

**CITY COUNCIL, CITY OF ROCKFORD
JOURNAL OF PROCEEDINGS
OCTOBER 3, 2011
COUNCIL CONVENED AT 6:17 P.M.**

1. The invocation was given by Father Ken Stachyra, St. Bernadette Catholic Church/ Rockford Police Chaplain and the Pledge of Allegiance was led by City Council Page Yesenia Centeno.

2. Roll Call:

Mayor Lawrence J. Morrissey

Aldermen: Durkee, Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly,
Johnson, Timm, Beach, Beck, McNeely, Robertson -13-

Absent: Elyea -1-

3. Alderman Mark moved to accept the Journal of Proceedings of September 26, 2011, seconded by Alderman Hervey. MOTION PREVAILED (Ald. Elyea absent).

PUBLIC PARTICIPATION

4. Bruce Roberts announced Father Wentik is retiring after 41 years of service in the Chaplain's Division of the Police Department. He also referenced an article in the Register Star urging city leaders to hire more police officers.

5. Prophet Yusef spoke about Rockford's economic challenges.

PETITIONS AND COMMUNICATIONS

6. Alderman Beach submitted a request from Julia Scott Valdez, in conjunction with Halloween 2011 requesting permission for the annual event on October 31, 2011 from 5:30 pm – 7:30 pm. Alderman Beach moved to grant the Prayer of the Petitioner, seconded by Alderman Timm. MOTION PREVAILED (Ald. Elyea absent).

7. Alderman Beach submitted the Rockford Traffic Commission Agenda for the meeting to be held on October 12, 2011. Referred to Traffic Commission.

8. Alderman Durkee submitted a Memorandum from Rob Lamb, Industrial Development Manager, regarding a request for a Resolution to create a procedure for a Redevelopment Project Area (RPA) under the Industrial Jobs Recovery Law (IJRL). Referred to Planning and Development Committee.

9. Alderman Durkee submitted a Memorandum from Rob Lamb, Industrial Development Manager, regarding a request for a Development Agreement with B/E Aerospace, Inc. for the construction of a new administrative, research and production facility in the City's Logistics Park. Referred to Planning and Development Committee.

10. Alderman Beck submitted a Memorandum from Chief Derek Bergsten regarding Emergency Repairs to Quint 1262. During inspection significant rust was noted on the

turntable and undercarriage of the 2002 Pierce Aerial Quint. The repair is estimated to be between \$19,000 and \$24,000.

NEW COMMITTEE REPORTS

11. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the request for the sale of packaged liquor in conjunction with a gas station, convenience store and minimum preparation food in the name of **Daniel Arnold – Road Ranger LLC d/b/a Road Ranger** in a C-2, Limited Commercial Zoning District at 1869 North Perryville Road. The approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.

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

12. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the request for the sale of packaged liquor in conjunction with a liquor store dining in the name of **Michael James Croft d/b/a Big Boi Liquor** in a I-1, Light Industrial Zoning District at 3212 South Alpine Road. The 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. Submittal of Building Permit for Staff review and approval.
4. The hours of operation will be limited to 6:00 am to 12:00 am Monday through Saturday.
5. The hours of operation shall be limited to the interior site plan that was submitted as Exhibit D.
6. The sale of alcohol shall be limited to the interior site plan that was submitted as Exhibit D.
7. Window display signage is limited to 30% of window area. 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.

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

13. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a Planned Unit Development for a mixed use commercial/industrial development inclusive of zero setback buildings in a I-1, Light Industrial District at 4000 Auburn Street. The approval is subject to the following conditions:

1. Lot 5 is required to be developed in accordance with the current zoning and subdivision ordinances, including but not limited to detention, landscaping and paving requirements.

2. Access easements and shared parking shall be submitted for review and approval by staff prior to the property being final platted.
3. Each property must be platted and recorded with a 60 foot "No Build Area" easement around the portions of the perimeter of the building complex that do not front a street and are not on date of appeal (August 3, 2011) less than 60 feet from the building's exterior walls. The record of this easement shall be with each proposal lot/property created/subdivided from the lot/property on August 3, 2011. Any future interested party shall be notified of such easement. The building official or other Authority Having Jurisdiction shall be notified prior to any modification of the easement.
4. A tentative and final plat shall be submitted for City Council review and approval.

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

14. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a motor vehicle repair shop and tire installation and sales in a C-3, General Commercial Zoning District at 1209 South Alpine Road.

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

15. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Zoning Map Amendment from I-1, Light Industrial Zoning District to C-3, General Commercial Zoning District and a Special Use Permit for Passenger Vehicle Sales in a C-3, General Commercial Zoning District at 1339 Kilburn Avenue. The approval is subject to the following conditions:
 1. The outdoor sale of passenger vehicles shall be limited to four (4) vehicles at one time.
 2. Submittal of a revised landscaping plan for Staff's approval showing two (2) additional planters of the same style as shown.

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

16. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Variation to reduce the rear yard setback from 30 feet to 20 feet in an R-1, Single Family Residential District at 1205 Charlotte Drive. The approval is subject to the following conditions:

1. Construction of the addition must be consistent to Exhibit E.

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

17. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Variation to reduce the front yard setback along Mayfair Place from 30 feet to 1 foot 4 inches in an R-1, Single Family Residential District at 3920 Guilford Road. The approval is subject to the following conditions:

1. Must obtain the required permit to include completion of the garage addition and paving of the existing gravel driveway.

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

18. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Variation to increase the side yard fence height from the maximum allowed six (6) feet to eight (8) feet and a Variation to increase the rear yard fence height from the maximum allowed six (6) feet to eight (8) feet in a C-2, Limited Commercial Zoning District at 6885 Vistagreen Way. The approval is subject to the following conditions:

1. That the fence location is reviewed and approved by Public Works.

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

19. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, recommending that City Council APPROVE the Zoning Map Amendment to allow a Gas Station and associated uses permitted as a performance review along and a Variation to permit a reduction in internal landscaping requirement to 5% in a C-2, Limited Commercial District at 1869 North Perryville Road. The approval is subject to the following conditions:

1. The building elevations shall be in substantial conformance with the plans submitted at the Zoning Board of Appeals, dated September 20, 2011.
2. The canopy shall be in substantial conformance with the elevation plans submitted at the Zoning Board of Appeals, dated September 20, 2011.
3. The landscaping plan shall be in substantial conformance with the plans submitted at the Zoning Board of Appeals, dated September 20, 2011 by Thomas Graceffa, 9/19/2011.
4. An illumination plan shall be submitted for review and approval by Staff.
5. All dumpsters shall be enclosed with the same brick material as the building and a dumpster enclosure permit shall be acquired for such.
6. A final plat shall be submitted for staff and City Council approval that confirms location of the right-in-/right-out, the ingress/egress relocation and water main easement.

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

20. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the request for the sale of beer and wine by the drink in conjunction with a restaurant in the name of **Devinder Badwal of Doaba Corp. d/b/a Taste of India** in a C-3, General Commercial Zoning District at 139 Sundae Drive. The 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 will be limited to 11:00 am to 11:00 pm Monday through Sunday.
4. The sale of alcoholic beverages shall be in conjunction with a restaurant.

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

21. Alderman Beach read a Code and Regulation Committee Report recommending the approval of the Tentative Plat of Skylight Commons Subdivision. The approval is subject to the following conditions:
 1. At the north property line of Lot 5 an easement shall be dedicated for Rockford Park District's bike path. This shall be done as part of the Final Plat.
 2. A note shall be added to the final plat as the general note 4 reading "Drainage on this site shall remain the same for Lots 1-4 unless buildings are removed. At the time new buildings are constructed on Lots 1-5 then the City's storm water detention requirements shall apply".
 3. A note shall be added to the final plat as an additional General Note stating "At the time Lot 5 is developed the City reserves the right to require improvements to Parkside Avenue and/or Alliance Avenue if access to Parkside Avenue is desired".
 4. A note shall be added to the final plat indicating Cross-access/cross-parking easements and/or agreements.
 5. A note shall be added to the final plat indicating each property platted and recorded with a 60 foot "No build Area" easement around the portions of the perimeter of the building complex that do not front a street and are not on date of appeal (August 3, 2011) less than 60' from the building's exterior walls. The record of this easement shall be with each proposed lot/ property created/subdivided from the lot/property on August 3, 2011. Any future interested party shall be notified of such easement. The building official or other Authority Having Jurisdiction shall be notified prior to any modification of the easement.
 6. A note shall be added to the final plat that identifies the Planned Unit Development for the property and the approved Ordinance number associated with the PUD.
 7. Rock River Water Reclamation District has requested at a minimum, a distance tie from a lot corner to the sanitary sewer along a lot line must be provided wherever the sanitary sewer crosses a lot line. This occurs on Lots 1, 4, and 5. The 20' sewer easement on Lot 4 must be labeled as private. The existing sanitary sewer easement across Lot 5 is recorded in Book 423, Page 650. The recordation information must be provided. The existing sanitary sewer across Lots 1 and 4 is recorded in Book 428, Page 124. The recordation information provided on the plat must be revised. A variance request to serve the proposed Lot 3 across Lot 4 will be needed, including the application fee and District approval for the configuration. No service exists for Lot 2. There is a District sewer in the frontage road on the south side of Auburn. A variance request for approval of variance may be needed for Lot 2 for sewer service if it exceeds 100 foot in length within the right-of-way.

LAID OVER.

22. Alderman Beach read a Code and Regulation Committee Report recommending the approval of the sanitary easement to Rock River Water Reclamation District through City of Rockford property. LAID OVER.

2011-323CR

23. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the request for the sale of liquor by the drink and packaged liquor sales in conjunction with a tavern in the name of **John Richard of Market Street Enterprises d/b/a Railroad Tap** in a I-1, Light Industrial District at 902 9th Street. The approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance.
2. Business hours shall be consistent to business plan shown as Exhibit F.
3. That there shall be no cover charge. The businesses operation shall be consistent with the business plan submitted – Exhibit F.

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

Alderman Beach moved to suspend Rule 11, seconded by Alderman Timm. MOTION PREVAILED (Ald. Elyea absent). MOTION PREVAILED (Ald. Elyea absent).

2011-324CR

24. Alderman Beach read a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the request for the sale of liquor by the drink in conjunction with a sit down restaurant and outdoor dining in the name of **Xin Liu d/b/a Kochi Japan, Inc.** in a C-3, Commercial General Zoning District at 7310 Walton Street. The approval is subject to the following conditions:

1. The sale of alcoholic beverages shall be in conjunction with a sit-down restaurant.
2. Compliance with the Liquor Ordinance.

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

Alderman Beach moved to suspend Rule 11, seconded by Alderman Timm. MOTION PREVAILED (Ald. Elyea absent). MOTION PREVAILED (Ald. Elyea absent).

25. Alderman Beck read a Finance and Personnel Committee Report recommending the City Council approve for signature the Letter of Understanding: IL 251 Curb & Gutter. LAID OVER.

2011-325CR

26. Alderman Beck read a Finance and Personnel Committee Report recommending the award for West State Street Corridor Demolitions Package A be made to the low bidder, Swinson Material, of Rockford, Illinois for their total bid of \$22,620.00. The funding source is Motor Fuel Tax Funds.

Alderman Beck moved to suspend Rule 11, seconded by Alderman Timm. MOTION PREVAILED (Ald. Elyea absent). The Committee Report was placed on Passage. MOTION PREVAILED by a roll call vote of:

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

2011-326CR

27. Alderman Beck read a Finance and Personnel Committee report recommending the award for City-Wide Crack sealing be made to the highest bidder, Complete Asphalt Services, of Pittsfield, Illinois offering 176,200 lbs. of Crack sealing material for the \$255,000.00 the City is spending. The funding source is Sales Tax.

Alderman Beck moved to suspend Rule 11, seconded by Alderman Timm. MOTION PREVAILED (Ald. Elyea absent). The Committee Report was placed on Passage. MOTION PREVAILED by a roll call vote of:

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

28. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending approval of the total vouchers for the week of October 3, 2011 in the amount of \$2,213,513.73. MOTION PREVAILED by a roll call vote of:

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

Alderman Wasco exited the meeting at 6:45 pm

OFFICERS REPORTS

29. Mayor Morrissey presented a Proclamation proclaiming the week of October 3, 2011 to be "THE MUSIC ACADEMY WEEK" in Rockford, Illinois and called upon the community to celebrate in its new home on Saturday, October 8, 2011.
30. Mayor Morrissey presented a Proclamation proclaiming Sunday, October 9, 2011 to be "BAIRD HEAD OF THE ROCK REGATTA DAY" in Rockford, Illinois and invited all citizens to come out and enjoy the scenic Rock River by supporting the participants and regaling in the festivities. Competition begins at 8:30 am and ends at 4:00 pm.
31. Mayor Morrissey presented a Proclamation proclaiming the month of October, 2011 to be "DOMESTIC VIOLENCE AWARENESS MONTH" in Rockford, Illinois and encouraged all

citizens to rally support for domestic violence victims and to volunteer with organizations pledging to end this crime that plagues not only our fair city but also society at large.

32. Mayor Morrissey commented on the on-going violence in Rockford specifically gun related crimes by repeat offenders and again reiterated our commitment to partner with other law enforcement agencies, judiciary, state and federal prosecutors to remedy system and process of prosecuting repeat offenders.
33. Mayor Morrissey briefly reported on his trip to China.
34. Alderman Beach reported last Thursday was the Salvation Army's Annual City Luncheon, honoring local veterans and emergency first responders, fire, police and 9-1-1. He thanked all who attended the luncheon.
35. Alderman Thompson-Kelly mentioned attending the NAACP Annual Banquet this past weekend and announced Mayor Morrissey and George Davis, Director of Human Services, received awards from the local NAACP Chapter.
- 35a. Alderman Thompson-Kelly announced the Trick-or-Treating schedule for Rockford residents will be October 31st from 5:30 pm to 7:30 pm.
- 35b. Mayor Morrissey sincerely thanked the NAACP for the award he received and was proud to accept it on behalf of the City Council members.
36. Alderman Johnson advised the *Review Magazine* has published a four page article regarding Municipal Electric Aggregation. She mentioned having Crest Hill Mayor Raymond Solimen speak to council about the benefits and savings Crest Hill and its residents have received since implementing Municipal Electric Aggregation.
37. Alderman Hervey announced the Baird Head of the Rock Regatta is this weekend and she encouraged everyone to attend this event.
38. Mayor Morrissey submitted an appointment to the Rockford Housing Authority Board, Mr. Michael Abate. LAID OVER.

PETITIONS AND COMMUNICATIONS

39. The Council Clerk submitted a copy of Audit Report No. 67 from the Illinois Department of Transportation covering the receipt and disbursement of Motor Fuel Tax Funds by the City for the period beginning January 1, 2009 and ending December 31, 2010. Placed on File.
40. Alderman Beck made a motion to go into closed session to discuss collective negotiations, seconded by Alderman Jacobson. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Hervey, Jacobson, Thompson-Kelly, Johnson, Timm, Beach, Beck, McNeely, Robertson -12-

Nays: -0-
Absent: Wasco, Elyea -2-

Alderman Curran exited the meeting at 7:04 pm

The meeting went into closed session at 7:04 p.m.

The meeting returned to open session at 8:39 p.m. and found the following aldermen present:

Durkee, Hervey, Jacobson, Thompson-Kelly, Timm, Beach, Beck, McNeely, Robertson
-9-

UNFINISHED BUSINESS

2011-327CR

41. Alderman Beck moved the adoption of a Finance and Personnel - Recommending the award for Door Replacement at the Fire Academy be made to the low bidder, Rockford Contractors, of Rockford, Illinois for their total bid with Alternate (sprinkler room door), of \$36,800.00. The funding source is Property Fund. MOTION PREVAILED by a roll call vote of:

Ayes: Durkee, Hervey, Jacobson, Thompson-Kelly, Timm, Beach, Beck, McNeely, Robertson -9-
Nays: -0-
Absent: Curran, Mark, Wasco, Johnson, Elyea -5-

2011-328CR

42. Alderman Beck moved the adoption of a Finance and Personnel - Recommending the awards for Emergency Solutions Grant Program be made to the agencies listed:

Remedies	\$24,342
MELD	\$15,200
Careers, Etc	\$10,000
Prairie State Legal Services	\$16,226
Shelter Care Ministries	\$11,081
CHASI (Motherhouse)	\$11,081
Administration	<u>\$ 4,628</u>

The funding source is Department of Housing and Urban Development. MOTION PREVAILED by a roll call vote of:

Ayes: Durkee, Hervey, Jacobson, Thompson-Kelly, Timm, Beach, Beck, McNeely, Robertson -9-
Nays: -0-
Absent: Curran, Mark, Wasco, Johnson, Elyea -5-

2011-329CR

43. Alderman Beck moved the adoption of a Finance and Personnel - Recommending the Extension of the Interim Credit Line with PNC Bank be increased and extended to \$20.7 million, including \$15.0 for cash flow and \$1.5 million for the Metro Centre term loan through 12/31/2013, and \$4.2 million for Keith Creek through 12/31/2012. MOTION PREVAILED by a roll call vote of:

Ayes: Durkee, Hervey, Jacobson, Thompson-Kelly, Timm, Beach, Beck, McNeely, Robertson -9-
Nays: -0-
Absent: Curran, Mark, Wasco, Johnson, Elyea -5-

2011-330CR

44. Alderman Beach moved the adoption of a Code and Regulation Committee Report recommending that "No Action" be taken on the following item:

1. Request from Wade Hendrickson that a parking restriction be established on the west side of 4th Street from 5th Avenue to 6th Avenue.

MOTION PREVAILED by a roll call vote of:

Ayes: Durkee, Hervey, Jacobson, Thompson-Kelly, Timm, Beach, Beck, McNeely, Robertson -9-
Nays: -0-
Absent: Curran, Mark, Wasco, Johnson, Elyea -5-

2011-124-O

45. Alderman Beach moved the adoption of an Ordinance authorizing the Mayor and Legal Director to execute amendments to Chapter 105-146 and 105-147 of the ICC International Mechanical Code/2009 edition regarding license classifications of gas piping and warm air heating. MOTION PREVAILED by a roll call vote of:

Ayes: Durkee, Hervey, Jacobson, Thompson-Kelly, Timm, Beach, Beck, McNeely, Robertson -9-
Nays: -0-
Absent: Curran, Mark, Wasco, Johnson, Elyea -5-

2011-125-O

46. Alderman Beach moved the adoption of an Ordinance for the approval of the sale of City owned property at vacant lot at 3417 Chestnut Street at a minimum bid of \$460.00 with preference to the adjacent adjoining property owner. MOTION PREVAILED by a roll call vote of:

Ayes: Durkee, Hervey, Jacobson, Thompson-Kelly, Timm, Beach, Beck, McNeely, Robertson -9-
Nays: -0-
Absent: Curran, Mark, Wasco, Johnson, Elyea -5-

MOTIONS AND RESOLUTIONS

2011-149R

47. Alderman Beck, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution requiring City Council authorization for use of Motor Fuel Tax funds for West State Street Corridor – Land Acquisition/Demolition in the amount of \$25,000. MOTION PREVAILED (Ald. Curran, Mark, Wasco, Johnson, Elyea absent).

2011-150R

48. Alderman Beck, 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: Snow Removal – Parking Lots & Sidewalks, funding source: Parking Fund

MOTION PREVAILED (Ald. Curran, Mark, Wasco, Johnson, Elyea absent).

2011-151R

49. Alderman Beck, on behalf of the Code and Regulation Committee, moved the adoption of a Resolution for a special event permit and a liquor permit for consumption of liquor outdoors ("S" license) for the Blackhawk Athletic Club's Bean Bag Tournament on Saturday, October 15, 2011 from 10:00 am to 6:00 pm at 2023 Broadway. MOTION PREVAILED (Ald. Curran, Mark, Wasco, Johnson, Elyea absent).

NEW BUSINESS

50. Alderman Beach introduced and read an Ordinance for the approval of the sale of City owned property at vacant lot at 829 Miriam Avenue at a minimum bid of \$625.00 with preference to the adjacent adjoining property owner. LAID OVER.
51. Alderman Beach introduced and read an Ordinance amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all requirements of the Liquor Ordinance having been met, said amendment shall serve as City Council advice and consent for the Liquor Commissioner to issue a Liquor License to the following person:

John Richard of Market Street Enterprises d/b/a Railroad Tap for the sale of liquor by the drink and packaged liquor sales in conjunction with a tavern at 902 9th Street. The approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance.
2. Business hours shall be consistent to business plan shown as Exhibit F.
3. That there shall be no cover charge. The businesses operation shall be consistent with the business plan submitted – Exhibit F.

LAID OVER.

52. Alderman Beach introduced and read an Ordinance amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all requirements of the Liquor

Ordinance having been met, said amendment shall serve as City Council advice and consent for the Liquor Commissioner to issue a Liquor License to the following person:

Xin Liu d/b/a Kochi Japan, Inc. for the sale of liquor by the drink in conjunction with a sit down restaurant and outdoor dining at 7310 Walton Street. Approval is subject to the following conditions:

1. The sale of alcoholic beverages shall be in conjunction with a sit-down restaurant.
2. Compliance with the Liquor Ordinance.

LAID OVER.

52. Upon motion duly made and seconded, the meeting was adjourned at 8:48 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
October 11, 2011
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
- New Committee Reports (Reports of Standing Committees – Code and Regulation, Finance and Personnel, Planning and Development - and other select committees)
- Officers Reports

UNFINISHED BUSINESS

I. COMMITTEE REPORTS LAID OVER OCTOBER 3, 2011

1. Beck - Finance and Personnel - Recommending the City Council approve for signature the Letter of Understanding: IL 251 Curb & Gutter.
2. Beach - Code and Regulation - SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the request for the sale of packaged liquor in conjunction with a gas station, convenience store and minimum preparation food in the name of **Daniel Arnold – Road Ranger LLC d/b/a Road Ranger** in a C-2, Limited Commercial Zoning District at 1869 North Perryville Road. The approval is subject to the following conditions:
 1. Meeting all applicable liquor codes.
 2. Meeting all applicable building and fire codes.

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

3. Beach - Code and Regulation - SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the request for the sale of packaged liquor in conjunction with a liquor store dining in the name of **Michael James Croft d/b/a Big Boi Liquor** in a I-1, Light Industrial Zoning District at 3212 South Alpine Road. The 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. Submittal of Building Permit for Staff review and approval.
4. The hours of operation will be limited to 6:00 am to 12:00 am Monday through Saturday.
5. The hours of operation shall be limited to the interior site plan that was submitted as Exhibit D.
6. The sale of alcohol shall be limited to the interior site plan that was submitted as Exhibit D.
7. Window display signage is limited to 30% of window area. 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.

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

4. Beach - Code and Regulation - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a Planned Unit Development for a mixed use commercial/industrial development inclusive of zero setback buildings in a I-1, Light Industrial District at 4000 Auburn Street. The approval is subject to the following conditions:
 1. Lot 5 is required to be developed in accordance with the current zoning and subdivision ordinances, including but not limited to detention, landscaping and paving requirements.
 2. Access easements and shared parking shall be submitted for review and approval by staff prior to the property being final platted.
 3. Each property must be platted and recorded with a 60 foot "No Build Area" easement around the portions of the perimeter of the building complex that do not front a street and are not on date of appeal (August 3, 2011) less than 60 feet from the building's exterior walls. The record of this easement shall be with each proposal lot/property created/subdivided from the lot/property on August 3, 2011. Any future interested party shall be notified of such easement. The building official or other Authority Having Jurisdiction shall be notified prior to any modification of the easement.
 4. A tentative and final plat shall be submitted for City Council review and approval.

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

5. Beach - Code and Regulation - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a motor vehicle repair shop and tire installation and sales in a C-3, General Commercial Zoning District at 1209 South Alpine Road.

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

6. Beach - Code and Regulation - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Zoning Map Amendment from I-1, Light Industrial Zoning District to C-3, General Commercial Zoning District and a Special Use

Permit for Passenger Vehicle Sales in a C-3, General Commercial Zoning District at 1339 Kilburn Avenue. The approval is subject to the following conditions:

1. The outdoor sale of passenger vehicles shall be limited to four (4) vehicles at one time.
2. Submittal of a revised landscaping plan for Staff's approval showing two (2) additional planters of the same style as shown.

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

7. Beach - Code and Regulation - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Variation to reduce the rear yard setback from 30 feet to 20 feet in an R-1, Single Family Residential District at 1205 Charlotte Drive. The approval is subject to the following conditions:

1. Construction of the addition must be consistent to Exhibit E.

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

8. Beach - Code and Regulation - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Variation to reduce the front yard setback along Mayfair Place from 30 feet to 1 foot 4 inches in an R-1, Single Family Residential District at 3920 Guilford Road. The approval is subject to the following conditions:

1. Must obtain the required permit to include completion of the garage addition and paving of the existing gravel driveway.

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

9. Beach - Code and Regulation - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Variation to increase the side yard fence height from the maximum allowed six (6) feet to eight (8) feet and a Variation to increase the rear yard fence height from the maximum allowed six (6) feet to eight (8) feet in a C-2, Limited Commercial Zoning District at 6885 Vistagreen Way. The approval is subject to the following conditions:

1. That the fence location is reviewed and approved by Public Works.

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

10. Beach - Code and Regulation - SUSTAINING the Zoning Board of Appeals, recommending that City Council APPROVE the Zoning Map Amendment to allow a Gas Station and associated uses permitted as a performance review along and a Variation to permit a reduction in internal landscaping requirement to 5% in a C-2, Limited Commercial District at 1869 North Perryville Road. The approval is subject to the following conditions:

1. The building elevations shall be in substantial conformance with the plans submitted at the Zoning Board of Appeals, dated September 20, 2011.

2. The canopy shall be in substantial conformance with the elevation plans submitted at the Zoning Board of Appeals, dated September 20, 2011.
3. The landscaping plan shall be in substantial conformance with the plans submitted at the Zoning Board of Appeals, dated September 20, 2011 by Thomas Graceffa, 9/19/2011.
4. An illumination plan shall be submitted for review and approval by Staff.
5. All dumpsters shall be enclosed with the same brick material as the building and a dumpster enclosure permit shall be acquired for such.
6. A final plat shall be submitted for staff and City Council approval that confirms location of the right-in-/right-out, the ingress/egress relocation and water main easement.

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

11. Beach - Code and Regulation - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the request for the sale of beer and wine by the drink in conjunction with a restaurant in the name of **Devinder Badwal of Doaba Corp. d/b/a Taste of India** in a C-3, General Commercial Zoning District at 139 Sundae Drive. The 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 will be limited to 11:00 am to 11:00 pm Monday through Sunday.
4. The sale of alcoholic beverages shall be in conjunction with a restaurant.

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

12. Beach - Code and Regulation - Recommending the approval of the Tentative Plat of Skylight Commons Subdivision. The approval is subject to the following conditions:

1. At the north property line of Lot 5 an easement shall be dedicated for Rockford Park District's bike path. This shall be done as part of the Final Plat.
2. A note shall be added to the final plat as the general note 4 reading "Drainage on this site shall remain the same for Lots 1-4 unless buildings are removed. At the time new buildings are constructed on Lots 1-5 then the City's storm water detention requirements shall apply".
3. A note shall be added to the final plat as an additional General Note stating "At the time Lot 5 is developed the City reserves the right to require improvements to Parkside Avenue and/or Alliance Avenue if access to Parkside Avenue is desired".
4. A note shall be added to the final plat indicating Cross-access/cross-parking easements and/or agreements.
5. A note shall be added to the final plat indicating each property platted and recorded with a 60 foot "No build Area" easement around the portions of the perimeter of the building complex that do not front a street and are not on date of appeal (August 3, 2011) less than 60' from the building's exterior walls. The record of this easement shall be with each proposed lot/ property

created/subdivided from the lot/property on August 3, 2011. Any future interested party shall be notified of such easement. The building official or other Authority Having Jurisdiction shall be notified prior to any modification of the easement.

6. A note shall be added to the final plat that identifies the Planned Unit Development for the property and the approved Ordinance number associated with the PUD.
 7. Rock River Water Reclamation District has requested at a minimum, a distance tie from a lot corner to the sanitary sewer along a lot line must be provided wherever the sanitary sewer crosses a lot line. This occurs on Lots 1, 4, and 5. The 20' sewer easement on Lot 4 must be labeled as private. The existing sanitary sewer easement across Lot 5 is recorded in Book 423, Page 650. The recordation information must be provided. The existing sanitary sewer across Lots 1 and 4 is recorded in Book 428, Page 124. The recordation information provided on the plat must be revised. A variance request to serve the proposed Lot 3 across Lot 4 will be needed, including the application fee and District approval for the configuration. No service exists for Lot 2. There is a District sewer in the frontage road on the south side of Auburn. A variance request for approval of variance may be needed for Lot 2 for sewer service if it exceeds 100 foot in length within the right-of-way.
13. Beach - Code and Regulation - Recommending the approval of the sanitary easement to Rock River Water Reclamation District through City of Rockford property.

II. ORDINANCES LAID OVER OCTOBER 3, 2011

1. Beach - Ordinance - For the approval of the sale of City owned property at vacant lot at 829 Miriam Avenue at a minimum bid of \$625.00 with preference to the adjacent adjoining property owner.
2. Beach - Ordinance - Amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all requirements of the Liquor Ordinance having been met, said amendment shall serve as City Council advice and consent for the Liquor Commissioner to issue a Liquor License to the following person:

John Richard of Market Street Enterprises d/b/a Railroad Tap for the sale of liquor by the drink and packaged liquor sales in conjunction with a tavern at 902 9th Street. The approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance.
 2. Business hours shall be consistent to business plan shown as Exhibit F.
 3. That there shall be no cover charge. The businesses operation shall be consistent with the business plan submitted – Exhibit F.
3. Beach - Ordinance - Amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all requirements of the Liquor Ordinance having been met, said amendment shall serve as City Council advice and consent for the Liquor Commissioner to issue a Liquor License to the following person:

Xin Liu d/b/a Kochi Japan, Inc. for the sale of liquor by the drink in conjunction with a sit down restaurant and outdoor dining at 7310 Walton Street. Approval is subject to the following conditions:

1. The sale of alcoholic beverages shall be in conjunction with a sit-down restaurant.
2. Compliance with the Liquor Ordinance.

- 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. Beach – ZBA – 1205 Charlotte Drive

* same action taken before

- Adjournment

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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
Tuesday, October 11, 2011, _____ p.m.
Conference Room A, City Hall 2nd floor (north room)
AGENDA

No Meeting Scheduled.

FINANCE AND PERSONNEL COMMITTEE
Tuesday, October 11, 2011, 5:15 p.m.
Conference Room B, City Hall 2nd floor (south room)
AGENDA

1. Purchasing and Vouchers
 - A. Award of Bid: Use of Force and Firearms Training Simulator
 - B. Award of Bid: Bulk Lubricants – Suspend rules

C. Award of Contract: Computer Equipment for Fire Department

D. Vouchers

2. Rockford Area Arts Council Funding

PLANNING AND DEVELOPMENT COMMITTEE

**Tuesday, October 11, 2011, 5:30 p.m.
CD Conference Room, City Hall 2nd floor
AGENDA**

1. Memorandum from Rob Lamb, Industrial Development Manager, regarding a request for Resolution for a procedure to create a Redevelopment Project Area under the Industrial Jobs Recovery Law.
2. Memorandum from Rob Lamb, Industrial Development Manager, regarding a request for a Development Agreement with B/E Aerospace, Inc. for the construction of an administrative, research and production facility in the City's Logistics Park.

LEGISLATIVE LOBBYING COMMITTEE

**Tuesday, October 11, 2011, ___ p.m.
Conference Room A, City Hall 2nd floor (north room)
AGENDA**

No Meeting Scheduled.