11-22-131-010  
309-11 N. Horsman St.- 11-22-280-004  
903 Acorn St. – 11-22-229-022  
715 7<sup>th</sup> Avenue – 11-26-404-006

824 Lee Street – 11-22-205-004  
616 Newport Ave. – 11-20-454-006  
430 Concord Ave. – 11-20-426-007  
636 Hartford Ave – 11-20-477-013  
1027 Woodlawn Ave – 11-14-352-007  
520 Hartford Ave– 11-20-429-012  
316 Lexington Ave– 11-20-282-004  
521 College Ave – 11-26-179-005  
1326 Chestnut St. – 11-22-326-004  
218 S. Independence Ave. – 11-21-285-004

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Jacobson, Thompson-Kelly, Johnson,  
Timm, Beach, Elyea, Beck, McNeely, Robertson -13-  
Nays: -0-  
Absent: Hervey -1-

### **2012-383CR**

44. Alderman Wasco moved the adoption of a Finance and Personnel Committee Report recommending approval of the Application of Jose Rodriguez to purchase City owned property at 3417 Chestnut Street in the amount of \$350.00. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Wasco, Jacobson, Thompson-Kelly, Johnson,  
Timm, Beach, Elyea, Beck, McNeely, Robertson -13-  
Nays: -0-  
Absent: Hervey -1-

## **MOTIONS AND RESOLUTIONS**

### **2012-156R**

45. Alderman Wasco, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Central Services Manager to take bids for the following:

A. Bid: Public Works Materials, funding source: Divisional Operating Budgets

MOTION PREVAILED (Ald. Hervey absent).

## **NEW BUSINESS**

46. Alderman Mark introduced and read an Ordinance authorizing amendments to the Fee Schedule Ordinance. LAID OVER.
47. Alderman Mark introduced and read an Ordinance authorizing amendments to the Tobacco Ordinance. LAID OVER.

48. Alderman Mark introduced and read an Ordinance amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all other requirements of the Liquor Ordinance having been met, said amendment shall serve as City Council advice and consent for the Liquor Commissioner to approve the following amendments for the following establishment:

**Chris Wachowiak d/b/a Kryptonite** for modification of an existing liquor license to include the sale of packaged liquor with a nightclub at 308 West State Street. Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.
3. Inside window signage shall not exceed 35% of the window surface area.
4. The sale of package liquor shall be limited to the tenant space shown as Exhibit E as the interior floor plan or the existing Kryptonite nightclub.
5. The terms of this ordinance shall expire one year from the date of passage unless the City Council votes to extend the same by removing condition five (5).

LAID OVER.

49. Alderman Mark introduced and read an Ordinance prohibiting the use of groundwater for the area surrounding 310 South Avon Street for remedial action for the property. LAID OVER.
50. Upon motion duly made and seconded, the meeting was adjourned at 6:57 p.m.

Respectfully submitted,

Diane Reed  
City Council Clerk

[The meeting was taped in its entirety, and the tape is on file in the Legal Department]

**CITY COUNCIL, CITY OF ROCKFORD, ILLINOIS**  
**City Council Chambers, 2<sup>ND</sup> floor City Hall**  
**425 E. State Street, Rockford**  
**October 22, 2012**  
**6:00 P.M.**  
**AGENDA**

The following represents, in general, the chronological order of proceedings at the City Council meeting:

- Call to Order by the Mayor
- Invocation and Pledge of Allegiance
- Roll Call and determination of quorum
- Acceptance of Journal of Proceedings
- Public Hearing
- Public Participation
- Petitions and Communications
- Officers Reports

**UNFINISHED BUSINESS**

**I. COMMITTEE REPORTS LAID OVER OCTOBER 15, 2012**

1. Mark - Code and Regulation - Recommending the approval of the annexation of 2824 Rice Avenue.

**II. ORDINANCES LAID OVER OCTOBER 15, 2012**

1. Mark - Ordinance - Authorizing amendments to the Fee Schedule Ordinance.
2. Mark - Ordinance - Authorizing amendments to the Tobacco Ordinance.
3. Mark - Ordinance - Amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all other requirements of the Liquor Ordinance having been met, said amendment shall serve as City Council advice and consent for the Liquor Commissioner to approve the following amendments for the following establishment:

**Chris Wachowiak d/b/a Kryptonite** for modification of an existing liquor license to include the sale of packaged liquor with a nightclub at 308 West State Street. Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.
3. Inside window signage shall not exceed 35% of the window surface area.
4. The sale of package liquor shall be limited to the tenant space shown as Exhibit E as the interior floor plan or the existing Kryptonite nightclub.

5. The terms of this ordinance shall expire one year from the date of passage unless the City Council votes to extend the same by removing condition five (5).
4. Mark - Ordinance - Prohibiting the use of groundwater for the area surrounding 310 South Avon Street for remedial action for the property.

- Motions and Resolutions

**III. NEW BUSINESS** (note: Ordinances may be read in under New Business and Rule 11 suspended and final vote taken. Committee Reports would have previously been voted on).

1. Mark – Ordinance - Approval of the annexation of 2824 Rice Avenue.

\* same action taken before

- Adjournment

\* \* \* \* \*

**POSSIBLE ADDITIONAL ITEMS:**

The following items appear on the City Council Standing Committee Agendas as noted. Items may receive a vote at committee and come before the first City Council meeting held after the committee meeting. Rule 11 can be suspended and final vote taken on said items at the City Council meeting (no rule suspension is necessary to take a vote on vouchers).

**CODE AND REGULATION COMMITTEE**

**Monday, October 22, 2012, 5:15 p.m.**

**Conference Room A, City Hall 2<sup>nd</sup> floor (north room)**

**AGENDA**

1. C & R 12-181 October Traffic Commission Minutes
2. C & R 12- 182 Street Name Change for Easy Street South of Airport Drive to Samuelson Road to be named Logistics Parkway
3. C & R 12-183 Vacation Request for Right-of-Way adjacent to 3330 11<sup>th</sup> Street (1-43-1)
4. C & R 12-184 West State Street Corridor Project: Phase I (Kent Creek to Sunset) Acquisition of Parcels through Litigation
5. C & R 12-185 Closed Session for Purposes of Pending and/or Threatened Litigation

**FINANCE AND PERSONNEL COMMITTEE**  
**Monday, October 22, 2012, 5:15 p.m.**  
**Conference Room B, City Hall 2<sup>nd</sup> floor (south room)**  
**AGENDA**

1. Purchasing and Vouchers
  - A. Award of Bid: Janitorial Services
  - B. Award of Bid: Traffic Signal Electric Services
  - C. Award of Bid: Well 37 VOC Treatment – Suspend rules
  - D. Engineering Agreement: Design Engineering – EDA Airport Infrastructure Grant
  - E. Award of Sole Source Contract: Pre-Wet Material
  - F. Change Order: US Business Rt. 20 FAP Rt. 303, Sunset Avenue to Kent Creek Water & Sewer Main Reroute Project – Suspend rules
  - G. Resolution to take Bids
  - H. Vouchers
2. Intergovernmental Agreement: South Main Street Lighting & Fiber Optic – Suspend rules
3. Phase I Compensation Study - Pay for Elected Officials

**PLANNING AND DEVELOPMENT COMMITTEE**  
**Monday, October 22, 2012, 5:30 p.m.**  
**CD Conference Room, City Hall 2<sup>nd</sup> floor**  
**AGENDA**

1. Memorandum from Dwayne Collins, Grants Compliance Specialist II, Regarding the 2013 Draft Action Plan, Community Development Block Grant; HOME Investment Partnership; Emergency Solutions Grants Program.

**LEGISLATIVE LOBBYING COMMITTEE**  
**Monday, October 22, 2012, \_\_\_ p.m.**  
**Conference Room A, City Hall 2<sup>nd</sup> floor (north room)**  
**AGENDA**

No Meeting Scheduled.