

**CITY COUNCIL, CITY OF ROCKFORD  
JOURNAL OF PROCEEDINGS  
NOVEMBER 17, 2014  
COUNCIL CONVENED AT 6:39 P.M.**

1. The invocation was given by Chaplain Michael Thomas, Zion Lutheran Church and the Pledge of Allegiance was led by City Council Page Betty Medrano.
2. Roll Call:  
Mayor Lawrence Morrissey  
Aldermen: Durkee, Getchius, McNamara, Frost, Hill, Thompson-Kelly, Oddo,  
Newburg, Beach, Elyea, Beck, McNeely, Chiarelli -13-  
Absent: Hervey (late)-1-
3. Alderman Newburg moved to accept the Journal of Proceedings of November 10, 2014 seconded by Alderman Beach.

Alderman Hervey joined the meeting at 6:42 pm

Alderman Durkee moved to reconsider Item 56 of the Journal of Proceedings of the November 10, 2014 Council meeting, the committee report changing Council meeting time, seconded by Alderman Beck. MOTION PREVAILED (Ald. Beach, Newburg voted no).

Alderman Durkee made a motion to amend Section 2-27 of the City of Rockford Code of Ordinances to reflect that Council meetings be held on the first and third Monday of each month at 5:30 pm. The Legal Director shall prepare the appropriate ordinance. Seconded by Alderman Beck. The amendment was placed up for passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, Hervey, Hill, Thompson-Kelly, Oddo, Elyea, Beck, Chiarelli -9-  
Nays: McNamara, Frost, Newburg, Beach, McNeely -5-  
Absent: -0-

Alderman Elyea made a motion to amend the City Council meeting time to reflect a 6:00 pm start time, seconded by Alderman Beck. The amendment was placed up for passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, Hervey, Hill, Thompson-Kelly, Oddo, Elyea, Beck, Chiarelli -9-  
Nays: McNamara, Frost, Newburg, Beach, McNeely -5-  
Absent: -0-

**2014-304CR**

Alderman Durkee read the amended committee report; amending Section 2-27 of the City of Rockford Code of Ordinances to reflect that Council meetings be held on the first and third Monday of each month at 6:00 pm. The Legal Director shall prepare the appropriate ordinance. The amended committee report was placed up for passage.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, Hervey, Hill, Thompson-Kelly, Oddo, Elyea, Beck, Chiarelli -9-  
Nays: McNamara, Frost, Newburg, Beach, McNeely -5-  
Absent: -0-

Alderman Durkee further moved to amend the Rules of Procedure of the City Council to reflect the standing committees be held on the second and fourth Monday of each month in Council Chambers at 6:00 pm or subject to the call of the chair. The Legal Director shall prepare the appropriate ordinance. Seconded by Alderman Elyea. The amendment was placed up for passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, Hervey, Hill, Thompson-Kelly, Oddo, Elyea, Beck, Chiarelli -9-  
Nays: McNamara, Frost, Newburg, Beach, McNeely -5-  
Absent: -0-

Alderman Durkee read the amended committee report; amending the Rules of Procedure of the City Council to reflect the standing committees be held on the second and fourth Monday of each month in Council Chambers at 6:00 pm or subject to the call of the chair. The Legal Director shall prepare the appropriate ordinance. The amended committee report was placed it up for passage. MOTION FAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, Hervey, Hill, Thompson-Kelly, Oddo, Elyea, Beck, Chiarelli -9-  
Nays: McNamara, Frost, Newburg, Beach, McNeely -5-  
Absent: -0-

Alderman Durkee further moved to amend the Rules of Procedure of the City Council to reflect the appointment of a fifth member to the Planning and Development Committee. The Legal Director shall prepare the appropriate ordinance. Seconded by Alderman Beck. The amendment was placed up for passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Beck, Chiarelli -13-  
Nays: McNeely -1-  
Absent: -0-

**2014-305CR**

Alderman Durkee read the amended committee report; amend the Rules of Procedure of the City Council to reflect the appointment of a fifth member to the Planning and Development Committee. The Legal Director shall prepare the appropriate ordinance. The amended committee report was placed it up for passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, Frost, Hervey, Hill, Thompson-Kelly, Oddo,  
Newburg, Beach, Elyea, Beck, Chiarelli -12-  
Nays: McNamara, McNeely -2-  
Absent: -0-

### **PUBLIC PARTICIPATION**

4. Toby Haldeman mentioned his concern that the police department will be disbanding the Neighborhood Response Unit in mid-January and believes if a crime is captured on video, the media should broadcast it so the community is aware of the crime and possibly help identify the suspect(s).
5. John Brantley mentioned three events his youth group and some adults attended last week and he thanked YMCA, RHA and Rock River Training for providing the transportation. He mentioned future plans to have his group tour Rock Valley College and Rockford Airport and he thanked the Rock Valley Trustee Board for sponsoring his Thanksgiving dinner this Thursday.

Alderman Newburg exited the meeting at 7:26 pm.

6. Roland Poska declared Rockford is still considered the Second City in Illinois and that Rockfordian's can lead the world to do the impossible.
7. Jim Buckingham invited council members to join him in the Mayor's Office on December 4th at 9:00 am to hear his Presentation and Plan to Eliminate Disabled American Veteran Homelessness in Rockford and mentioned having conversation with Mayor Morrissey to draft a local ordinance to aid in the prevention of unacceptable displays of American flags.

### **PETITIONS AND COMMUNICATIONS**

8. Alderman Thompson-Kelly submitted a request for a street light near 3223 Blackstone. Referred to Public Works Department.
9. Alderman Thompson-Kelly invited everyone to attend Rockford's Interfaith Council's 25<sup>th</sup> Annual Thanksgiving Service to be held on Sunday, November 23, 2014 from 3:00 pm – 4:30 pm at Fisher Chapel at Rockford University.
10. Alderman Durkee submitted a Memorandum from Memo from Seth Sommer for the next round of residential properties for demolition. This is for Round 4 of the residential demolition program approved by City Council earlier this year. Referred to Planning and Development Committee.
11. Alderman Beck submitted a Memorandum from Joanne Lewis, Head Start Director, regarding an Application for Federal Grant Funds for Head Start and Early Head Start for the 2015-16 budget year for Human Services Dept. Referred to Finance and Personnel Committee.

12. Alderman Beck submitted a Memorandum from Jim Ryan, City Administrator, regarding Rockford Geographic Police District Alternatives Analysis and Miscellaneous;
  1. Lease Agreement for 724 7<sup>th</sup> Street between the City and Volant Investments 7<sup>th</sup> Street. LLC Interim District 2 location.
  2. Authorization to Negotiate Intergovernmental Agreement between the city and RPS205 for additional parking for Interim District 2 location.
  3. Change Order Approvals: Information Technology upgrades to accommodate PSB move.
  4. Authorization to Negotiate Intergovernmental Agreement between the City and Winnebago County regarding the PSB and 526 West State Street (former Ware Center).
  5. Pre-development Agreement between the City and Rockford Local Development Corporation for permanent District 2 facility at Turner School.
  6. Architectural Services Agreement for District 3 (New Towne Post Office).

Referred to Finance and Personnel Committee.

13. Alderman Chiarelli submitted the Rockford Traffic Commission minutes from the meeting held on November 12, 2014. Referred to Code and Regulation Committee.
14. Alderman Chiarelli submitted a Memorandum from Todd Cagnoni, Director Community and Economic Development, regarding ZBA #048-14, Special Use Permit for a Planned Unit Development at 6122 Mulford Village Drive be referred to Code and Regulation Committee. Item referred to Code and Regulation Committee.

### **PRESENTATION**

15. Tim Dimke, Executive Director of Rockford Park District, commended council members and city staff for their cooperation and team work with the Rockford Park District on several projects this past year. He presented Alderman Hervey with a plaque in appreciation for her enthusiasm and dedication to bring a wake park to Levings Lake Park.

### **PROCLAMATIONS**

16. Mayor Morrissey presented a Proclamation proclaiming the week of November, 17-23, 2014 to be "HUNGER AND HOMELESSNESS AWARENESS WEEK" in Rockford, Illinois and encouraged citizens to recognize that many people do not have housing and need support from the community.

## NEW COMMITTEE REPORTS

17. Alderman Durkee read a Planning and Development Committee Report recommending the rejection of all bids in response to a request for Proposals for the Redevelopment of 123 South Main Street, 134 North Main Street and 226 North Main Street. The Legal Director shall prepare the appropriate ordinance. LAID OVER.
18. Alderman Durkee read a Planning and Development Committee Report, to whom was referred the matter of the Resolution of Alderman Getchius, on the proposals for the Redevelopment of 134 North Main Street, recommending approval of the Development Agreement with Urban Equity Properties for the Redevelopment of 134 North Main Street, subject to publication for alternative proposals. LAID OVER.
19. Alderman Beck read a Finance and Personnel Committee Report having been referred the matter of the USEPA Revolving Loan Program: Indoor Sports Complex at Ingersoll, recommends the loan agreements between the City of Rockford and S. Main St. Shopping Center be approved. The Legal Director shall prepare the appropriate ordinance. LAID OVER.
20. Alderman Beck read a Finance and Personnel Committee Report recommending authority be sought for the issuance of \$12,335,000 in General Obligation Bonds (Alternate Revenue Source), which less issuance costs will provide \$12,142,000 for the Ingersoll Indoor Sports Facility project. The Legal Director shall prepare the appropriate ordinance. LAID OVER.

### **2014-306CR**

21. Alderman Beck read a Finance and Personnel Committee Report recommending approval of the Fine Reduction request for 2611 Bucknell Drive in Rockford, Illinois to \$500.00 since the property is already in compliance with the original order to repair. Any outstanding water, demo, board-up, clean-up and mow liens must be paid.

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

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Beach, Elyea, Beck, McNeely, Chiarelli -13-  
Nays: -0-  
Absent: Newburg -1-

22. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending approval of the total vouchers for the week of November 17, 2014 in the amount of \$3,972,268.65. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Beach, Elyea, Beck, McNeely, Chiarelli -13-  
Nays: -0-  
Absent: Newburg -1-

23. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY the sale of packaged liquor and APPROVE the sale of beer and wine in conjunction with a convenience store and gas station in the name of **Mac's Convenience Stores, LLC d/b/a Circle K (1437)** in a C-1, Limited Office Zoning District at 2225 West Riverside Boulevard. Approval is subject to the following conditions:
1. Meet all applicable Building and Fire Codes.
  2. Compliance with all City of Rockford Liquor and Tobacco Codes.
  3. Window display signage is limited to 35% of window area.
  4. The sale of packaged liquor shall be limited to the submitted plan Exhibit E.
  5. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
  6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
  7. That the windows shall not be covered with bars or other devices that block the windows.
  8. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
  9. Must obtain sign permit for new landmark-style free-standing sign.
  10. All conditions must be met prior to establishment of use.
  11. Hours are limited to 9:00 AM to 12:00 AM for liquor sales

The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

24. Alderman Chiarelli read a Code and Regulation Committee Report recommending the sale of vacant lot at 324 Salter Avenue, PIN #11-27-407-017, for a minimum bid of \$450.00. The Legal Director shall prepare the appropriate ordinance. LAID OVER.
25. Alderman Chiarelli read a Code and Regulation Committee Report recommending the sale of part of the vacant lot at 1015 1<sup>st</sup> Avenue, PART of PIN #11-26-231-005, for a minimum bid of \$1,000.00. The Legal Director shall prepare the necessary Ordinance. LAID OVER.
26. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of packaged liquor and sale of tobacco products in conjunction with a gas station and convenience store in the name of **Rao Ahmed for RKM Gas Corp. d/b/a RKH Gas Corp.** in a C-2, Limited Commercial Zoning District at 3005 North Rockton Avenue. Approval is subject to the following conditions:
1. Meet all Building and Fire Codes.
  2. Compliance with all City of Rockford Liquor and Tobacco Codes.
  3. The sale of tobacco products shall be limited to the interior site plan that was submitted Exhibit F.
  4. Submittal of a revised landscape plan to include removal of the raised timber planters that are to be replaced with new concrete curbed islands around the existing perimeter landscaping and plant species for Staff review and approval.

5. The hours of operation and days will be 5:00 AM to Midnight Monday through Sunday.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the window.
8. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
9. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
10. There shall be no single serving sales of beer or wine in volumes of 12 ounces or less.
11. All conditions of approval must be met by September 1, 2015.

The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

### **OFFICERS REPORTS**

27. Mayor Morrissey mentioned a Memorandum has been distributed from Chris Black, Finance Director, regarding Projections of the Redevelopment Fund.
28. Mayor Morrissey reminded council members this coming Saturday, November 22<sup>nd</sup> will be a budget meeting in Council Chambers from 8:00 am – 11:00 am. Please contact Alderman Beck or Director Black with any additional items for discussion.
29. Mayor Morrissey mentioned a Memorandum has been distributed from Jim Ryan, City Administrator, regarding Geographic Policing options and some miscellaneous items that were referred to Finance and Personnel meeting for next week.
30. Mayor Morrissey announced this Thursday, November 20, 2014 will be a second community input session for Rockford's planning for a new Multimodal Train Station from 5:00 pm – 6:30 pm at the Rockford Park District Webbs Norman Center, 401 South Main Street. For more information visit the project website; [rockfordconnections.mindmixer.com](http://rockfordconnections.mindmixer.com).
31. Mayor Morrissey recognized Lynn Stainbrook, new Executive Director of the Rockford Public Library, in attendance at tonight's council meeting. He mentioned an open house, informal Meet and Greet, will be held on November 24<sup>th</sup> at 5:00 pm at the Nordlof Center to introduce Lynn as the new Executive Director. Light refreshments will be served.
32. Mayor Morrissey advised he will be attending a press conference tomorrow, at 11:45 pm at the Chicago Metropolitan Agency for Planning Officers (CMAP), Willis Tower in Chicago. He will be joined by several dozen mayors, managers and municipal representatives to stand in opposition of statewide firefighter minimum manning legislation; urging legislators to reject HB 5484 scheduled for this week's Senate Executive Committee Hearing.
33. Alderman Elyea wished Toby Haldeman a happy birthday.

34. Alderman Elyea asked Police Chief Epperson why the Neighborhood Response Unit of the police department was disbanded and what will be taking its place.  
  
Mayor Morrissey asked Chief Epperson to follow-up with Alderman Elyea.
35. Alderman McNamara thanked Matt Vitner and Scott Sanders for their very informative presentation to the Haight Village Neighborhood Association about the Ingersoll project.
36. Alderman Thompson-Kelly reminded council members and city staff this coming Wednesday, November 19th is the annual Senior Thanksgiving luncheon at the Salvation Army, 500 Rockford Avenue at 11:00 am.
37. Alderman Thompson-Kelly thanked John and Rock Valley College for organizing the rally at the Community Center over the weekend.
38. Alderman Thompson-Kelly announced the West Gateway Coalition will host two community meetings this week, the usual Wednesday coffee meeting and an additional meeting on November 18<sup>th</sup> at Henrietta School at 6:00 pm.
39. Alderman Thompson-Kelly referred to the Memorandum from Jim Ryan, City Administrator, regarding the recommendation to use the former Ware Center, 526 West State Street as the location for the District 1 Station. She and her colleagues thought the option of the Ware Center was off the table, and all oppose this location.

Alderman Elyea exited the meeting at 7:56 pm.

### **UNFINISHED BUSINESS**

#### **2014-307CR**

40. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending the approval of the Levy Ordinance be prepared by the Finance Department in accordance with the memorandum from the Finance Director on November 3, 2014, and accepted in the amount of \$53,788,526 for the levies in the Corporate, Police Protection, Police Pension, School Crossing Guards, Fire Protection, Fire Pension, Street & Bridge, Judgments, Sanitation, Tuberculosis Sanitarium, Public Library, Public Library Maintenance of Buildings, Illinois Municipal Retirement, Unemployment Compensation, Worker's Compensation, and Auditing Funds. The final City levy amount will be established at \$47,817,294 per the memo dated November 10, 2014. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Beach, Beck, McNeely, Chiarelli -12-

Nays: -0-

Absent: Newburg, Elyea -2-

#### **2014-306R**

41. Alderman Beck moved the adoption of a Resolution for an Agreement for Document Scanning for the Police Dept. with Information Controls, of Rockford, Illinois for an

estimated additional \$90,000 and a new contract total of \$206,000. The funding source is Police Department Asset Forfeiture Funds. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Beach, Beck, McNeely, Chiarelli -12-  
Nays: -0-  
Absent: Newburg, Elyea -2-

**2014-190-O**

42. Alderman Chiarelli moved the adoption of an Ordinance amending Chapter 3, Section 3-56, Article III of the Code of Ordinances of the City of Rockford upon all other requirements of the Liquor and Tobacco Ordinance having been met, said amendments shall serve as City Council advice and consent for the Liquor Commissioner to approve the following amendments for the following establishment:

**Mac's Convenience Store LLC d/b/a Circle K (1425)** the sale of packaged beer and wine in conjunction with a gas station in a C-2, Limited Commercial Zoning District at 3819 Broadway. Approval is subject to the following conditions:

1. Must meet all applicable building, fire and tobacco codes.
2. The sale of beer and wine products shall be limited to the submitted interior floor plan Exhibit E.
3. Hours are limited to 9:00 AM to 10:00 PM for liquor sales.
4. Inside signage cannot exceed more than 35% of the window surface.
5. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. There shall be no single serving sales of beer or wine in volumes of 12 ounces or less.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Beck, McNeely, Chiarelli -11-  
Nays: Beach -1-  
Absent: Newburg, Elyea -2-

**2014-191-O**

43. Alderman Chiarelli moved the adoption of an Ordinance amending Chapter 3, Section 3-56, Article III of the Code of Ordinances of the City of Rockford upon all other requirements of the Liquor and Tobacco Ordinance having been met, said amendments shall serve as City Council advice and consent for the Liquor Commissioner to approve the following amendments for the following establishment:

**Robbin Madhok d/b/a Magnum Oil 1 Inc.** for the sale of tobacco products in conjunction with a gas station in a C-3, General Commercial Zoning District at 3299 South Alpine Road. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. That the window signage shall not exceed 35% of window area and all temporary outdoor signs shall be removed.
4. Maintenance of the landscaping area and the adjacent green area next to the residential uses must be free of debris/garbage.
5. Installation of landscaping units that have been removed along Mayflower and South Alpine Road.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into crack pipes is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. That the windows shall not be covered with bars or other devices that block the windows.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Beach, Beck, McNeely, Chiarelli -12-  
 Nays: -0-  
 Absent: Newburg, Elyea -2-

**2014-192-O**

44. Alderman Chiarelli moved the adoption of an Ordinance authorizing a Zoning Text Amendment(s) to Section 10-007-C, Conflict with Private Agreements and Covenants, Items 1 and 2 as presented:
  1. This zoning ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties, which are not in abrogation of public policy or in conflict with Article 41 of this ordinance and/or have a deleterious and blighting effect on the City. If the provisions of this zoning ordinance impose a greater restriction than imposed by a private agreement, the provisions of this zoning ordinance will control. If the provisions of a valid, enforceable private agreement impose a greater restriction than this zoning ordinance, the provisions of the private agreement will control. The city does not enforce or maintain a record of private agreements.
  2. Notwithstanding Section 10-007-C (1), and subject to the following sentence, a private agreement that purports to impose recorded negative use restrictions upon real property in the City so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator of a store in excess of 7,500 square feet has terminated operations at the site, when such uses would otherwise be permitted, including as a special use, under the Zoning Ordinance, and which negative use restriction has a term of more than one year, shall be against public policy, shall be void and unenforceable, and shall be subject to the City's remedial and enforcement powers under Section 71-003

(with each day such negative use covenant remains of record or otherwise effective constituting a separate and distinct offense). The foregoing prohibition shall not apply to an owner or operator of a grocery store or drug store which terminates operations at a site for purposes of relocating such operations into a comparable or larger store located within the city and within one-half mile of the site where operations have terminated, provided such relocation and the commencement of operations at the new site occurs within two years and the negative use restriction imposed does not have a term in excess of three years. The Zoning Officer shall have the discretion to extend the one-half mile limit set forth in the preceding sentence by one-half mile (i.e. to one mile) and to extend the two year commencement of operations by one year (i.e. to three years) upon written request of an owner or operator and such requesting party's presentation of evidence establishing extenuating circumstances that establish good cause for such extension. The requesting party shall also provide notice and a copy of such written evidence to the alderman or aldermen of the ward in which the closed store and the new store are located at the same time such submission is made to the Zoning Officer. The foregoing prohibition in this section shall apply regardless of whether the private agreement is incorporated in a deed restriction, a lease or memorandum of lease, or any recorded or unrecorded instrument.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Beach, Beck, Chiarelli -11-  
Nays: McNeely -1-  
Absent: Newburg, Elyea -2-

**2014-193-O**

45. Alderman Chiarelli moved the adoption of an Ordinance amending Article 63 of the Zoning Ordinance of the City of Rockford for a Special Use Permit for a Planned Unit Development consisting of a hotel, restaurants, private museum, large entertainment and meeting venue, and an atrium and conference center in a C-4, Urban Mixed-Use Zoning District at 416 South Main Street. Approval is subject to the following conditions:

1. Meet all Building and Fire codes
2. Submittal of building elevations for staff review and approval.
3. A landscaping plan shall be submitted for staff review and approval.
4. Submittal of a dumpster detail of the enclosure area and rendering for staff review and approval.
5. An illumination plan shall be submitted for review and approval by staff.
6. Must obtain separate permits for signage and signs must be constructed to match building design and in accordance with the Sign Ordinance.
7. Must develop site in accordance with new civil and landscaping plans approved by Staff.
8. All conditions must be met prior to establishment of use.

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

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Beach, Beck, Chiarelli -11-  
Nays: McNeely -1-  
Absent: Newburg, Elyea -2-

## **MOTIONS AND RESOLUTIONS**

### **2014-307R**

46. Alderman Beck moved the adoption of a Resolution authorizing the Mayor to execute an agreement for Ingersoll Asbestos Abatement with Colfax Corp., of Chicago, Illinois in the amount of \$127,023.00. The funding source is U.S. EPA Revolving Loan fund. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Beach, Beck, McNeely, Chiarelli -12-  
Nays: -0-  
Absent: Newburg, Elyea -2-

### **2014-308R**

47. Alderman Beck moved the adoption of a Resolution authorizing the Mayor to execute an agreement for Airport Drive Drainage Improvements with N-TRAK Group, of Loves Park, Illinois in the amount of \$186,567.85. The funding source is Sales Tax. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Beach, Beck, McNeely, Chiarelli -12-  
Nays: -0-  
Absent: Newburg, Elyea -2-

48. Alderman Beck moved the adoption of a Resolution authorizing the Community and Economic Development Department to apply to the Illinois Housing Development Authority for funds for demolition of vacant, blighted residential units under its Blight Reduction Program. Further, the attached agreement with Rockford Corridor Improvement, Inc., a not for profit corp. is approved to meet the application requirement that a not for profit be a participant in the program. Further, the Community and Economic Development Dept. and/or the City of Rockford be authorized to enter into the Partnership Agreement with Rockford Corridor Improvement, Inc. as part of the application.

Alderman Beck HELD OUT the Resolution.

## **NEW BUSINESS**

49. Alderman Beck introduced and read an Ordinance recommending the Levy Ordinance be prepared by the Finance Department in accordance with the memorandum from the Finance Director on November 3, 2014, and accepted in the amount of \$53,788,526 for the levies in the Corporate, Police Protection, Police Pension, School Crossing Guards, Fire Protection, Fire Pension, Street & Bridge, Judgments, Sanitation, Tuberculosis Sanitarium, Public Library, Public Library Maintenance of Buildings, Illinois Municipal Retirement,

Unemployment Compensation, Worker's Compensation, and Auditing Funds. The final City levy amount will be established at \$47,817,294 per the memo dated November 10, 2014. LAID OVER.

50. Alderman Beck introduced and read an Ordinance for approval of an annual levy of .10% of the value as equalized or assessed by the Department of Revenue for street and bridge purposes. LAID OVER.
51. Alderman Chiarelli introduced and read an Ordinance amending Section 2-27 of the City of Rockford Code of Ordinances to reflect that Council meetings be held on the first and third Monday of each month at 6:00 pm. LAID OVER.
52. Alderman Chiarelli introduced and read an Ordinance amending the Rules of Procedure of the City Council to reflect the appointment of a fifth member to the Planning and Development Committee. LAID OVER.
53. Upon motion duly made and seconded, the meeting was adjourned at 8:14 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**  
**November 24, 2014**  
**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
- Proclamations
- Committee Reports
- Officers Reports

**UNFINISHED BUSINESS**

**I. COMMITTEE REPORTS LAID OVER NOVEMBER 17, 2014**

1. Durkee - Planning and Development - Rejection of all bids in response to a request for Proposals for the Redevelopment of 123 South Main Street, 134 North Main Street and 226 North Main Street. The Legal Director shall prepare the appropriate ordinance.
2. Durkee - Planning and Development - Resolution of Alderman Getchius, on the proposals for the Redevelopment of 134 North Main Street, recommending approval of the Development Agreement with Urban Equity Properties for the Redevelopment of 134 North Main Street, subject to publication for alternative proposals.
3. Beck - Finance and Personnel - USEPA Revolving Loan Program: Indoor Sports Complex at Ingersoll, recommends the loan agreements between the City of Rockford and South Main Street Shopping Center be approved. The Legal Director shall prepare the appropriate ordinance.
4. Beck - Finance and Personnel – Recommending authority be sought for the issuance of \$12,335,000 in General Obligation Bonds (Alternate Revenue Source), which less issuance costs will provide \$12,142,000 for the Ingersoll Indoor Sports Facility project. The Legal Director shall prepare the appropriate ordinance.
5. Chiarelli - Code and Regulation - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council DENY the sale of packaged liquor and APPROVE the sale of beer and wine in conjunction with a convenience store and gas station in the name of

**Mac's Convenience Stores, LLC d/b/a Circle K (1437)** in a C-1, Limited Office Zoning District at 2225 West Riverside Boulevard. Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Window display signage is limited to 35% of window area.
4. The sale of packaged liquor shall be limited to the submitted plan Exhibit E.
5. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
9. Must obtain sign permit for new landmark-style free-standing sign.
10. All conditions must be met prior to establishment of use.
11. Hours are limited to 9:00 AM to 12:00 AM for liquor sales

The Legal Director is hereby instructed to prepare the necessary Ordinance.

6. Chiarelli - Code and Regulation - Sale of vacant lot at 324 Salter Avenue, PIN #11-27-407-017, for a minimum bid of \$450.00. The Legal Director shall prepare the appropriate ordinance.
7. Chiarelli - Code and Regulation - Sale of part of the vacant lot at 1015 1<sup>st</sup> Avenue, PART of PIN #11-26-231-005, for a minimum bid of \$1,000.00. The Legal Director shall prepare the necessary Ordinance.
8. Chiarelli - Code and Regulation - SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of packaged liquor and sale of tobacco products in conjunction with a gas station and convenience store in the name of **Rao Ahmed for RKM Gas Corp. d/b/a RKH Gas Corp.** in a C-2, Limited Commercial Zoning District at 3005 North Rockton Avenue. Approval is subject to the following conditions:
  1. Meet all Building and Fire Codes.
  2. Compliance with all City of Rockford Liquor and Tobacco Codes.
  3. The sale of tobacco products shall be limited to the interior site plan that was submitted Exhibit F.
  4. Submittal of a revised landscape plan to include removal of the raised timber planters that are to be replaced with new concrete curbed islands around the existing perimeter landscaping and plant species for Staff review and approval.
  5. The hours of operation and days will be 5:00 AM to Midnight Monday through Sunday.
  6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.

7. That the windows shall not be covered with bars or other devices that block the window.
8. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
9. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
10. There shall be no single serving sales of beer or wine in volumes of 12 ounces or less.
11. All conditions of approval must be met by September 1, 2015.

The Legal Director is hereby instructed to prepare the necessary Ordinance.

## **II. ORDINANCES LAID OVER NOVEMBER 17, 2014**

1. Beck - Ordinance - Recommending the Levy Ordinance be prepared by the Finance Department in accordance with the memorandum from the Finance Director on November 3, 2014, and accepted in the amount of \$53,788,526 for the levies in the Corporate, Police Protection, Police Pension, School Crossing Guards, Fire Protection, Fire Pension, Street & Bridge, Judgments, Sanitation, Tuberculosis Sanitarium, Public Library, Public Library Maintenance of Buildings, Illinois Municipal Retirement, Unemployment Compensation, Worker's Compensation, and Auditing Funds. The final City levy amount will be established at \$47,817,294 per the memo dated November 10, 2014.
2. Beck - Ordinance - Approval of an annual levy of .10% of the value as equalized or assessed by the Department of Revenue for street and bridge purposes.
3. Chiarelli - Ordinance - Amending Section 2-27 of the City of Rockford Code of Ordinances to reflect that Council meetings be held on the first and third Monday of each month at 6:00 pm.
4. Chiarelli - Ordinance - Amending the Rules of Procedure of the City Council to reflect the appointment of a fifth member to the Planning and Development Committee.

## **III. MOTIONS AND RESOLUTIONS LAID OVER NOVEMBER 17, 2014**

1. Beck - Resolution - Authorizing the Community and Economic Development Department to apply to the Illinois Housing Development Authority for funds for demolition of vacant, blighted residential units under its Blight Reduction Program. Further, the attached agreement with Rockford Corridor Improvement, Inc., a not for profit corp. is approved to meet the application requirement that a not for profit be a participant in the program. Further, the Community and Economic Development Dept. and/or the City of Rockford be authorized to enter into the Partnership Agreement with Rockford Corridor Improvement, Inc. as part of the application.

## **IV. APPOINTMENTS LAID OVER NOVEMBER 17, 2014**

- 1.\* Beck - Appointment - Electrical Commission; Mr. Andy Kwiatkowski, term ending June 2017. (Pursuant to Rule 18, this item is up for passage on November 24, 2014).

2.\* Beck - Appointment - Electrical Commission; Mr. Mark Primm, terms ending June 2017. (Pursuant to Rule 18, this item is up for passage on November 24, 2014).

**V. 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. Durkee – Ordinance - Approval of the Development Agreement with Urban Equity Properties for the Redevelopment of 134 North Main Street, subject to publication for alternative proposals.
2. Beck – Ordinance - USEPA Revolving Loan Program: Indoor Sports Complex at Ingersoll, recommends the loan agreements between the City of Rockford and South Main Street Shopping Center be approved.
3. Beck – Ordinance - Authorizing the issuance of General Obligation Bonds (Sales Tax Alternate Revenue Source) of the City of Rockford, Winnebago and Ogle Counties, Illinois, in the aggregate principal amount of not to exceed \$12,335,000, for the purpose of defraying the costs of redevelopment of the building commonly known as the “Ingersoll Building” and adjacent area to serve as a multi-purpose recreational facility.
4. Chiarelli – Ordinance - APPROVE the sale of beer and wine in conjunction with a convenience store and gas station in the name of **Mac’s Convenience Stores, LLC d/b/a Circle K (1437)** in a C-1, Limited Office Zoning District at 2225 West Riverside Boulevard. Approval is subject to the following conditions:
  1. Meet all applicable Building and Fire Codes.
  2. Compliance with all City of Rockford Liquor and Tobacco Codes.
  3. Window display signage is limited to 35% of window area.
  4. The sale of packaged liquor shall be limited to the submitted plan Exhibit E.
  5. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
  6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
  7. That the windows shall not be covered with bars or other devices that block the windows.
  8. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
  9. Must obtain sign permit for new landmark-style free-standing sign.
  10. All conditions must be met prior to establishment of use.
  11. Hours are limited to 9:00 AM to 12:00 AM for liquor sales
5. Chiarelli – Ordinance - Sale of vacant lot at 324 Salter Avenue, PIN #11-27-407-017, for a minimum bid of \$450.00.
6. Chiarelli - Ordinance- Sale of part of the vacant lot at 1015 1<sup>st</sup> Avenue, PART of PIN #11-26-231-005, for a minimum bid of \$1,000.00.

7. Chiarelli – Ordinance - APPROVE the sale of packaged liquor and sale of tobacco products in conjunction with a gas station and convenience store in the name of **Rao Ahmed for RKM Gas Corp. d/b/a RKH Gas Corp.** in a C-2, Limited Commercial Zoning District at 3005 North Rockton Avenue. Approval is subject to the following conditions:
  1. Meet all Building and Fire Codes.
  2. Compliance with all City of Rockford Liquor and Tobacco Codes.
  3. The sale of tobacco products shall be limited to the interior site plan that was submitted Exhibit F.
  4. Submittal of a revised landscape plan to include removal of the raised timber planters that are to be replaced with new concrete curbed islands around the existing perimeter landscaping and plant species for Staff review and approval.
  5. The hours of operation and days will be 5:00 AM to Midnight Monday through Sunday.
  6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
  7. That the windows shall not be covered with bars or other devices that block the window.
  8. The sale of water pipes and “huka” or “hookah” pipes are prohibited.
  9. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
  10. There shall be no single serving sales of beer or wine in volumes of 12 ounces or less.
  11. All conditions of approval must be met by September 1, 2015.

- \* 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, November 24, 2014, 5:15 p.m.**  
**Conference Room A, City Hall 2<sup>nd</sup> floor (north room)**  
**AGENDA**

1. C & R 14-210 November Traffic Commission Minutes

2. C & R 14-199 014-LTAB-033 Request for the Sale of Packaged Liquor with a gas station in a C-3, General Commercial Zoning District at 3299 South Alpine Road(**Robbin Madhok dba Magnum Oil 1, Inc., Applicant**)
3. C & R 14-211 ZBA#048-14 Special Use Permit for a Planned Unit Development consisting of two (2) buildings one for a fast food restaurant with a drive-thru, and one for commercial retail that includes an off-premise monument style free-standing business identification sign, and site, off-street parking, and landscaping plans with deviations from the regulations in a C-2, Limited Commercial Zoning District at 6122 Mulford Village Drive

### **ADDENDUM TO AGENDA**

1. C & R 14-212 Closed Session for Purposes of Pending and/or Threatened Litigation

#### **FINANCE AND PERSONNEL COMMITTEE**

**Monday, November 24, 2014, 5:15 p.m.**

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

#### **AMENDED AGENDA**

1. Purchasing and Vouchers
  - A. Award of Bid: Demolition Group 2 Batch 9A including the following properties, 625 Furman Avenue, 1132 Fairview Avenue, 1125 Blaisdell Street, and 1303 School Street to G & G Construction, of Winnebago, Illinois for their bid of \$26,500 for all of the properties
  - B. Award of Bid: Demolition Group 2 Batch 9B including the following properties, 426 N. Hinkley Avenue, 414 Orchard park Street, 419 N. Hinkley Avenue, 1328 Elm Street, and 1408 Chestnut Street to G & G Construction, of Winnebago, Illinois for their bid of \$29,200 for all of the properties
  - C. Engineering Agreement Amendment: Harrison Avenue Reconstruction with Fehr Graham for an additional amount of \$149,827.27 for additional design services and a total not-to-exceed cost of \$1,113,246.00
  - D. Change Order: Information Technology upgrades to accommodate PSB move with Kelso Burnett, of Rockford, Illinois for an additional \$43,838 and a new contract total of \$50,488, for fiber installation to connect the buildings to the City's network and NICOMM, of Machesney Park, Illinois for an additional \$55,000 and a new contract total of \$61,640 for in-building wiring for network connectivity
  - E. Vouchers in the amount of \$2,766,829.14

2. Fine Reduction Request: Residential Property at 1927 S 6<sup>th</sup> St to \$1,000.00 upon compliance with original order to repair by October 1, 2015 and payment of outstanding liens (Laid over 11/17)
3. Application for Federal Grant Funds for Head Start and Early Head Start for the 2015-16 budget year
4. Lease Agreement for 424 7<sup>th</sup> Street between the City and Volant Investments 7<sup>th</sup> Street, LLC Interim District 2 Location
5. Authorization to Negotiate Intergovernmental Agreement between the City and RPS205 for additional parking for Interim District 2 location
6. Authorization to Negotiate Intergovernmental Agreement between the City and Winnebago County regarding the PSB and 526 West State Street (former Ware Center)
7. Pre-development Agreement between the City and Rockford Local Development Corporation for permanent District 2 Facility at Turner School
8. Architectural Services Agreement for District 3 (New Town Post Office)
9. 2015 Fee Schedule

**PLANNING AND DEVELOPMENT COMMITTEE**

**Monday, November 24, 2014, 5:30 p.m.**

**CD Conference Rm., City Hall 2<sup>nd</sup> floor**

**AGENDA**

1. Memorandum from Mark Williams regarding the Rockford Enterprise Zone Designation Application.
  - a. Review of the Draft of the Designating Ordinance for the Rockford Enterprise Zone #1.
  - b. Review of the Draft of the Designating Ordinance for the Rockford I-90 Competitive Enterprise Zone.
2. Memorandum from Seth Sommer regarding Proposed Residential Properties for Demolition – Property List #4.

**LEGISLATIVE LOBBYING COMMITTEE**

**Monday, November 24, 2014, \_\_\_\_ p.m.**

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

**AGENDA**

No Meeting Scheduled.

**BUDGET MEETING**

**Saturday, November 22, 2014, 8:00 a.m.**  
**Council Chambers, City Hall 2<sup>nd</sup> floor**  
**AGENDA**

- |               |   |
|---------------|---|
| 8:00 – 8:15   | Opening Remarks, Mayor and City Administrator |
| 8:15 – 8:45   | Department Deficit Plans                      |
| 8:45 – 9:15   | Demolition Funding                            |
| 9:15 – 9:45   | Street Light Removal                          |
| 9:45 -10:00   | Break   |
| 10:00 – 10:30 | Geographic Policing and Property Update       |
| 10:30 – 11:00 | Redevelopment Fund Update                     |

***The City of Rockford intends to comply with the intent and spirit of the Americans With Disabilities Act. If a sign language interpreter, personal p.a. system, or other special accommodations are needed, please call the Legal Department at 967-6797 at least 48 hours in advance, so we can be prepared to assist you. For TTY, please call 987-5718, and staff in the Mayor's Office will advise the Legal Department of the request.***