

**CITY COUNCIL, CITY OF ROCKFORD  
JOURNAL OF PROCEEDINGS  
JANUARY 14, 2013  
COUNCIL CONVENED AT 6:09 P.M.**

1. The invocation was given by Chaplain Lou Ness, Emmanuel Episcopal Church and the Pledge of Allegiance was led by Council Page Yesenia Centeno.

2. Roll Call:

Mayor Lawrence Morrissey

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

Absent: Robertson -1-

3. Alderman Mark moved to accept the Journal of Proceedings of January 7, 2013 seconded by Alderman Wasco.

Alderman Beach made a motion to reconsider item #45 (2013 Budget) of the Journal of Proceedings from the January 7, 2013 meeting, seconded by Alderman Beck. MOTION PREVAILED (Ald. McNeely voted no; Ald. Robertson absent).

Alderman Beach made a motion to refer item #45 back to committee, seconded by Alderman Beck. MOTION PREVAILED (Ald. Hervey, McNeely voted no; Ald. Robertson absent). Item #45 (2013 Budget) referred back to Finance and Personnel Committee.

The Journal of Proceedings as amended was placed up for acceptance. MOTION PREVAILED (Ald. Robertson absent).

**PUBLIC PARTICIPATION**

4. Melvin Brown praised council members for approving the Morgan Street bridge project and is hopeful it will bring new businesses to the west side. He again called for a federal investigation, urged council members to hire more police officers and explained why he does not support geo policing.

5. Prophet Yusef spoke about Dr. Martin Luther King's dream.

6. Roland Poska invited everyone to attend an event at Rockford College Fisher Chapel on Tuesday, January 15<sup>th</sup> at 7:00 pm; International Day for Greenery. He also reminded everyone of the July 4, 2013 gathering at the State Street bridge at 12:00 (noon).

7. Rev. Earl Dotson again asked council members to reverse their decision about Church School and change it into a community learning center.

8. Larry Swacina thanked the City of Rockford for supporting Keep Northern Illinois Beautiful Christmas Tree Recycling Program. He reported flu vaccines are still available and encouraged community members to get a flu shot.

## **PETITIONS AND COMMUNICATIONS**

9. Alderman Thompson-Kelly submitted an email from Christine Blackburn requesting the frontage road/alley near Auburn Manor be designated as "No Parking". Referred to Public Works/Traffic.
10. Alderman Jacobson submitted a Memorandum from Todd Cagnoni, Deputy Director of Community and Economic Development, regarding the Acquisition of 134 North Main Street. Referred to Planning and Development Committee.
11. Alderman Jacobson submitted three (3) requests for service. Referred to Community Development/Code Enforcement.
12. Alderman Wasco submitted a Memorandum from Patrick Hayes, Legal Director regarding Intergovernmental Agreement: City Guarantee of RMTD \$1.5 Million Line of Credit. Referred to Finance and Personnel Committee.
13. Alderman Wasco submitted a letter from Mick Hockinson, Regional Manager Universal Recycling Technologies, which provides a marketing plan to implement his business in Rockford. Referred to Code and Regulation Committee.
14. Alderman Mark submitted a Memorandum from Julia Valdez, Director of Human Services, regarding upcoming special events:
  1. St. Patrick's Day Parade – 3/16/13
  2. State Street Mile – 8/3/13Referred to Code and Regulation Committee.
15. Alderman Mark submitted a Rockford Traffic Commission Minutes of the meeting held on January 9, 2013. Referred to Code and Regulation Committee.

## **NEW COMMITTEE REPORTS**

16. Alderman Mark read a Code and Regulation Committee Report recommending the approval of the attached Rental Property Registration and Chronic Nuisance Ordinance. LAID OVER.
17. Alderman Jacobson read a Planning and Development Committee Report recommending approval of the recommended 2013 EDEEN (Economic Development Education and Entrepreneurial Network) Budget and Strategic Plan. The Legal Director shall prepare the appropriate ordinance. LAID OVER.
18. Alderman Wasco read a Finance and Personnel Committee Report recommending the award for Commercial Garage Labor – Cars and Light Trucks be made to the low bidder, Mr. Norm's Garage, of Rockford, Illinois for an estimated total contract of \$345,000 for 1 year with option to extend for (2) 1-year terms. The funding source is Garage Operating Budget. LAID OVER.

19. Alderman Wasco read a Finance and Personnel Committee Report recommending the award for Commercial Garage Labor – Heavy Duty Trucks be made to the low bidder, McVeigh’s Truck Repair, of Rockford, Illinois for an estimated total contract of \$65,000 for 1 year with option to extend for (2) 1-year terms. The funding source is Garage Operating Budget. LAID OVER.
20. Alderman Wasco read a Finance and Personnel Committee Report recommending the City Council authorize the Mayor and City Legal Director to enter into a retainer agreement with Attorney Ron Schultz consistent with the draft attached, providing for a monthly retainer of \$1,000 per month and hourly fees of \$200 per hour for billable time in excess of 8 hrs. per month. The funding source is Legal Department Operating Budget. The legal director shall prepare the appropriate ordinance. LAID OVER.
21. Alderman Wasco read a Finance and Personnel Committee Report regarding Intergovernmental Agreement: Winnebago County Traffic Signal Maintenance & Operation recommends the City create and execute an ordinance that approves the Intergovernmental Agreement with the Winnebago County Highway Dept. LAID OVER.
22. Alderman Wasco read a Finance and Personnel Committee Report recommending approval of the 2013-2017 (Amended) Capital Improvement Plan which includes the removal of \$200,000 for the 2013 funding of the Downtown, One-Way Pair Conversion to Two-Way and re-allocate it to the Neighborhood Program category. The shift includes taking \$65,000 of the funding to offset the re-allocation of the City-Wide Re-forestation program funding, with the remaining \$135,000 to be allocated on an equal basis to the 14 ward allocations. LAID OVER.

**2013-005CR**

23. Alderman Wasco read a Finance and Personnel Committee Report recommending approval of the Engineering Agreement Amendment: Materials Testing Services 2012 be made to Rockford Testing Co. for materials testing an additional \$25,000 for a total not-to-exceed amount of \$125,000. The funding for this project will come from Sales Tax funds through the Neighborhood Allocation Program funds.

Alderman Wasco moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Robertson 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, Elyea, Beck, McNeely -13-  
 Nays: -0-  
 Absent: Robertson -1-

**2013-006CR**

24. Alderman Wasco read a Finance and Personnel Committee Report recommending the award for Demolition of 1117 Buchanan St. be made to the low bidder, Swinson Material, Inc., of Rockford, Illinois for their total bid of \$18,000. The funding source is Sales Tax.

Alderman Wasco moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Robertson 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, Elyea, Beck, McNeely -13-  
Nays: -0-  
Absent: Robertson -1-

### **2013-007CR**

25. Alderman Wasco read a Finance and Personnel Committee Report recommending approval of the Letter of Understanding: E. State St. Fiber Optic Conduit.

Alderman Wasco moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Robertson 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, Elyea, Beck, McNeely -13-  
Nays: -0-  
Absent: Robertson -1-

26. Alderman Wasco moved the adoption of a Finance and Personnel Committee Report recommending approval of the total vouchers for the week of January 14, 2013 in the amount of \$3,772,079.99. MOTION PREVAILED by a Roll Call vote of:

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

### **OFFICERS REPORTS**

27. Mayor Morrissey mentioned this Wednesday, January 16th the YWCA will host a workshop, "truth and reconciliation" and Winnebago County will host the county's first crime summit, focusing on cooperative policing. He advised he would be attending both events. He reiterated the need to get the federal court system involved in the prosecution of gang and gun cases.
28. Mayor Morrissey announced this Friday, January 18<sup>th</sup> the Ministers Fellowship will host a luncheon at Emmanuel Episcopal Church and on Saturday, January 19<sup>th</sup> will be the Annual Scholarship Breakfast.
30. Mayor Morrissey announced the Illinois Specialty Growers Association awarded Curran's Apple Orchard with first place in a statewide competition for the best apple cider.

Alderman Curran also reported Curran's Apple Orchard received first place for the best apple cider in the national competition.

31. Mayor Morrissey reported today there was an arbitration hearing with Fire Fighters Union Local 413. He advised the City made a motion to open the hearing to the public, which was denied by the arbitrator. He believes voters should be allowed access to the hearing and suggested seeking legislative support for this issue.
32. Alderman Thompson-Kelly again voiced her concerns with the EDEEN Initiative plan and advised she will not support funding this initiative.

### **UNFINISHED BUSINESS**

#### **2013-008CR**

33. Alderman Mark moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board of Appeals, thereby recommending that City Council APPROVE the sale of packaged liquor sales in conjunction with a gas station and convenience store in the name of Sean S. Chinna d/b/a Gasland Express in a C-3, Commercial General District and R-4, Multi-Family Residential 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 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. Maintenance of garbage/debris within the green area next to the residential uses.
  7. 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. MOTION PREVAILED by a Roll Call vote of:

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

#### **2013-009CR**

34. Alderman Mark moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board of Appeals, thereby recommending that City Council APPROVE the sale of liquor by the drink with a wine bar and liquor store in the name of **Chiraq Patel d/b/a Cork Keg and Spirits** in a C-3, Commercial General District at 1603 North Alpine Road. Approval is subject to the following conditions:
  1. Meeting all applicable liquor codes.
  2. Meeting all applicable building and fire codes.
  3. Signage must be in compliance with the Zoning Ordinance and may not cover more than 35% of the window surface for indoor signs.

4. Hours of operation should be limited to Monday through Thursday 10:00 am to 9:00 pm, Friday through Saturday and 10:00 am to midnight, Sunday 10:00 am to 9:00 pm.
5. 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. MOTION PREVAILED by a Roll Call vote of:

Ayes: Curran, Mark, Wasco, Jacobson, Thompson-Kelly, Johnson, Beck, McNeely -8-  
 Nays: Durkee, Hervey, Timm, Beach, Elyea -5-  
 Absent: Robertson -1-

**2013-010CR**

35. Alderman Mark moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board of Appeals, thereby recommending that City Council APPROVE the sale of liquor by the drink in conjunction with a bowling alley, bar and snack bar in the name of **Marjorie Ann Axelson d/b/a Westmor Lanes** in an I-1, Light Industrial District at 2335 and 2407 North Central Avenue. 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 sale of alcohol shall be limited to the interior site plan that was submitted Exhibit B.
4. Submittal of detailed site and landscaping plans for Staff's review and approval.
5. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
6. The bowling alley, bar and snack bar shall not operate as a nightclub
7. The bowling alley, bar and snack bar shall not have outside liquor sales.

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

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

**2013-011CR**

36. Alderman Mark moved the adoption of a Code and Regulation Committee Report REVERSING the Liquor Advisory Board of Appeals, thereby recommending that City Council DENY the sale of package liquor sales with a convenience store in the name of **Walid Mashrah d/b/a 7<sup>th</sup> Street Convenience Inc.**, in a C-2, Limited Commercial District at 1312 7<sup>th</sup> Street. MOTION PREVAILED by a Roll Call vote of:

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

Nays: -0-  
Absent: Robertson -1-

**2013-012CR**

37. Alderman Mark moved the adoption of a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Variation to allow a four (4) foot chain link fence in a front yard in an R-1, Single-Family Residential District at 2311 Green Street.

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

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

**2013-013CR**

38. Alderman Mark moved the adoption of a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Zoning Text Amendments as presented. Proposed Text Amendments are:

Add Definitions to Article 91:

**Wildlife Rehabilitation Specialists** – an individual licensed by the Illinois Department of Natural Resources pursuant to 520 ILCS 5/3.22.

Amend Regulations:

**Residential Districts** – Add to Table 201-, Wildlife Rehabilitation "S", in the RE, R-1, R1-U, R-2, R-3 and R-4 Districts.

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

Ayes: Durkee, Curran, Mark, Wasco, Hervey, Jacobson, Thompson-Kelly, Johnson, Beach, Elyea, Beck -11-  
Nays: Timm, McNeely -2-  
Absent: Robertson -1-

39. Alderman Mark moved the adoption of a Code and Regulation Committee Report REVERSING the Zoning Board of Appeals, thereby recommending that City Council DENY the Special Use Permit for a Planned Unit Development consisting of a bed and breakfast in an R-1, Single-Family Residential Zoning District at 939 North Second Street.

Alderman Mark made a motion to lay the committee report over, seconded by Alderman Johnson. The committee report was LAID OVER.

**2013-014CR**

40. Alderman Mark moved the adoption of a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the (A) Special Use Permit for a drive-thru in conjunction with a fast food restaurant; APPROVE the (B) Variation to reduce the required parking from 723 parking spaces to 544 parking spaces; APPROVE the (C) Variation to allow building lighting wall sconces and trash enclosure lighting to have a 75 degree cutoff or greater when lighting with less than 75 degree cutoff is required; and DENY the (D) Variation to allow for a free-standing pylon sign when a free-standing landmark-style sign is required along Perryville Road and to APPROVE the Variation to allow for a free-standing pylon sign along East State Street in a C-2, Limited Commercial Zoning District at 7130 East State Street. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a revised landscape plan to include building foundation landscaping of at least 50% for the proposed building and plant species for Staff’s review and approval.
3. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with submitted sign elevations.
4. Must develop site in accordance with site and landscaping plans approved by Staff.
5. Must develop site and lighting in accordance with Exhibit H, the photometric plan approved by Staff.
6. Must develop building elevations in accordance with Exhibit L.

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

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

**2013-015CR**

41. Alderman Mark moved the adoption of a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a Church in an R-3, Multi-Family Residential District and R-2, Two-Family Residential District at 2101 Auburn Street and 2029 Auburn Street. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. A design professional must evaluate the building to ensure that the building satisfies required building codes.

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

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

Absent: Robertson -1-

**2013-016CR**

42. Alderman Mark moved the adoption of a Code and Regulation Committee Report recommending the vacation for the right-of-way between South Central Avenue and Victoria Avenue (aka) Domino Avenue with the following conditions:

1. The existing 2' steel gas main owned by Nicor shall be maintained in an easement.
2. The property be vacated equally to Pilgrim's Promise CDC and Ms. Shirley Fricks (2115 South Central Avenue).
3. The property has been valued at \$1,070.00. Pilgrims Promise has requested to pay for advertisement costs only.

MOTION PREVAILED by a Roll Call vote of:

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

**2013-017CR**

43. Alderman Mark moved the adoption of a Code and Regulation Committee Report recommending the approval of the Final Plat #2 of Williams Manny Subdivision.

MOTION PREVAILED by a Roll Call vote of:

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

**2013-018CR**

44. Alderman Mark moved the adoption of a Code and Regulation Committee Report recommending the approval of the Replat of Riverside Marketplace #6. MOTION PREVAILED by a Roll Call vote of:

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

**2013-019CR**

45. Alderman Mark moved the adoption of a Code and Regulation Committee Report recommending the Tentative Plat of Bellwood Acres. Approval is subject to the following conditions:

1. At the time of Final Plat submittal, a drainage study shall be submitted for review. At that time, detention easement will be required.

2. An additional thirty-seven (37) feet of "dedicated" right-of-way shall be shown from the property line to show a total of seventy (70) feet of right-of-way from the centerline of Bell School Road.
3. A previously received letter from the Army Corps. of Engineers for the Tentative Plat from 2004 states their determination outlined in the letter is valid for a period of five (5) years from the date of the letter and this has lapsed. A new letter will need to be obtained and furnished for review as part of the Final Plat.
4. At this time, we have not received a response letter from the Winnebago County Highway Department. Attached additionally are their comments from the previous Tentative Plat and they will likely have comments coming regarding this. Updated review and input from the Winnebago County Highway Department is necessary prior to approval of the Final Plat.
5. Sidewalk is required along Bell School Road as part of the public improvement for the subdivision.

MOTION PREVAILED by a Roll Call vote of:

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

**2013-020CR**

46. Alderman Wasco moved the adoption of a Finance and Personnel Committee Report recommending the award for an Engineering Agreement for 1111 Cedar St. Renovations be made to Larson and Darby Group to provide Design Services for a total not to exceed cost of \$14,000. The funding for this project will come from the Water Division Operating Budget. MOTION PREVAILED by a Roll Call vote of:

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

**2013-021CR**

47. Alderman Wasco moved the adoption of a Finance and Personnel Committee Report recommending the award for Engineering Agreement Amendment: Cessna Road Water Main at Chicago Rockford International Airport 2011 Water Main Improvements be made to Crawford Murphy & Tilly, Inc. for improving the water main distribution system adjacent to and within the airport property an additional \$48,815 for a total not to exceed amount of \$113,615.00. The funding source is WRIA. MOTION PREVAILED by a Roll Call vote of:

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

## MOTIONS AND RESOLUTIONS

### 2013-003R

48. Alderman Jacobson, on behalf of the Planning and Development Committee, moved to approve the adoption of a Resolution to abate the taxes of this unit of government levied upon both land and improvements on the property described on Exhibit A, attached hereto (1715 Northrock Court; currently occupied by Beavermatic, Inc.) The abatement shall begin with the taxes levied for 2012 and collected in 2013 and continue as follows:

- Taxes Payable in 2013 = 100% abatement of the increase in the real property taxes attributable to an increase in equalized assessed value of said property in 2011.
- Taxes Payable in 2014 = 100% abatement of the increase in the real property taxes attributable to an increase in equalized assessed value of said property in 2011.
- Taxes Payable in 2015 = 100% abatement of the increase in the real property taxes attributable to an increase in equalized assessed value of said property in 2011.
- Taxes Payable in 2016 = 100% abatement of the increase in the real property taxes attributable to an increase in equalized assessed value of said property in 2011.
- Taxes Payable in 2017 = 100% abatement of the increase in the real property taxes attributable to an increase in equalized assessed value of said property in 2011.

MOTION PREVAILED by a Roll Call vote of:

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

### 2013-004R

49. Alderman Wasco, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing an Agreement between the City of Rockford and the State of Illinois, Department of Transportation for the reconstruction of West State St. in the City of Rockford, Winnebago County, Illinois. MOTION PREVAILED (Ald. Robertson absent).

## NEW BUSINESS

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

**Sean S. Chinna d/b/a Gasland Express** for the sale of packaged liquor in conjunction with a gas station and convenience store in a C-3, Commercial General District and R-4, Multi-Family Residential 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 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. Maintenance of garbage/debris within the green area next to the residential uses.
7. 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.

LAID OVER.

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

**Chirag Patel d/b/a Cork. Keg and Spirits** for modification of an existing liquor license to include the sale of liquor by the drink with a wine bar and liquor store at 1603 North Alpine Road. Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.
3. Signage must be in compliance with the Zoning Ordinance and may not cover more than 35% of the window surface for indoor signs.
4. Hours of operation should be limited to Monday through Thursday 10:00 am to 9:00 pm, Friday through Saturday and 10:00 am to midnight, Sunday 10:00 am to 9:00 pm.
5. 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.

LAID OVER.

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

**Marjorie A. Axelson d/b/a Wild, Wild Westmor Lanes** for the sale of liquor by the drink in conjunction with a bowling alley, bar and snack bar in an I-1, Light Industrial Zoning District at 2335 and 2407 North Central Avenue. 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 sale of alcohol shall be limited to the interior site plan that was submitted Exhibit B.
4. Submittal of detailed site and landscaping plans for Staff's review and approval.

5. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
6. The bowling alley, bar and snack bar shall not operate as a nightclub
7. The bowling alley, bar and snack bar shall not have outside liquor sales.

LAID OVER.

53. Alderman Mark introduced and read an Ordinance amending Article 64 of the Zoning Ordinance of the City of Rockford for a Variation to allow a four (4) foot chain link fence in a front yard in an R-1, Single-Family Residential District at 2311 Green Street.

LAID OVER.

54. Alderman Mark introduced and read an Ordinance for the following Zoning Text Amendments:

### **Article 20 Residential Districts**

20-004 Uses:

Table 201- Use Classification Table: Add Wildlife Rehabbers "S", in the RE, R-1, R1-U, R-2, R-3 and R-4 Districts

Article 91 General Terms

Add Definition of drop box Article 91, General Terms as follows:

Wildlife Rehabber – an individual licensed by the Illinois Department of Natural Resources under Section 5/3.22, Chapter 520 of the Illinois Compiled Statutes.

Add Definition to Article 91:

**Wildlife Rehabilitation Specialist** – an individual licensed by the Illinois Department of Natural Resources pursuant to 520 ILCS 5/3.22.

Amend Regulations:

### **Residential Districts**

Add to Table 20-1, Wildlife Rehabilitation "S", in the RE, R-1, R1-U, R-2, R-3 and R-4 Districts.

LAID OVER.

55. Alderman Mark introduced and read an Ordinance amending Article 64 and Article 63 of the Zoning Ordinance of the City of Rockford for a (A) Special Use Permit for a drive-thru in conjunction with a fast food restaurant; a (B) Variation to reduce the required parking from 723 parking spaces to 544 parking spaces; a (C) Variation to allow building lighting wall sconces and trash enclosure lighting to have a 75 degree cutoff or greater when lighting with less than 75 degree cutoff is required; and (D) a Variation to allow for a free-standing

pylon sign along East State Street in a C-2, Limited Commercial Zoning District at 7130 East State Street. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a revised landscape plan to include building foundation landscaping of at least 50% for the proposed building and plant species for Staff's review and approval.
3. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with submitted sign elevations.
4. Must develop site in accordance with site and landscaping plans approved by Staff.
5. Must develop site and lighting in accordance with Exhibit H, the photometric plan approved by Staff.
6. Must develop building elevations in accordance with Exhibit L.

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

56. Alderman Mark introduced and read an Ordinance amending Article 63 of the Zoning Ordinance of the City of Rockford for a Special Use Permit for a church in an R-3, Multi-Family Residential District and R-2, Two-Family Residential District at 2101 and 2029 Auburn Street. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. A design professional must evaluate the building to ensure that the building satisfies required building codes.

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

57. Alderman Mark introduced and read an Ordinance for the vacation of the right-of-way between South Central Avenue and Victoria Avenue also known as Domino Avenue. Advertisement costs will be paid by Pilgrims Promise. The following conditions will apply:

1. The existing 2' steel gas main owned by Nicor shall be maintained in an easement.
2. The property be vacated equally to Pilgrim's Promise CDC and Ms. Shirley Fricks (2115 South Central Avenue).
3. The property has been valued at \$1,070.00. Pilgrims Promise has requested to pay for advertisement costs only.

LAID OVER.

58. Upon motion duly made and seconded, the meeting was adjourned at 7:10 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**  
**January 22, 2013**  
**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 Participation
- Petitions and Communications
- Committee Reports
- Officers Reports

**UNFINISHED BUSINESS**

**I. COMMITTEE REPORTS LAID OVER JANUARY 14, 2013**

1. Mark - Code and Regulation - Recommending the approval of the attached Rental Property Registration and Chronic Nuisance Ordinance.
2. Mark - Code and Regulation - REVERSING the Zoning Board of Appeals, thereby recommending that City Council DENY the Special Use Permit for a Planned Unit Development consisting of a bed and breakfast in an R-1, Single-Family Residential Zoning District at 939 North Second Street.
3. Jacobson - Planning and Development - Recommending approval of the recommended 2013 EDEEN (Economic Development Education and Entrepreneurial Network) Budget and Strategic Plan. The Legal Director shall prepare the appropriate ordinance.
4. Wasco - Finance and Personnel - Recommending the award for Commercial Garage Labor – Cars and Light Trucks be made to the low bidder, Mr. Norm’s Garage, of Rockford, Illinois for an estimated total contract of \$345,000 for 1 year with option to extend for (2) 1-year terms. The funding source is Garage Operating Budget.
5. Wasco - Finance and Personnel - Recommending the award for Commercial Garage Labor – Heavy Duty Trucks be made to the low bidder, McVeigh’s Truck Repair, of Rockford, Illinois for an estimated total contract of \$65,000 for 1 year with option to extend for (2) 1-year terms. The funding source is Garage Operating Budget.
6. Wasco - Finance and Personnel - Recommending the City Council authorize the Mayor and City Legal Director to enter into a retainer agreement with Attorney Ron Schultz

consistent with the draft attached, providing for a monthly retainer of \$1,000 per month and hourly fees of \$200 per hour for billable time in excess of 8 hrs. per month. The funding source is Legal Department Operating Budget. The legal director shall prepare the appropriate ordinance.

7. Wasco - Finance and Personnel - Regarding Intergovernmental Agreement: Winnebago County Traffic Signal Maintenance & Operation recommends the City create and execute an ordinance that approves the Intergovernmental Agreement with the Winnebago County Highway Dept.
8. Wasco - Finance and Personnel - Recommending approval of the 2013-2017 (Amended) Capital Improvement Plan which includes the removal of \$200,000 for the 2013 funding of the Downtown, One-Way Pair Conversion to Two-Way and re-allocate it to the Neighborhood Program category. The shift includes taking \$65,000 of the funding to offset the re-allocation of the City-Wide Re-forestation program funding, with the remaining \$135,000 to be allocated on an equal basis to the 14 ward allocations.

## **II. ORDINANCES LAID OVER JANUARY 14, 2013**

1. Mark - Ordinance - Amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all other requirements of the Liquor Ordinances 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:

**Sean S. Chinna d/b/a Gasland Express** for the sale of packaged liquor in conjunction with a gas station and convenience store in a C-3, Commercial General District and R-4, Multi-Family Residential 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 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. Maintenance of garbage/debris within the green area next to the residential uses.
  7. 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.
2. Mark - Ordinance - Amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all other requirements of the Liquor Ordinances 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:

**Chirag Patel d/b/a Cork. Keg and Spirits** for modification of an existing liquor license to include the sale of liquor by the drink with a wine bar and liquor store at 1603 North Alpine Road. Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
  2. Meeting all applicable building and fire codes.
  3. Signage must be in compliance with the Zoning Ordinance and may not cover more than 35% of the window surface for indoor signs.
  4. Hours of operation should be limited to Monday through Thursday 10:00 am to 9:00 pm, Friday through Saturday and 10:00 am to midnight, Sunday 10:00 am to 9:00 pm.
  5. 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.
3. Mark - Ordinance - Amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all other requirements of the Liquor Ordinances 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:

**Marjorie A. Axelson d/b/a Wild, Wild Westmor Lanes** for the sale of liquor by the drink in conjunction with a bowling alley, bar and snack bar in an I-1, Light Industrial Zoning District at 2335 and 2407 North Central Avenue. 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 sale of alcohol shall be limited to the interior site plan that was submitted Exhibit B.
  4. Submittal of detailed site and landscaping plans for Staff's review and approval.
  5. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
  6. The bowling alley, bar and snack bar shall not operate as a nightclub
  7. The bowling alley, bar and snack bar shall not have outside liquor sales.
4. Mark - Ordinance - Amending Article 64 of the Zoning Ordinance of the City of Rockford for a Variation to allow a four (4) foot chain link fence in a front yard in an R-1, Single-Family Residential District at 2311 Green Street.
5. Mark - Ordinance - For the following Zoning Text Amendments:

### **Article 20 Residential Districts**

20-004 Uses:

Table 201- Use Classification Table: Add Wildlife Rehabbers "S", in the RE, R-1, R1-U, R-2, R-3 and R-4 Districts

Article 91 General Terms

Add Definition of drop box Article 91, General Terms as follows:

Wildlife Rehabber – an individual licensed by the Illinois Department of Natural Resources under Section 5/3.22, Chapter 520 of the Illinois Compiled Statutes.

Add Definition to Article 91:

**Wildlife Rehabilitation Specialist** – an individual licensed by the Illinois Department of Natural Resources pursuant to 520 ILCS 5/3.22.

Amend Regulations:

**Residential Districts**

Add to Table 20-1, Wildlife Rehabilitation "S", in the RE, R-1, R1-U, R-2, R-3 and R-4 Districts.

6. Mark - Ordinance - Amending Article 64 and Article 63 of the Zoning Ordinance of the City of Rockford for a (A) Special Use Permit for a drive-thru in conjunction with a fast food restaurant; a (B) Variation to reduce the required parking from 723 parking spaces to 544 parking spaces; a (C) Variation to allow building lighting wall sconces and trash enclosure lighting to have a 75 degree cutoff or greater when lighting with less than 75 degree cutoff is required; and (D) a Variation to allow for a free-standing pylon sign along East State Street in a C-2, Limited Commercial Zoning District at 7130 East State Street. Approval is subject to the following conditions:
1. Meeting all applicable building and fire codes.
  2. Submittal of a revised landscape plan to include building foundation landscaping of at least 50% for the proposed building and plant species for Staff's review and approval.
  3. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with submitted sign elevations.
  4. Must develop site in accordance with site and landscaping plans approved by Staff.
  5. Must develop site and lighting in accordance with Exhibit H, the photometric plan approved by Staff.
  6. Must develop building elevations in accordance with Exhibit L.

Approval is based on the Findings of Fact.

7. Mark - Ordinance - Amending Article 63 of the Zoning Ordinance of the City of Rockford for a Special Use Permit for a church in an R-3, Multi-Family Residential District and R-2, Two-Family Residential District at 2101 and 2029 Auburn Street. Approval is subject to the following conditions:
1. Meeting all applicable building and fire codes.
  2. A design professional must evaluate the building to ensure that the building satisfies required building codes.

Approval is based on the Findings of Fact.

8. Mark - Ordinance - For the vacation of the right-of-way between South Central Avenue and Victoria Avenue also known as Domino Avenue. Advertisement costs will be paid by Pilgrims Promise. The following conditions will apply:
  1. The existing 2' steel gas main owned by Nicor shall be maintained in an easement.
  2. The property be vacated equally to Pilgrim's Promise CDC and Ms. Shirley Fricks (2115 South Central Avenue).
  3. The property has been valued at \$1,070.00. Pilgrims Promise has requested to pay for advertisement costs only.

### **III. APPOINTMENTS HELD OUT JANUARY 14, 2013**

1. Mayor Morrissey - Appointment - Historical Preservation Commission, Mr. Dave Coady, for a three-year term ending January 2016. (Pursuant to Rule 18, this item is up for passage on February 11, 2013).
2. Mayor Morrissey - Re-appointment - Fire Pension Board, Mr. Michael White, Jr., for a three-year term ending January 2016. (Pursuant to Rule 18, this item is up for passage on February 11, 2013).
- 3.\* Mayor Morrissey – Appointment - Community Action Advisory Board; Alderman Ann Thompson-Kelly, term expiring December 2013. (Pursuant to Rule 18, this item is up for passage on January 22, 2013).
- 4.\* Mayor Morrissey – Appointment - Community Action Advisory Board; Alderman Frank Beach, term expiring December 2013. (Pursuant to Rule 18, this item is up for passage on January 22, 2013).

- Motions and 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).

1. Mark – Ordinance - Rental Property Registration and Chronic Nuisance Ordinance.
2. Jacobson – Ordinance - 2013 EDEEN (Economic Development Education and Entrepreneurial Network) Budget and Strategic Plan.
3. Wasco – Ordinance - Retainer agreement with Attorney Ron Schultz consistent with the draft attached, providing for a monthly retainer of \$1,000 per month and hourly fees of \$200 per hour for billable time in excess of 8 hrs. per month. The funding source is Legal Department Operating Budget.
4. Wasco – Ordinance - Intergovernmental Agreement: Winnebago County Traffic Signal Maintenance & Operation recommends the City create and execute an ordinance that approves the Intergovernmental Agreement with the Winnebago County Highway Dept.

5. Wasco – Ordinance - 2013-2017 (Amended) Capital Improvement Plan which includes the removal of \$200,000 for the 2013 funding of the Downtown, One-Way Pair Conversion to Two-Way and re-allocate it to the Neighborhood Program category. The shift includes taking \$65,000 of the funding to offset the re-allocation of the City-Wide Re-forestation program funding, with the remaining \$135,000 to be allocated on an equal basis to the 14 ward allocations.
- \* 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**

**Tuesday, January 22, 2013, 5:15 p.m.**

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

**AGENDA**

1. C & R 13-18 January Traffic Commission Minutes
2. C & R 13-17 Special Events:
  - a) St. Patrick’s Day Parade 3/16/13
  - b) State Street Mile 8/3/13
3. C & R 13-16 Review of Closed Session Minutes

**FINANCE AND PERSONNEL COMMITTEE**

**Tuesday, January 22, 2013, 5:15 p.m.**

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

**AGENDA**

1. Purchasing and Vouchers
  - A. Award of Bid: Upholstery Services
  - B. Award of Bid: PCC Patching – Water 2013
  - C. Award of Bid: Janitorial Services – City facilities - Suspend rules
  - D. Change Order: Masonry Repairs Station 11 – **Info only**
  - E. Engineering Agreement Amendment: 2010 USEPA Cleanup Grant – Ingersoll

- F. Engineering Agreement Amendment: West State Street Corridor Brownfield Assessment Grant
  - G. Resolution to take Bids/Proposals
  - H. Vouchers
2. Letter of Understanding: IL Route 251 Median Curb & Gutter (Laid over 1/7)
  3. Intergovernmental Agreement: City Guarantee of RMTD \$1.5 Million Line of Credit
  4. 2013 Budget

**PLANNING AND DEVELOPMENT COMMITTEE**

**Tuesday, January 22, 2013, 5:30 p.m.  
CD Conference Room, City Hall 2<sup>nd</sup> floor  
AGENDA**

1. Memorandum from Todd Cagnoni, Deputy Director of Community and Economic Development Department, regarding acquisition of the property at 134 North Main Street.

**LEGISLATIVE LOBBYING COMMITTEE**

**Tuesday, January 22, 2013, \_\_\_\_ p.m.  
Conference Room A, City Hall 2<sup>nd</sup> floor (north room)  
AGENDA**

No Meeting Scheduled.