

**CITY COUNCIL, CITY OF ROCKFORD
JOURNAL OF PROCEEDINGS
DECEMBER 8, 2014
COUNCIL CONVENED AT 6:55 P.M.**

1. Mayor Morrissey announced Scout Troop 37, St. Peter's Cathedral, will lead the Pledge of Allegiance tonight working towards their citizenship and community merit badge. The troop is one of the oldest scout troops in Rockford.
- 1a. The invocation was given by Chaplain Kenneth Hendley, Free Will Baptist Church and the Pledge of Allegiance was led by Scout Troop 37.
2. Roll Call:

Mayor Lawrence Morrissey

Aldermen: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Absent: Thompson-Kelly, Beck, McNeely -3-
3. Alderman Beach moved to accept the Journal of Proceedings of November 17, 2014 seconded by Alderman Hervey. MOTION PREVAILED (Ald. Thompson-Kelly, Beck, McNeely absent).

PUBLIC PARTICIPATION

4. John Brantley recited scripture and again spoke about two nationally publicized officer involved deaths. He invited council and community members to attend the monthly Fairgrounds Outreach Community Partner's meeting and announced this Friday at 1:00 pm will be a protest march.
5. Nelson Minter announced on Saturday, January 17, 2015 will be the 11th Annual MLK Scholarship Breakfast at Rockford University. He thanked Mayor Morrissey and Alderman Hervey for their continued support and invited council members to join Mayor Morrissey at this year's breakfast.
6. Toby Haldeman thanked police officers for helping him fend off an attack by two pit bulls near his home. He also mentioned the two nationally publicized officer involved deaths and suggested that protesters use the mantra "You can't fight the ride, but you can fight the charge".

PETITIONS AND COMMUNICATIONS

7. Alderman Durkee submitted a Memorandum from Marcy Leach regarding Adoption of the 2014 Winnebago County Multi-Hazard Mitigation Plan. Referred to Planning and Development Committee.
8. Alderman Durkee submitted a Memorandum from David Sidney regarding Redevelopment Proposal for the Southeast Quadrant of North Main and Auburn Streets. Referred to Planning and Development Committee.

9. Alderman Hervey submitted a Memorandum from Julia Valdez, Human Resource Director, regarding Renewal of agreements with Nationwide for Stop Loss Insurance for the City's medical plan, Renewal of agreements with Safety National for Stop Loss Insurance for the City's Worker's Compensation program, and Renewal of agreements with Express Scripts as the Pharmacy Benefit Manager for the City's prescription drug benefit. Referred to Finance and Personnel Committee.
10. Alderman Hervey submitted a Memorandum from Marcy Leach, Engineering Operations Manager, regarding Intergovernmental Agreement with RMTD for Rockford Regional Multi-Modal Transportation Center. Referred to Finance and Personnel Committee.
11. Alderman Chiarelli submitted a Memorandum from Mark Rose, Land Acquisition Officer, regarding the Harrison Avenue Project, 1900 Harrison Avenue. Referred to Code and Regulation Committee.
12. Alderman Chiarelli submitted a Memorandum from Angela Hammer, Assistant City Attorney, regarding BASSET Training (Beverage Alcohol Sellers and Serves Education and Training). Referred to Code and Regulation Committee.
13. The Council Clerk noted today the Legal Department received a copy of the City of Rockford Emergency Operations Plan. Placed on File in the Legal Department.

NEW COMMITTEE REPORTS

14. Alderman Hervey read a Finance and Personnel Committee Report recommending the tax levied under the Bond issues be abated in the amounts as indicated. The Legal Director is authorized to prepare the required Abatement Ordinance. LAID OVER.
15. Alderman Hervey read a Finance and Personnel Committee Report recommending approval of the 2015 License and Fee Schedule as amended to only include water rate increases. The Legal Director shall prepare the appropriate ordinance. LAID OVER.
16. Alderman Hervey read a Finance and Personnel Committee Report recommending that the 2015 budget be adopted in accordance to the memorandum from Chris Black, Finance Director, dated December 8, 2014 and that the Budget Officer be directed to prepare the necessary Appropriation Ordinance. LAID OVER.
17. Alderman Hervey moved the adoption of a Finance and Personnel Committee Report recommending approval of the total vouchers for the week of December 8, 2014 in the amount of \$2,813,488.92. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -10-

Nays: -0-

Abstain: Frost -1-

Absent: Thompson-Kelly, Beck, McNeely -3-

18. Alderman Chiarelli read a Code and Regulation Committee Report REVERSING the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY a Modification of existing liquor license to extend business hours to Monday through Thursday, 10:00 am to 12:00 am (midnight); Friday and Saturday, 10:00 am – 2:00 am; and Sunday, 11:00 am – 12:00 am (midnight) in the name of Neel Patel d/b/a Rock Liquor and Wine in a C-2, Limited Commercial Zoning District at 3840 Broadway.

LAID OVER.

19. Alderman Chiarelli read a Code and Regulation Committee Report recommending approval of the annexation of property commonly known as 13xx Banks Street. LAID OVER.
20. Alderman Chiarelli read a Code and Regulation Committee Report recommending approval of the annexation of property commonly known as 32xx Prairie Road. LAID OVER.
21. Alderman Chiarelli read a Code and Regulation Committee Report recommending approval of the annexation of property commonly known as 1317 Linda Avenue. LAID OVER.
22. Alderman Chiarelli read a Code and Regulation Committee Report recommending approval of the amendment(s) to Section 17-41(m) of the City of Rockford Code of Ordinances; Vehicle Seizure and Impoundment. (READ IN IN ERROR)
23. Alderman Chiarelli read a Code and Regulation Committee Report recommending the proposed amendment to Section 105-85 of the City of Rockford Code of Ordinances; Automatic Fire Sprinkler Systems in one and two family dwellings and townhouses. LAID OVER.

2014-325CR

24. Alderman Chiarelli read a Code and Regulation Committee Report recommending approval of the acquisition of real properties pertaining to the Harrison Avenue Project.
 1. It is hereby determined that it is necessary and desirable that the City of Rockford shall acquire the real property commonly known as 2710 11th Street, which said properties are necessary, useful, advantageous and desirable to the Harrison Avenue Project.
 2. City staff shall make final offers to acquire the parcels identified as 2710 11th Street.
 3. In the event final offers are rejected or generate no response, the Legal Director is hereby directed to file eminent domain proceedings to acquire the properties.

The Legal Director shall prepare the appropriate ordinance.

Alderman Chiarelli moved to suspend Rule 11, seconded by Alderman Durkee. MOTION PREVAILED (Ald. Thompson-Kelly, Beck, McNeely absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

25. Alderman Durkee read a Planning and Development Committee Report regarding the matter of the Response to Request for Proposals for 123 South Main Street and 134 North Main Street hereby begs leave to report recommending approval of the attached Development Agreement between NEWCO, LLC and the City of Rockford. The Legal Director shall prepare the appropriate ordinance. LAID OVER for 30 days.
26. Alderman Durkee read a Planning and Development Committee Report regarding the matter of the proposal for the Redevelopment of 134 North Main Street hereby begs leave to report recommending that should Council reject the Agreement with NEWCO, LLC, then the Council shall approve the Development Agreement with Maccabee Capital, LLC for the Redevelopment of 134 North Main Street. The Legal Director shall prepare the appropriate ordinance. LAID OVER for 30 days.

2014-326CR

27. Alderman Durkee read a Planning and Development Committee Report regarding the matter of the Rockford Enterprise Zone #1 Designating Ordinance hereby begs leave to report recommending approval of the attached ordinance. The Legal Director shall prepare the appropriate ordinance.

Alderman Durkee moved to suspend Rule 11, seconded by Alderman McNamara. MOTION PREVAILED (Ald. Thompson-Kelly, Beck, McNeely absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

2014-327CR

28. Alderman Durkee read a Planning and Development Committee Report regarding the matter of the Rockford I-90 Competitive Enterprise Zone Designating Ordinance hereby begs leave to report recommending approval of the approval of the ordinance. The Legal Director shall prepare the appropriate ordinance.

Alderman Durkee moved to suspend Rule 11, seconded by Alderman McNamara. MOTION PREVAILED (Ald. Thompson-Kelly, Beck, McNeely absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

OFFICERS REPORTS

29. Mayor Morrissey advised today he issued an emergency suspension of the SportsPage liquor license requiring the SportsPage to close for seven consecutive days from December 8th to December 15, 2014 based on the number of calls for service during the past six months and recent incident on Saturday. A hearing before the Rockford Liquor Commission is scheduled for Thursday, December 11, 2014 at 3:00 pm in Council Chambers.
30. Mayor Morrissey acknowledged receipt of letters from the Rockford Police and Rockford Firefighters Pension Funds regarding the tax levy requests for the two funds. Placed on file in Legal Department.
31. Alderman Elyea reminded council members and city staff that next Monday, December 15th is the Council Holiday Party at Minglewood, 510 East State Street.
32. Legal Director Patrick Hayes noted agenda item I. 7 incorrectly states that it would require a 2/3 vote of city council; a simple majority vote would be in order.

UNFINISHED BUSINESS

2014-328CR

33. Alderman Durkee moved the adoption of a Planning and Development Committee Report recommending approval of the East State/Mulford TIF Redevelopment Agreement with Machesney Investment, LLC for Repurposing 175 Executive Parkway for New State-of-the-Art Call Center. The Legal Director shall prepare the appropriate ordinance. MOTION PREVAILED (Ald. Hervey vote no; Alderman Thompson-Kelly, Beck, McNeely absent).

2014-329CR

34. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending approval of the Final Plat #2 of Aspling Subdivision located in the 4800 block of Linden Road. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

2014-330CR

35. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE a Special Use Permit for an off-premise business identification sign; and REVERSE to APPROVE a Variation to increase maximum sign height from 8' to 30' and REVERSE to APPROVE a Variation to increase maximum sign square footage from 64 square feet to 390 square feet in a C-2, Limited Commercial Zoning District at 4xx North Mulford Road, 6102, 6022 Mulford Village and 175 Executive Parkway. Approval is subject to the following conditions:

1. A final submittal of sign elevation for Staff's review and approval.
2. Submittal of a site plan showing the required setback for the proposed free-standing sign.
3. Advertisement for the free-standing sign shall be limited to the businesses located in Lots 1-3 as shown on Exhibit D.

Approval is based on the attached Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -10-
 Nays: Hervey -1-
 Absent: Thompson-Kelly, Beck, McNeely -3-

2014-331CR

36. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY the sale of tobacco products in conjunction with a retail store and tobacco store in the name of Taw Rig Alkaramia d/b/a Start Now Tobacco, Inc., in a C-3, General Commercial Zoning District at 111 North Alpine Road. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Chiarelli -10-
 Nays: Elyea -1-
 Absent: Thompson-Kelly, Beck, McNeely -3-

2014-332CR

37. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of tobacco products in conjunction with a gas station in the name of **Rashid Mehmood d/b/a Aaliya Corporation** in a C-3, Commercial General Zoning District at 913 Kilburn Avenue. The Legal Director is hereby instructed to prepare the necessary Ordinance. Approval is subject to the following conditions:

1. Meeting 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 civil plan to include improvements to the parking lot and eight (8) parking spaces.
5. Submittal of a revised landscape plan to include perimeter landscaping along Kilburn Avenue and Whitman Street, interior islands, open green space, removal of the raised timber planter the is replaced with a new concrete curbed island around the existing perimeter landscaping at the southwest corner of the property, and plant species for Staff review and approval.
6. Submittal of a dumpster detail, rendering and dumpster enclosure permit for Staff's review and approval.

7. The hours of operation and days will be 5:00 am – 3:00 am Monday through Sunday.
8. 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.
9. That the windows shall not be covered with bars or other devices that block the window.
10. The sale of water pipes and “huka” or “hookah” pipes are prohibited.
11. Window display signage is limited to 35% of window area.
12. The conditions of approval shall be met by May 1, 2015.
13. The tobacco license issued in 014-LTAB-030 on September 15, 2014 for 913 Kilburn Avenue is void.

The Legal Director shall prepare the appropriate ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
 Nays: -0-
 Absent: Thompson-Kelly, Beck, McNeely -3-

2014-333CR

38. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report REVERSING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of packaged liquor with a gas station in the name of **Robbin Madhok d/b/a Magnum Oil 1**, in a C-3, General Commercial Zoning District and R-4, Multi-Family Residential 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 Liquor Codes.
3. The hours of operation to be in accordance with the Liquor Code.
4. The sale of liquor shall be limited to the interior floor plan that will not exceed more than 10% of floor area.
5. That the window signage shall not exceed 35% of window area and all temporary outdoor signs shall be removed.
6. Daily maintenance of the landscaping areas, including the green space on the west adjacent to the residential use, so that the areas are free of garbage and debris.
7. The existing fence along the western property line must be maintained in satisfactory condition. Any portion of the fence in disrepair shall be repaired and/or replaced by May 1, 2015.
8. Submittal of a landscaping plan indicating existing and proposed landscaping units per the ordinance for staff review and approval by January 31, 2015.
9. Installation of required landscaping by May 1, 2015.
10. 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.
11. The sale of water pipes and “huka” or “hookah” pipes are prohibited.

12. That the windows shall not be covered with bars or other devices that block the windows.

The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Chiarelli -9-
Nays: Beach, Elyea -2-
Absent: Thompson-Kelly, Beck, McNeely -3-

39. Alderman Chiarelli moved the adoption of an Ordinance amending Chapter 16, Schedule Section 291 of the Code of Ordinances of the City of Rockford to add the following:

That all traffic be required to stop prior to entering the intersection of Halsted Road and Ridge Avenue, thus repealing the existing 2-Way Stop sign control.

MOTION FAILED by a Roll Call vote of:

Ayes: Getchius, McNamara, Oddo -3-
Nays: Durkee, Frost, Hervey, Hill, Newburg, Beach, Elyea, Chiarelli -8-
Absent: Thompson-Kelly, Beck, McNeely -3-

2014-208-O

40. Alderman Chiarelli moved the adoption of an Ordinance amending Chapter 16, Schedule Section 280 of the Code of Ordinances of the City of Rockford to add the following:

"No Parking Anytime" restriction on the north side (inside) of Sun Valley Terrace from Halsted Road thru the cul-de-sac.

"No Parking Anytime restriction except Para-Transit" on the south side of 13th Avenue from 17th Street to 40 feet east of 17th Street.

"No Parking Anytime" on both sides of Villanova Drive from Charles Street to 160 feet north of Charles Street.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

2014-334CR

41. Alderman Hervey moved the adoption of a Finance and Personnel Committee Report recommending a reduction in the outstanding code hearing fines and penalties for 7392 Ryebrook Road to \$500.00 since the property is in compliance. Any outstanding water, clean-up, demolition, board-up, and mow liens must be paid. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

2014-209-O

42. Alderman Hervey moved the adoption of an Ordinance authorizing the Human Services Director to submit an application for Head Start and Early Head Start funding for the 2015-2016 budget year for the Human Services Department. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

MOTIONS AND RESOLUTIONS

2014-323R

43. Alderman Hervey, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor to execute an agreement for Cessna Drive Water Main and Well 24 Pavement Improvements with Northern Illinois Service, of Rockford, Illinois for their bid of \$598,643.00. The funding source is Water Replacement and Improvement Account (WRIA). MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

2014-324R

44. Alderman Hervey, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor to execute an agreement for Fire Department Sprinkler Installation with Automatic Fire Systems, of Rockford, Illinois for their total bid of \$244,305.00 for Fire Stations #4, #6, #9, and #11. The funding source is FEMA Grant. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

2014-325R

45. Alderman Hervey, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor to execute an agreement for Fire Station Parking Lots Resurfacing with Stenstrom Excavation for their bid of \$152,112 for Stations #4, #5, and the Fire Shop will be repaved. The funding source is DCEO Grant. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

2014-326R

46. Alderman Chiarelli, on behalf of the Code and Regulation Committee, moved the adoption of a Resolution that the City Council of the City of Rockford will not hold a meeting the week of December 22, 2014. MOTION PREVAILED (Ald. Thompson-Kelly, Beck, McNeely absent).

Alderman Newburg asked if the committee meetings would be cancelled as well.

Legal Director Patrick Hayes advised that is at the discretion of the committee chairmen.

Mayor Morrissey added it is his understanding that the committee chairmen plan on cancelling the meeting for that week.

NEW BUSINESS

2014-210-O

47. Alderman Durkee introduced and read an Ordinance approving the East State/Mulford TIF Redevelopment Agreement with Machesney Investment, LLC with First Rockford Group for Repurposing 175 Executive Parkway for New State-of-the-Art Call Center Agreement.

Alderman Durkee moved to suspend Rule 11, seconded by Alderman Chiarelli. MOTION PREVAILED (Ald. Thompson-Kelly, Beck, McNeely absent). The Ordinance was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -9-
Nays: Frost, Hervey -2-
Absent: Thompson-Kelly, Beck, McNeely -3-

2014-211-O

48. Alderman Durkee introduced and read an Ordinance for the approval of the Rockford Enterprise Zone #1 Designating Ordinance.

Alderman Durkee moved to suspend Rule 11, seconded by Alderman Chiarelli. MOTION PREVAILED (Ald. Thompson-Kelly, Beck, McNeely absent). The Ordinance was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

2014-212-O

49. Alderman Durkee introduced and read and Ordinance for the approval of the Rockford I-90 Competitive Enterprise Zone Designating Ordinance.

Alderman Durkee moved to suspend Rule 11, seconded by Alderman Chiarelli. MOTION PREVAILED (Ald. Thompson-Kelly, Beck, McNeely absent). The Ordinance was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg, Beach, Elyea, Chiarelli -11-

Nays: -0-

Absent: Thompson-Kelly, Beck, McNeely -3-

- 50 Alderman Chiarelli introduced and read an Ordinance amending Article 64 and Article 63 of the Zoning Ordinance of the City of Rockford for a Special Use Permit for an off-premise business identification sign; and a Variation to increase maximum sign height from 8 feet to 30 feet; a Variation to increase maximum sign square footage from 64 square feet to 390 square feet in a C-2, Limited Commercial Zoning District at 422 North Mulford Road, 6102, 6122 Mulford Village and 175 Executive Parkway. Approval is subject to the following conditions:

1. A final submittal of sign elevation for Staff's review and approval.
2. Submittal of a site plan showing the required setback for the proposed free-standing sign.
3. Advertisement for the free-standing sign shall be limited to the businesses located in Lots 1-3 as shown on Exhibit D.

Approval is based on the attached Findings of Fact. LAID OVER.

51. Alderman Chiarelli introduced and read an Ordinance amending Chapter 3, Section 3-56, Article III of the Code of Ordinances of the City of Rockford upon all other requirements 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:

Rashid Mehmood d/b/a Aaliya Corporation for the sale of tobacco products in conjunction with a gas station in a C-3, Commercial General Zoning District at 913 Kilburn Avenue. Approval is subject to the following conditions:

1. Meeting 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 civil plan to include improvements to the parking lot and eight (8) parking spaces.
5. Submittal of a revised landscape plan to include perimeter landscaping along Kilburn Avenue and Whitman Street, interior islands, open green space, removal of the raised timber planter the is replaced with a new concrete curbed island around

- the existing perimeter landscaping at the southwest corner of the property, and plant species for Staff review and approval.
6. Submittal of a dumpster detail, rendering and dumpster enclosure permit for Staff's review and approval.
 7. The hours of operation and days will be 5:00 am – 3:00 am Monday through Sunday.
 8. 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.
 9. That the windows shall not be covered with bars or other devices that block the window.
 10. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
 11. Window display signage is limited to 35% of window area.
 12. The conditions of approval shall be met by May 1, 2015.
 13. The tobacco license issued in 014-LTAB-030 on September 15, 2014 for 913 Kilburn Avenue is void.

LAID OVER.

52. Alderman Chiarelli introduced and read an Ordinance amending Chapter 3, Section 3-56, Article III of the Code of Ordinances of the City of Rockford upon all other requirements 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:

Robbin Madhok for Magnum Oil 1, Inc. for the sale of packaged liquor with a gas station in a C-3, General Commercial Zoning District and R-4, Multi-Family Residential 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 Liquor Codes.
3. The hours of operation to be in accordance with the Liquor Code.
4. The sale of liquor shall be limited to the interior floor plan that will not exceed more than 10% of floor area.
5. That the window signage shall not exceed 35% of window area and all temporary outdoor signs shall be removed.
6. Daily maintenance of the landscaping areas, including the green space on the west adjacent to the residential use, so that the areas are free of garbage and debris.
7. The existing fence along the western property line must be maintained in satisfactory condition. Any portion of the fence in disrepair shall be repaired and/or replaced by May 1, 2015.
8. Submittal of a landscaping plan indicating existing and proposed landscaping units per the ordinance for staff review and approval by January 31, 2015.
9. Installation of required landscaping by May 1, 2015.
10. 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.
11. The sale of water pipes and "huka" or "hookah" pipes are prohibited.

12. That the windows shall not be covered with bars or other devices that block the windows.

LAID OVER.

2014-213-O

53. Alderman Chiarelli introduced and read an Ordinance for the acquisition of real property commonly known as 2710 11th Street and said property is necessary, useful, advantageous and desirable to the Harrison Avenue Project.

1. It is hereby determined that it is necessary and desirable that the City of Rockford shall acquire the real property commonly known as 2710 11th Street, which said properties are necessary, useful, advantageous and desirable to the Harrison Avenue Project.
2. City staff shall make final offers to acquire the parcels identified as 2710 11th Street.
3. In the event final offers are rejected or generate no response, the Legal Director is hereby directed to file eminent domain proceedings to acquire the properties.

Alderman Chiarelli moved to suspend Rule 11, seconded by Alderman Beach. MOTION PREVAILED (Ald. Thompson-Kelly, Beck, McNeely absent). The Ordinance was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Oddo, Newburg,
Beach, Elyea, Chiarelli -11-
Nays: -0-
Absent: Thompson-Kelly, Beck, McNeely -3-

54. Upon motion duly made and seconded, the meeting was adjourned at 7:47 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, 2ND floor City Hall
425 E. State Street, Rockford
December 15, 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

I. PUBLIC HEARING – Conduct a Public Hearing Concerning The Intent To Sell Not To Exceed \$12,335,000 General Obligation Bonds (Sales Tax Alternative Revenue Source)

- Public Participation
- Petitions and Communications
- Proclamations
- Committee Reports
- Officers Reports

UNFINISHED BUSINESS

II. COMMITTEE REPORTS LAID OVER DECEMBER 8, 2014

1. Hervey - Finance and Personnel - Tax levied under the Bond issues be abated in the amounts as indicated. The Legal Director is authorized to prepare the required Abatement Ordinance.
2. Hervey – Finance and Personnel – APPROVE the 2015 License and Fee Schedule as amended to only include water rate increases. The Legal Director shall prepare the appropriate ordinance.
3. Hervey - Finance and Personnel – APPROVE the 2015 budget be adopted in accordance to the memorandum from Chris Black, Finance Director, dated December 8, 2014 and that the Budget Officer be directed to prepare the necessary Appropriation Ordinance.
4. Chiarelli - Code and Regulation - REVERSING the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY a Modification of existing liquor license to extend business hours to Monday through Thursday, 10:00 am to 12:00 am (midnight); Friday and Saturday, 10:00 am – 2:00 am; and Sunday, 11:00 am – 12:00 am

- (midnight) in the name of Neel Patel d/b/a Rock Liquor and Wine in a C-2, Limited Commercial Zoning District at 3840 Broadway.
5. Chiarelli - Code and Regulation - Recommending approval of the annexation of property commonly known as 13xx Banks Street.
 6. Chiarelli - Code and Regulation - Recommending approval of the annexation of property commonly known as 32xx Prairie Road.
 7. Chiarelli - Code and Regulation - Recommending approval of the annexation of property commonly known as 1317 Linda Avenue.
 8. Chiarelli - Code and Regulation - Recommending the proposed amendment to Section 105-85 of the City of Rockford Code of Ordinances; Automatic Fire Sprinkler Systems in one and two family dwellings and townhouses.
 9. Durkee - Planning and Development - Matter of the Response to Request for Proposals for 123 South Main Street and 134 North Main Street hereby recommending approval of the attached Development Agreement between NEWCO, LLC and the City of Rockford. The Legal Director shall prepare the appropriate ordinance. LAID OVER FOR 30 DAYS (Item up for passage on January 20, 2015)
 10. Durkee - Planning and Development - Matter for proposal for the Redevelopment of 134 North Main Street hereby begs leave to report recommending that should Council reject the Agreement with NEWCO, LLC, then the Council shall approve the Development Agreement with Maccabee Capital, LLC for the Redevelopment of 134 North Main Street. The Legal Director shall prepare the appropriate ordinance. LAID OVER FOR 30 DAYS (Item up for passage on January 20, 2015)

III. ORDINANCES LAID OVER DECEMBER 8, 2014

1. Chiarelli - Ordinance - Amending Article 64 and Article 63 of the Zoning Ordinance of the City of Rockford for a Special Use Permit for an off-premise business identification sign; and a Variation to increase maximum sign height from 8 feet to 30 feet; a Variation to increase maximum sign square footage from 64 square feet to 390 square feet in a C-2, Limited Commercial Zoning District at 422 North Mulford Road, 6102, 6122 Mulford Village and 175 Executive Parkway. Approval is subject to the following conditions:
 1. A final submittal of sign elevation for Staff's review and approval.
 2. Submittal of a site plan showing the required setback for the proposed free-standing sign.
 3. Advertisement for the free-standing sign shall be limited to the businesses located in Lots 1-3 as shown on Exhibit D.

Approval is based on the attached Findings of Fact.
2. Chiarelli - Ordinance - Amending Chapter 3, Section 3-56, Article III of the Code of Ordinances of the City of Rockford upon all other requirements 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:

Rashid Mehmood d/b/a Aaliya Corporation for the sale of tobacco products in conjunction with a gas station in a C-3, Commercial General Zoning District at 913 Kilburn Avenue. Approval is subject to the following conditions:

1. Meeting 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 civil plan to include improvements to the parking lot and eight (8) parking spaces.
 5. Submittal of a revised landscape plan to include perimeter landscaping along Kilburn Avenue and Whitman Street, interior islands, open green space, removal of the raised timber planter the is replaced with a new concrete curbed island around the existing perimeter landscaping at the southwest corner of the property, and plant species for Staff review and approval.
 6. Submittal of a dumpster detail, rendering and dumpster enclosure permit for Staff's review and approval.
 7. The hours of operation and days will be 5:00 am – 3:00 am Monday through Sunday.
 8. 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.
 9. That the windows shall not be covered with bars or other devices that block the window.
 10. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
 11. Window display signage is limited to 35% of window area.
 12. The conditions of approval shall be met by May 1, 2015.
 13. The tobacco license issued in 014-LTAB-030 on September 15, 2014 for 913 Kilburn Avenue is void.
3. Chiarelli - Ordinance - Amending Chapter 3, Section 3-56, Article III of the Code of Ordinances of the City of Rockford upon all other requirements 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:

Robbin Madhok for Magnum Oil 1, Inc. for the sale of packaged liquor with a gas station in a C-3, General Commercial Zoning District and R-4, Multi-Family Residential 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 Liquor Codes.
3. The hours of operation to be in accordance with the Liquor Code.
4. The sale of liquor shall be limited to the interior floor plan that will not exceed more than 10% of floor area.
5. That the window signage shall not exceed 35% of window area and all temporary outdoor signs shall be removed.

6. Daily maintenance of the landscaping areas, including the green space on the west adjacent to the residential use, so that the areas are free of garbage and debris.
7. The existing fence along the western property line must be maintained in satisfactory condition. Any portion of the fence in disrepair shall be repaired and/or replaced by May 1, 2015.
8. Submittal of a landscaping plan indicating existing and proposed landscaping units per the ordinance for staff review and approval by January 31, 2015.
9. Installation of required landscaping by May 1, 2015.
10. 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.
11. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
12. That the windows shall not be covered with bars or other devices that block the windows.

IV. APPOINTMENTS LAID OVER DECEMBER 8, 2014

1. Mayor Morrissey – Re-appointment – Airport Authority Board; Mr. Kenneth Edward Copeland for a term ending May 2017. (Pursuant to Rule 18, this item is up for passage on January 5, 2014).

- Resolutions

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).

* same action taken before

1. Hervey - Ordinance - Tax levied under the Bond issues be abated in the amounts as indicated.
2. Hervey – Ordinance - 2015 License and Fee Schedule as amended to only include water rate increases.
3. Hervey – Ordinance - 2015 budget be adopted in accordance to the memorandum from Christ Black, Finance Director, dated December 8, 2014.
4. Chiarelli – Ordinance - Annexation of property commonly known as 13xx Banks Street.
5. Chiarelli – Ordinance - Annexation of property commonly known as 32xx Prairie Road.
6. Chiarelli – Ordinance - Annexation of property commonly known as 1317 Linda Avenue.
7. Chiarelli – Ordinance - Amendment to Section 105-85 of the City of Rockford Code of Ordinances; Automatic Fire Sprinkler Systems in one and two family dwellings and townhouses.

8. Closed Session for the Purposes of Pending Litigation: 09-cv-50236 Estate of Barmore v. City Of Rockford, et al.

* 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, December 15, 2014, 5:00 p.m.

Conference Room A, City Hall 2nd floor (north room)

AGENDA

1. C & R 14-170 Vacation Request for a Portion of Right-of-Way Adjacent to 2514 Kilburn Avenue
2. C & R 14-224 Amendment of Liquor Code to include BASSET Training for Liquor License Holders
3. C & R 14-225 Memorandum from Mark Rose Re: Acquisition of 1900 Harrison Avenue for the Harrison Avenue Project
4. C & R 14-111 Amendment to 17-41(m) of the City of Rockford Code of Ordinances [Vehicle Seizure & Impoundment]
5. C & R 13-111 Public Safety Report

FINANCE AND PERSONNEL COMMITTEE

Monday, December 15, 2014, 5:15 p.m.

Conference Room B, City Hall 2nd floor (south room)

AGENDA

1. Purchasing and Vouchers
 - A. Award of Contract Renewal: Stop Loss Insurance for City's Medical Plan with Nationwide for an estimated annual cost of \$541,813 (\$20.36 single, \$46.35 family)

- B. Award of Contract Renewal: Stop Loss Insurance for City's Worker's Compensation Program with Safety National for an estimated annual premium of \$149,802 based on current payroll
 - C. Award of Contract Renewal: Pharmacy Benefit Manager for City's Prescription Drug Benefit with Express Scripts for an average expense of \$2.7 million annually
 - D. Engineering Agreement Amendment: Ingersoll Downtown Sports Complex with Sink Combs Dethlefs in the amount of \$327,622 and an amended contract amount of \$1,397,422.00
 - E. Vouchers in the amount of \$2,021,377.57
2. Intergovernmental Agreement with RMTD for Rockford Regional Multi-Modal Transportation Center for a total of \$3,320,825 to design, construct, and maintain the RRMTC
 3. 2015 Fee Schedule
 4. Supplemental Appropriation Ordinance

PLANNING AND DEVELOPMENT COMMITTEE

Monday, December 15, 2014, 5:15 p.m.

CD Conference Rm., City Hall 2nd floor

AGENDA

1. Memorandum David Sidney regarding Redevelopment Proposal for the Southeast Quadrant of North Main and Auburn Streets. Consideration of two redevelopment proposals in response to RFP No: 1013-CD144.
2. Memorandum from Marcy Leach regarding the Adoption of the 2014 Winnebago County Multi-Hazard Mitigation Plan.

LEGISLATIVE LOBBYING COMMITTEE

Monday, December 15, 2014, ___ p.m.

Conference Room A, City Hall 2nd floor (north room)

AGENDA

No Meeting Scheduled.

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.

NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN that the City of Rockford, Winnebago and Ogle Counties, Illinois (the "*City*"), will hold a public hearing on the 15th day of December 2014, at 6:00 p.m., at City Hall, 425 East State Street, Rockford, Illinois. The purpose of the hearing will be to receive public comments on the proposal to sell bonds of the City in the 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, including, in general, and without limitation, the acquisition of said building and other property nearby, demolition of portions of buildings, the installation of hard-court basketball courts convertible to volleyball courts, an indoor skate park, indoor playground, cafe, locker rooms, related common areas, and adjacent or nearby parking areas, which facility, upon completion, will be owned and operated by the Rockford Park District (the "*Ingersoll Building Project*"), and to pay bond discount, bond interest, bond reserve account funding, legal, financing, and administrative expense.

By order of the Mayor of the City of Rockford, Winnebago and Ogle Counties, Illinois.

Dated the 2nd day of December 2014.

Patrick W. Hayes

Legal Director, as ex-officio keeper of the
Records and Seal City of Rockford,
Winnebago and Ogle Counties, Illinois