

**CITY COUNCIL, CITY OF ROCKFORD  
JOURNAL OF PROCEEDINGS  
SEPTEMBER 2, 2014  
COUNCIL CONVENED AT 6:25 P.M.**

1. The invocation was given by Chaplain Sherman Nichols, Central Christian Church and the Pledge of Allegiance was led by City Council Page Beatriz Medrano.
2. Roll Call:

Mayor Lawrence Morrissey

Aldermen: Durkee, Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo,  
Newburg, Beach, Elyea, Chiarelli -12-  
Absent: Beck, McNeely -2-
3. Alderman Beach moved to accept the Journal of Proceedings of August 25, 2014 seconded by Alderman Hervey. MOTION PREVAILED (Ald. Beck, McNeely absent). absent).

**PUBLIC PARTICIPATION**

4. Harry McCurdy asked clergy and residents from the west side for prayers and believes a different grocery store on West State would better serve the resident's needs.
5. Roland Poska wished Mayor Morrissey a happy birthday from Prophet Yusef and stated again that he believes we can do the impossible; end prejudice and violence, expand thinking and the money supply, and end war in 63 years.
6. John Brantley listed several events his youth group has attended in this past week and he thanked all the generous sponsors for making it possible.

**PETITIONS AND COMMUNICATIONS**

7. Alderman Thompson-Kelly submitted three (3) requests for service. Referred to Community Development/Code and Enforcement and Public Works.
8. Alderman Chiarelli submitted a Memorandum from Kelly Nokes, Assistant Operations Manager, regarding upcoming special events:
  1. Rock the Runway – September 27, 2014
  2. Race the Runway – October 4, 2014
  3. Air Camp – October 10-12, 2014Referred to Code and Regulation Committee.
9. Alderman Chiarelli submitted a Memorandum from Marcy Leach, Engineering Operations Manager, regarding Right-of-Way Vacation of right of way adjacent to 2515 Kilburn Avenue. Referred to Code and Regulation Committee.

10. Alderman Chiarelli submitted a Memorandum from Marcy Leach, Engineering Operations Manager, regarding Right-of-Way Vacation of 9<sup>th</sup> Avenue from 24<sup>th</sup> Street east to Rockford Public School District 205 property as well as alley adjacent to said portion of 9<sup>th</sup> Avenue. Referred to Code and Regulation Committee.
11. Alderman Chiarelli submitted a Memorandum from Lafakeria Vaughn, Assistant City Attorney, regarding Acquisition of Parcels, 21xx Harrison Avenue and 2210 Harrison Avenue, through litigation for Harrison Avenue Project. Referred to Code and Regulation Committee.
12. Alderman Chiarelli submitted the Rockford Traffic Commission agenda for the meeting to be held on September 10, 2014. Referred to Traffic Commission.
13. Alderman Chiarelli submitted a Memorandum from Kerry Partridge, City Attorney, regarding a request from Alderman Getchius to amend the Zoning Ordinance, which would prohibit negative use restrictions, which limit the sale of former grocery and drug stores to new owners proposing the identical use. Referred to Code and Regulation Committee.
14. Alderman Hervey submitted a Memorandum from Matt Vitner, City Engineer, regarding Memorandum of Understanding (South Main Street Two-Way Conversion). Referred to Finance and Personnel Committee.
15. Alderman Hervey submitted a Memorandum from Joanne Lewis, Head Start Director, regarding Lease Agreement between Rockford Housing Authority and City of Rockford Human Services Department for the lease of space at Orton Keyes Head Start Site. Referred to Finance and Personnel Committee.
16. Alderman Hervey submitted a Memorandum from Tim Holdeman, Water Superintendent, regarding Final Restoration Costs for Emergency P.O. for Water Main Repairs on Corbin Street. The total cost of the restoration by Stenstrom Excavation and Blacktop Group is \$55,034.85. Placed on file.

### **NEW COMMITTEE REPORTS**

17. Alderman Hervey read a Finance and Personnel Committee Report recommending that the City Council approve reducing the outstanding code hearing fines and penalties for 1915 Ridgeland Rd. in Rockford, Illinois to \$1,000.00 upon compliance with the original order to repair by January 1, 2015. Any outstanding water, clean-up and mow liens must be paid. LAID OVER.
18. Alderman Hervey read a Finance and Personnel Committee Report recommending the City Council adopt an Ordinance authorizing the Mayor and Legal Director to execute the agreements and documents necessary to purchase 557 South New Towne Drive for \$1,100,000.00 on the terms and conditions described in the Agreement for Purchase and Sale dated May 4, 2014 and the addendum thereto dated August 7, 2014. The Legal Director shall prepare the appropriate ordinance.

Alderman Hervey moved to suspend Rule 11, seconded by Alderman Durkee. MOTION FAILED by a Roll Call vote of:

Ayes: Durkee, Getchius, Hervey, Hill, Thompson-Kelly, Elyea, -6-  
Nays: McNamara, Frost, Oddo, Newburg, Beach, Chiarelli -6-  
Absent: Beck, McNeely -2-

The Committee Report was LAID OVER.

19. Alderman Hervey moved the adoption of a Finance and Personnel Committee Report recommending approval of the total vouchers for the week of September 2, 2014 in the amount of \$2,440,549.35. MOTION PREVAILED by a Roll Call vote of:

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

20. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE a Zoning Map Amendment from R-1, Single-Family Residential and C-3, General Commercial District to C-2, Limited Commercial District and APPROVE a Special Use Permit for a Planned Unit Development consisting of a grocery store and off-premise monument sign on adjacent parcel in a C-2, Limited Commercial District at 1701, 1719 West State Street, 117, 121, 123 North Independence Avenue, 120, 124, 128 North Central Avenue. Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a dumpster detail and rendering for Staff's review and approval.
4. Must develop site in accordance with Exhibit E, the site and landscaping plan approved by Staff.
5. Must develop building elevations in accordance with Exhibits E.
6. Must obtain separate permits for signage and sign must be constructed with the submitted sign elevations and accordance with the Sign Ordinance.
7. All conditions must be met prior to establishment of use.

Approval is based on the attached Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

21. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council to (A) APPROVE the Special Use Permit for a drive-through in conjunction with a donut shop (fast food restaurant),(B) APPROVE a Variation to reduce the required parking from 101 parking spaces to 79 spaces; (C) APPROVE of a Variation to reduce the required 20 feet front yard setback for a parking lot to 15 feet along East State Street; (D) APPROVE a Variation to reduce the required 20 feet wide frontage landscaping to 15 feet wide along East State Street; (E) DENY a Variation to reduce the required 20 feet front yard setback for a parking lot to 5.3 feet along Sundae Drive; APPROVE\_ a Variation to reduce the

required 20 feet front yard setback for a parking lot to 11.3 feet along Sundae Drive;(F) DENY a Variation to the required 20 feet wide frontage landscaping to 5.3 feet wide along Sundae Drive; APPROVE a Variation to the required 20 feet wide frontage landscaping to 11.3 feet wide along Sundae Drive in a C-2, Limited Commercial Zoning District at 7340 East State Street. Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a revised civil plan to include 80 parking spaces and the reduced width of the parking lot (drive-through lane) along Sundae Drive to 12 feet.
4. Submittal of a revised landscape plan to include removal of landscaping within the right-of-way, additional landscaping added to the perimeter landscaping along East State Street and Sundae Drive, landscaping added to the proposed interior island south of the building and east of the drive-through, and plant species for Staff's review and approval.
5. Submittal of drainage calculations shall be submitted to determine if the existing detention pond has the adequate storm water storage or if additional storm water storage will be required for review and approval by the City Engineer.
6. Submittal of a dumpster detail and rendering for Staff's review and approval.
7. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
8. Submittal of building elevations for Staff review and approval.
9. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with plans approved by Staff.
10. Must develop site in accordance with new civil and landscaping plans approved by Staff.
11. Must develop building in accordance with elevations approved by Staff.
12. All conditions must be met prior to establishment of use.

Approval/Denial is based on the attached Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

22. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council DENY the Special Use Permit for a pay day loan store and pawn shop in a C-2, Limited Commercial Zoning District at 6909 East State Street.

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

23. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE a Variation in required landscaping per the submitted site plan; and APPROVE a Variation in the required parking spaces per the submitted site plan in a C-3, General Commercial Zoning District at 2019 and 2021 South Main Street. Approval is subject to the following conditions:
  1. Meet all Building and Fire Codes.
  2. Submittal of a dumpster detail and rendering for Staff's review and approval.

3. Must develop site in accordance with site and landscaping plans Exhibit D and Exhibit E as approved by Staff.
4. Must obtain separate permits for signage and sign must be in accordance with the Sign Ordinance.
5. All conditions must be met prior to establishment of use.

Approval is based on the attached Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

- 23a. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE a Zoning Map Amendment from County AG to R-1, Single-family Residential Zoning District; APPROVE the Special Use Permit for a church; and APPROVE a Variation to waive the required landscaping; and a Variation to waive the required parking standards in an R-1, Single-family Residential Zoning District at 3844 Sandy Hollow Road. Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of a building permit for Staff review and approval establishing the church.
3. A landscaping plan shall be submitted and shall be in accordance with the City of Rockford Ordinances as reviewed and approved by Staff for any parking lot reconstruction.
4. Submittal of a dumpster detail, rendering, and dumpster enclosure permit for Staff's review and approval.
5. Must obtain separate permits for signage and signage must be in accordance with the City of Rockford Ordinances as reviewed and approved by Staff.

Approval is based on the attached Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

24. Alderman Chiarelli read a Code and Regulation Committee Report REVERSING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit to construct a 120' high cell tower in a C-2, Limited Commercial District at 3816 Broadway. Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. The fencing material must be vinyl.
3. No more parking spaces may be eliminated and the lease area will be restricted to the area shown on the site plan.

Approval is based on the Findings of Facts. The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

25. Alderman Chiarelli read a Code and Regulation Committee Report REVERSING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a 130' monopole cellular tower in a C-3, General Commercial Zoning District at 3017 Wallin Avenue.

1. Approval is subject to the following conditions:
2. Must meet all applicable building and fire codes.
3. Submittal of a revised site plan showing tower 30' setback from the front property line.

Approval is based on the Findings of Facts. The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

26. Alderman Chiarelli read a Code and Regulation Committee Report REVERSING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a 150' monopole cellular tower in an I-1, Light Industrial Zoning District at 1507 Kishwaukee. Approval is subject to the following conditions:

1. Submittal of a revised site plan to include a 100' setback from the right-of-way along the south alley, fencing to be changed from chain link to vinyl and for the landscaping to be incorporated along both alleys.
2. Must meet all applicable building and fire codes.
3. Must submit documentation of approval through FAA.

Approval is based on the Findings of Facts. The Legal Director is hereby instructed to prepare the necessary Ordinance. LAID OVER.

27. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY sale of packaged liquor in conjunction with a gas station and convenience store in the name of **Rao Ahmed for MS Gasoline Inc. d/b/a Kishwaukee Citgo** in an I-1, Light Industrial Zoning District and I-2 General Industrial Zoning District at 2233 Kishwaukee Street and 22XX Starr Street. LAID OVER.

28. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE referred the sale of package liquor with a retail drug store with sundries in the name of **Bond Drug Company of Illinois LLC d/b/a Walgreens** in a C-2, Limited Commercial Zoning District at 3929 Mulford Road. Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire and Liquor codes.
2. Window display signage is limited to 35% of the window area.
3. The sale of alcohol shall be limited to the submitted interior floor plan Exhibit E.
4. 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.
5. There shall be no single service sales of beer or wine in volumes of 40 ounces or less.
6. There shall be no sale of alcohol between 12:00 am to 7:00 am.

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

29. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of package liquor with a retail drug store with sundries in the name of **Bond Drug Company of Illinois LLC d/b/a Walgreens** in a C-2, Limited Commercial Zoning District at 1145 North Alpine Road. Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire and Liquor codes.
2. Window display signage is limited to 35% of window area.
3. The sale of alcohol shall be limited to the submitted interior floor plan Exhibit E.
4. 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.
5. There shall be no single serving sales of beer or wine in volumes of 40 ounces or less.
6. There shall be no sale of alcohol between 12:00 am to 7:00 am.

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

30. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of package liquor with a retail drug store with sundries in the name of **Bond Drug Company of Illinois LLC d/b/a Walgreens** in a C-3 General Commercial Zoning District and I-1, Light Industrial District at 2323 Charles Street. Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire and Liquor codes.
2. Window display signage is limited to 35% of window area.
3. The sale of alcohol shall be limited to the submitted interior floor plan Exhibit E.
4. 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.
5. There shall be no single serving sales of beer or wine in volumes of 40 ounces or less.
6. There shall be no sale of alcohol between 12:00 am to 7:00 am.

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

31. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Liquor & Tobacco Advisory Board, thereby recommending that City Council APPROVE a modification of existing liquor license by the drink and outdoor seating area with a restaurant to extend hours of operation to 2:00 am in the name of **Abduraman Isai and Istref Sam Sabini / Menns Inc. d/b/a Tavern on Clark** in a C-3, General Commercial Zoning District at 755 Clark Drive. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes and liquor codes.
2. The hours are limited to Sunday through Saturday 7:00 AM to 2:00 AM
3. Window display signage shall be limited to 35% of the window surface area.
4. There shall not be a cover charge, dance floor, or DJ's.

5. Live entertainment shall be limited to a single performer playing a single instrument.

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

32. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of tobacco products with a grocery store in the name of **Samir R. Rathod / Veer Mahi Inc. d/b/a 320 Grocery** in a C-3, General Commercial Zoning District at 320 North Court Street. Approval is subject to the following conditions:

1. Must meet all applicable building, fire and tobacco codes.
2. Hours are limited to Monday-Saturday 8:00 AM to 8:00 PM, Sunday 9:00 AM to 7:00 PM.
3. Inside signage cannot exceed more than 35% of the window surface and any temporary signs in violation must be removed.
4. That the windows shall not be covered with bars or other devices that block the windows.
5. A dumpster enclosure must be constructed and the fenced must be repaired on the north side.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.

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

33. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of tobacco products in conjunction with a gas station in the name of **Junaid Ahmed for JR Gasoline, Inc. d/b/a Kilburn Shell** in a C-3, Commercial General Zoning District at 913 Kilburn Avenue. Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of tobacco products shall be limited to the interior site plan that was submitted Exhibit F.
4. Submittal of a civil plan to include improvements to the parking lot and 12 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 that 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 A.M. to Midnight 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.

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

34. Alderman Chiarelli read a Code and Regulation Committee Report REVERSING the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY the sale of package liquor with a gas station in the name of **Robbin Madhok for Magnum Oil 1 Inc. d/b/a Alpine Marathon** in a C-3, General Commercial Zoning District and R-4, Multi-family Residential Zoning District at 3299 South Alpine Road.

LAID OVER.

35. Alderman Chiarelli read a Code and Regulation Committee Report SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of liquor by the drink in conjunction with a catering, restaurant, bar, banquet hall and hotel and APPROVE the sale of liquor by the drink in conjunction with an outdoor seating area in the name of **Cliffbreakers Riverside Resort, LLC d/b/a Cliffbreakers Riverside Resort** in a C-3, General Commercial Zoning District at 700 West Riverside Boulevard. Approval is subject to the following conditions:

1. Must meet all applicable liquor codes.
2. Must meet all applicable building and fire codes.
3. The proposed use shall not operate as a night club.
4. The proposed use shall not have a cover charge.
5. The sale of alcohol shall be limited to the submitted plans.
6. The hours of operation shall be in accordance with the liquor code.

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

**2014-220CR**

36. Alderman Chiarelli read a Code and Regulation Committee Report recommending that City Council APPROVE the settlement in Kenneth Rorheim v. City of Rockford in the amount of \$32,500.00 with a release to be obtained.

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

Ayes: Durkee, Getchius, McNamara, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Chiarelli -11-  
 Nays: -0-  
 Abstain: Frost -1-  
 Absent: Beck, McNeely -2-

## OFFICERS REPORTS

37. Mayor Morrissey thanked Senator Durbin and Congresswoman Bustos for leading the discussion today at the RAMP Office regarding the announcement made earlier this year that Chicago would be the headquarters of a state-of-the-art digital manufacturing institute and networking opportunities for cities like Rockford to participate. Rockford Public Schools, Rockford University, Rock Valley College and local workforce training organizations will work in partnership with the institute to help develop high tech jobs.
38. Mayor Morrissey announced on Thursday, September 4, 2014 will be the West State Street Corridor Phase I Ribbon Cutting ceremony at South Avon Street between West State and Elm Street at 10:00 am.
39. Mayor Morrissey announced on Wednesday, September 3<sup>rd</sup> at the Webbs Norman Center, 401 North Main Street from 4:30 pm – 6:30 pm will be a public input meeting on the design of the multi-module transportation center, built in conjunction with Amtrak Service that is scheduled to open to passengers in about a year.
40. Mayor Morrissey reminded residents that garbage pickup will be delayed a day due to the Labor Day holiday.
41. Alderman Thompson-Kelly thanked Mayor Morrissey for announcing the West State Street Corridor Ribbon Cutting ceremony to be held on September 4, 2014 at 10:00 am. She also thanked Patrick Zuroske for his work on the project.
42. Alderman Thompson-Kelly announced the West Gateway Coalition will be holding their annual fish fry fundraiser, ticket are \$10.00.
- 42a. Alderman Thompson-Kelly reminded Mayor Morrissey to bring birthday treats next week for his birthday.
43. Alderman Getchius thanked Patrick Hayes, Legal Director and Todd Cagnoni, Community Development Director, for all their work on the memorandum that was referred to the Code and Regulations Committee tonight, that would amend the Zoning Ordinance to prohibit negative use restrictions, which limit the sale of former grocery and drug stores to new owners proposing the identical use. He was motivated for this change after learning when the former Schnucks on Rural sells the property, they intend to put a “non-compete” clause on the property. He encouraged support for this amendment.  
  
Patrick Hayes, Legal Director, explained the process and timeline to move forward with the referral which was crafted from a piece of legislation in Chicago. He noted in the Chicago Ordinance the item was made retroactive to the date the matter was first presented at their council meeting. He suggested throughout the process we would make it retroactive to tonight’s city council meeting if it is successful and passed.
44. Alderman Hervey commented in years past, Schnucks grocery store was solicited to fill a vacancy of a grocery store that had burnt down on the west side and made the decision

not to come there. The pending issue reminds her of restrictions made on residential properties several years ago.

Mayor Morrissey asked Alderman Getchius if the building has sold yet.

Alderman Getchius advised the building has not sold yet and that this piece of legislation is precautionary and feels very strongly about this for the entire city.

45. Alderman Durkee reiterated Alderman Getchius concerns about this type of restriction which creates blight in our city. He mentioned Alderman Beach has a piece of property in his ward that has been vacant because of a similar restriction on the property.
46. Alderman Durkee announced Friday, September 5, 2014 will be an EDEEN planning session from 9:00 am – 11:00 am at the RACVB, 102 North Main Street. He encouraged council members to attend.
47. Alderman McNamara thanked Glenn Trommels, IT Director, for providing him with access to the Landlord Rental Registry and taking the time to update him on the new technology that will be forthcoming.
48. Alderman Beach confirmed there is a property in his ward that is vacant due to a restriction clause when the building was sold.
- 48a. Alderman Beach thanked Tim Hanson, Director Public Works, for attending neighborhood meetings in his ward.
49. Alderman Chiarelli reminded council members and residents that the Code and Regulations Committee will hold a special meeting tomorrow, September 3, 2014 at 12:00 (noon) in council chambers to review the Liquor and Tobacco Ordinance.
50. Alderman Chiarelli announced tomorrow is his 26<sup>th</sup> wedding anniversary.
51. Alderman Newburg announced tomorrow will be the 17<sup>th</sup> anniversary of her husband Charles receiving a kidney and liver transplant and is happy to report he is still with us.

## **UNFINISHED BUSINESS**

### **2014-221CR**

52. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending the approval of an amendment to the Honorary Street Name Change Policy to include a process to renew the honorary designation. MOTION PREVAILED by a Roll Call vote of:

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

**2014-222CR**

53. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending the approval of Final Plat Number 2 of College Center Subdivision at 5051 East State Street. MOTION PREVAILED by a Roll Call vote of:

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

**2014-223CR**

54. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending the Legal Director be instructed to draw an Ordinance restricting parking to Three (3) Hour Parking on both sides of North 5<sup>th</sup> Street from State Street to Jefferson Street, thus repealing the existing Two (2) Hour Parking restriction. MOTION PREVAILED by a Roll Call vote of:

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

**2014-224CR**

55. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending the Legal Director be instructed to draw an Ordinance establishing a No Parking Anytime Parking restriction on the east side of Clifton Avenue from Pond Street to South Main Street. MOTION PREVAILED by a Roll Call vote of:

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

**2014-225CR**

56. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending the Legal Director be instructed to draw an Ordinance repealing the Two (2) Hour Parking restriction on both sides of 21<sup>st</sup> Street from 9<sup>th</sup> Avenue to 9<sup>th</sup> Avenue, thus re-establishing unrestricted parking. MOTION PREVAILED by a Roll Call vote of:

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

**2014-226CR**

57. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending the Legal Director be instructed to draw an Ordinance that all traffic be required to stop prior to entering the intersection of 7<sup>th</sup> Street and 2<sup>nd</sup> Avenue. MOTION PREVAILED by a Roll Call vote of:

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

**2014-227CR**

58. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending the Legal Director be instructed to draw an Ordinance that all traffic be required to stop prior to entering the intersection of 7<sup>th</sup> Street and 4<sup>th</sup> Avenue. MOTION PREVAILED by a Roll Call vote of:

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

**2014-228CR**

59. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending the Legal Director be instructed to draw an Ordinance that all traffic be required to stop prior to entering the intersection of 7<sup>th</sup> Street and 5<sup>th</sup> Avenue. MOTION PREVAILED by a Roll Call vote of:

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

**2014-229CR**

60. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending the Legal Director be instructed to draw an Ordinance repealing all time limit Parking restriction in Municipal Parking Lot 26 near 8<sup>th</sup> Street and 13<sup>th</sup> Avenue, thus establishing unrestricted parking. MOTION PREVAILED by a Roll Call vote of:

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

**2014-230CR**

61. Alderman Chiarelli moved the adoption of a Code and Regulation Committee Report recommending that "No Action" be taken on the following items:

1. Request to establish an all-way stop control at the intersection of Greenwood Avenue and Westchester Avenue, thus repealing the existing traffic control of Greenwood Avenue stopping for Westchester Avenue.
2. Request to establish an all-way stop control at the intersection of Greenwood Avenue and Roland Avenue, thus repealing the existing traffic control of Greenwood Avenue stopping for Roland Avenue.

3. Request to establish a "No Parking Any Time" parking restriction on the north side of Preston Street from Waldo Street to Central Street.
4. Request to establish a "No Parking Any Time" restriction on the east side of Buchanan Street from Loomis Street to Morgan Street.
5. Request to establish an all-way stop control at the intersection of Kennon Road and Foley Street.

MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Getchius (items 3 and 4), McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Elyea, Chiarelli -12-  
 Nays: Getchius (items 1, 2 and 5)  
 Absent: Beck, McNeely -2-

**2014-138-O**

62. Alderman Chiarelli moved the adoption of an Ordinance for the Sale of vacant lot at 617 North Greenview Avenue at a minimum bid of \$450.00 with preference to the adjacent property owner. MOTION PREVAILED by a Roll Call vote of:

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

**2014-139-O**

63. Alderman Chiarelli moved the adoption of an Ordinance for the Sale of vacant lot at 219 North Johnston Avenue at a minimum bid of \$450.00 with preference to the adjacent property owner. MOTION PREVAILED by a Roll Call vote of:

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

**MOTIONS AND RESOLUTIONS**

**2014-233R**

64. Alderman Hervey, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor to execute an agreement for Waterworks Supplies and Materials with the low bidder for each category:

HD Supply	Belvidere, IL	\$280,915.00
Water Products Co.	Aurora, IL	\$ 96,955.75
Mid-American Water	Wauconda, IL	\$ 20,034.10
J & R Supply	East Dubuque, IL	\$403,912.00
Ferguson Waterworks	DeKalb, IL	\$ 54,320.06
Powerseal Pipeline Products	Wichita Falls, TX	\$ 1,596.30

The funding source is Water Operating Budget. MOTION PREVAILED by a Roll Call vote of:

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

**2014-234R**

65. Alderman Hervey, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor to execute an agreement for Mill & Overlay to McFarland Road with Northern Illinois Service Co., of Rockford, Illinois in the amount of \$27,632.00. The funding source is Sales Tax. MOTION PREVAILED by a Roll Call vote of:

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

**2014-235R**

66. Alderman Hervey, on behalf of the Finance and Personnel Committee, moved the adoption of a Resolution authorizing the Mayor to execute this budget neutral adjustment in funding source from Motor Fuel Tax funds to Sales Tax funds for RMAP City Master Planning in the amount of \$147,416.00. MOTION PREVAILED by a Roll Call vote of:

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

**NEW BUSINESS**

67. Alderman Chiarelli introduced and read an Ordinance amending Chapter 16, Schedule Section 291 of the Code of Ordinances of the City of Rockford to add the following:

"All traffic be required to stop prior to entering the intersection of 7<sup>th</sup> Street and 5<sup>th</sup> Avenue".

"All traffic be required to stop prior to entering the intersection of 7<sup>th</sup> Street and 2<sup>nd</sup> Avenue".

"All traffic be required to stop prior to entering the intersection of 7<sup>th</sup> Street and 4<sup>th</sup> Avenue".

LAIID OVER.

68. Alderman Chiarelli introduced and read an Ordinance amending Chapter 16, Schedule Section 285 of the Code of Ordinances of the City of Rockford to repeal the following:

“The Two (2) Hour Parking Restriction on both sides of 21<sup>st</sup> Street from 8<sup>th</sup> Avenue to 9<sup>th</sup> Avenue, thus re-establishing unrestricted parking”.

LAID OVER.

69. Alderman Chiarelli introduced and read 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 east side of Clifton Avenue from Pond Street to South Main Street”.

LAID OVER.

70. Alderman Chiarelli introduced and read an Ordinance amending Chapter 16, Schedule Section 286 of the Code of Ordinances of the City of Rockford to add the following:

“Restricting parking to Three (3) Hour Parking on both sides of North 5<sup>th</sup> Street from State Street to Jefferson Street, thus repealing the existing Two (2) Hour Parking Restriction”.

LAID OVER.

71. Alderman Chiarelli introduced and read an Ordinance amending Chapter 16, Schedule Section 286 of the Code of Ordinances of the City of Rockford to add the following:

“All time limit Parking Restriction in Municipal Parking Lot 26 near 8<sup>th</sup> Street and 13<sup>th</sup> Avenue, thus establishing unrestricted parking”. LAID OVER.

72. Alderman Hervey moved to go into closed session to discuss potential litigation and litigation matters, seconded by Alderman Getchius. MOTION PREVAILED by a Roll Call vote of:

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

The meeting went into closed session at 7:18 pm.

The meeting returned into open session at 8:11 pm and found the following aldermen present:

Getchius, McNamara, Frost, Hervey, Hill, Thompson-Kelly, Oddo, Newburg, Beach, Chiarelli -10-

73. Upon motion duly made and seconded, the meeting was adjourned at 8:13 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**  
**September 8, 2014**  
**6:00 P.M.**  
**AGENDA**

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

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

**UNFINISHED BUSINESS**

**I. COMMITTEE REPORTS LAID OVER SEPTEMBER 2, 2014**

**A. FINANCE AND PERSONNEL**

1. Hervey - Recommending that the City Council approve reducing the outstanding code hearing fines and penalties for 1915 Ridgeland Rd. in Rockford, IL to \$1,000.00 upon compliance with the original order to repair by January 1, 2015. Any outstanding water, clean-up and mow liens must be paid.
2. Hervey - Recommending the City Council adopt an Ordinance authorizing the Mayor and Legal Director to execute the agreements and documents necessary to purchase 557 South New Towne Drive for \$1,100,000.00 on the terms and conditions described in the Agreement for Purchase and Sale dated May 4, 2014 and the addendum thereto dated August 7, 2014. The Legal Director shall prepare the appropriate ordinance.

**B. CODE AND REGULATION**

1. Chiarelli - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE a Zoning Map Amendment from R-1, Single-Family Residential and C-3, General Commercial District to C-2, Limited Commercial District and APPROVE a Special Use Permit for a Planned Unit Development consisting of a grocery store and off-premise monument sign on adjacent parcel in a C-2, Limited Commercial District at 1701, 1719 West State Street, 117, 121, 123 North Independence Avenue, 120, 124, 128 North Central Avenue. Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a dumpster detail and rendering for Staff's review and approval.
4. Must develop site in accordance with Exhibit E, the site and landscaping plan approved by Staff.
5. Must develop building elevations in accordance with Exhibits E.
6. Must obtain separate permits for signage and sign must be constructed with the submitted sign elevations and accordance with the Sign Ordinance.
7. All conditions must be met prior to establishment of use.

Approval is based on the attached Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance.

2. Chiarelli - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council to (A) APPROVE the Special Use Permit for a drive-through in conjunction with a donut shop (fast food restaurant),(B) APPROVE a Variation to reduce the required parking from 101 parking spaces to 79 spaces; (C) APPROVE of a Variation to reduce the required 20 feet front yard setback for a parking lot to 15 feet along East State Street; (D) APPROVE a Variation to reduce the required 20 feet wide frontage landscaping to 15 feet wide along East State Street; (E) DENY a Variation to reduce the required 20 feet front yard setback for a parking lot to 5.3 feet along Sundae Drive; APPROVE a Variation to reduce the required 20 feet front yard setback for a parking lot to 11.3 feet along Sundae Drive;(F) DENY a Variation to the required 20 feet wide frontage landscaping to 5.3 feet wide along Sundae Drive; APPROVE a Variation to the required 20 feet wide frontage landscaping to 11.3 feet wide along Sundae Drive in a C-2, Limited Commercial Zoning District at 7340 East State Street. Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a revised civil plan to include 80 parking spaces and the reduced width of the parking lot (drive-through lane) along Sundae Drive to 12 feet.
4. Submittal of a revised landscape plan to include removal of landscaping within the right-of-way, additional landscaping added to the perimeter landscaping along East State Street and Sundae Drive, landscaping added to the proposed interior island south of the building and east of the drive-through, and plant species for Staff's review and approval.
5. Submittal of drainage calculations shall be submitted to determine if the existing detention pond has the adequate storm water storage or if additional storm water storage will be required for review and approval by the City Engineer.
6. Submittal of a dumpster detail and rendering for Staff's review and approval.
7. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
8. Submittal of building elevations for Staff review and approval.
9. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with plans approved by Staff.

10. Must develop site in accordance with new civil and landscaping plans approved by Staff.
11. Must develop building in accordance with elevations approved by Staff.
12. All conditions must be met prior to establishment of use.

Approval/Denial is based on the attached Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance.

3. Chiarelli - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council DENY the Special Use Permit for a pay day loan store and pawn shop in a C-2, Limited Commercial Zoning District at 6909 East State Street.

Denial is based on the attached Findings of Fact.

4. Chiarelli - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE a Variation in required landscaping per the submitted site plan; and APPROVE a Variation in the required parking spaces per the submitted site plan in a C-3, General Commercial Zoning District at 2019 and 2021 South Main Street. Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of a dumpster detail and rendering for Staff's review and approval.
3. Must develop site in accordance with site and landscaping plans Exhibit D and Exhibit E as approved by Staff.
4. Must obtain separate permits for signage and sign must be in accordance with the Sign Ordinance.
5. All conditions must be met prior to establishment of use.

Approval is based on the attached Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance.

5. Chiarelli - SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE a Zoning Map Amendment from County AG to R-1, Single-family Residential Zoning District; APPROVE the Special Use Permit for a church; and APPROVE a Variation to waive the required landscaping; and a Variation to waive the required parking standards in an R-1, Single-family Residential Zoning District at 3844 Sandy Hollow Road. Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of a building permit for Staff review and approval establishing the church.
3. A landscaping plan shall be submitted and shall be in accordance with the City of Rockford Ordinances as reviewed and approved by Staff for any parking lot reconstruction.
4. Submittal of a dumpster detail, rendering, and dumpster enclosure permit for Staff's review and approval.
5. Must obtain separate permits for signage and signage must be in accordance with the City of Rockford Ordinances as reviewed and approved by Staff.

Approval is based on the attached Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance.

6. Chiarelli - REVERSING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit to construct a 120' high cell tower in a C-2, Limited Commercial District at 3816 Broadway. Approval is subject to the following conditions:
  1. Must meet all applicable building and fire codes.
  2. The fencing material must be vinyl.
  3. No more parking spaces may be eliminated and the lease area will be restricted to the area shown on the site plan.

Approval is based on the Findings of Facts. The Legal Director is hereby instructed to prepare the necessary Ordinance.

7. Chiarelli - REVERSING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a 130' monopole cellular tower in a C-3, General Commercial Zoning District at 3017 Wallin Avenue.
  1. Approval is subject to the following conditions:
  2. Must meet all applicable building and fire codes.
  3. Submittal of a revised site plan showing tower 30' setback from the front property line.

Approval is based on the Findings of Facts. The Legal Director is hereby instructed to prepare the necessary Ordinance.

8. Chiarelli - REVERSING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a 150' monopole cellular tower in an I-1, Light Industrial Zoning District at 1507 Kishwaukee. Approval is subject to the following conditions:
  1. Submittal of a revised site plan to include a 100' setback from the right-of-way along the south alley, fencing to be changed from chain link to vinyl and for the landscaping to be incorporated along both alleys.
  2. Must meet all applicable building and fire codes.
  3. Must submit documentation of approval through FAA.

Approval is based on the Findings of Facts. The Legal Director is hereby instructed to prepare the necessary Ordinance.

9. Chiarelli - SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY sale of packaged liquor in conjunction with a gas station and convenience store in the name of **Rao Ahmed for MS Gasoline Inc. d/b/a Kishwaukee Citgo** in an I-1, Light Industrial Zoning District and I-2 General Industrial Zoning District at 2233 Kishwaukee Street and 22XX Starr Street.

10. Chiarelli - SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE referred the sale of package liquor with a retail drug store with sundries in the name of **Bond Drug Company of Illinois LLC d/b/a Walgreens** in a C-2, Limited Commercial Zoning District at 3929 Mulford Road. Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire and Liquor codes.
2. Window display signage is limited to 35% of the window area.
3. The sale of alcohol shall be limited to the submitted interior floor plan Exhibit E.
4. 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.
5. There shall be no single service sales of beer or wine in volumes of 40 ounces or less.
6. There shall be no sale of alcohol between 12:00 am to 7:00 am.

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

11. Chiarelli - SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of package liquor with a retail drug store with sundries in the name of **Bond Drug Company of Illinois LLC d/b/a Walgreens** in a C-2, Limited Commercial Zoning District at 1145 North Alpine Road. Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire and Liquor codes.
2. Window display signage is limited to 35% of window area.
3. The sale of alcohol shall be limited to the submitted interior floor plan Exhibit E.
4. 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.
5. There shall be no single serving sales of beer or wine in volumes of 40 ounces or less.
6. There shall be no sale of alcohol between 12:00 am to 7:00 am.

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

12. Chiarelli - SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of package liquor with a retail drug store with sundries in the name of **Bond Drug Company of Illinois LLC d/b/a Walgreens** in a C-3 General Commercial Zoning District and I-1, Light Industrial District at 2323 Charles Street. Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire and Liquor codes.
2. Window display signage is limited to 35% of window area.
3. The sale of alcohol shall be limited to the submitted interior floor plan Exhibit E.
4. 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.
5. There shall be no single serving sales of beer or wine in volumes of 40 ounces or less.
6. There shall be no sale of alcohol between 12:00 am to 7:00 am.

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

13. Chiarelli - SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE a modification of existing liquor license by the drink and outdoor seating area with a restaurant to extend hours of operation to 2:00 am in the name of **Abduraman Isai and Istref Sam Sabini / Menns Inc. d/b/a Tavern on Clark** in a C-3, General Commercial Zoning District at 755 Clark Drive. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes and liquor codes.
2. The hours are limited to Sunday through Saturday 7:00 AM to 2:00 AM
3. Window display signage shall be limited to 35% of the window surface area.
4. There shall not be a cover charge, dance floor, or DJ's.
5. Live entertainment shall be limited to a single performer playing a single instrument.

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

14. Chiarelli - SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of tobacco products with a grocery store in the name of **Samir R. Rathod / Veer Mahi Inc. d/b/a 320 Grocery** in a C-3, General Commercial Zoning District at 320 North Court Street. Approval is subject to the following conditions:

1. Must meet all applicable building, fire and tobacco codes.
2. Hours are limited to Monday-Saturday 8:00 AM to 8:00 PM, Sunday 9:00 AM to 7:00 PM.
3. Inside signage cannot exceed more than 35% of the window surface and any temporary signs in violation must be removed.
4. That the windows shall not be covered with bars or other devices that block the windows.
5. A dumpster enclosure must be constructed and the fenced must be repaired on the north side.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.

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

15. Chiarelli - 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 **Junaid Ahmed for JR Gasoline, Inc. d/b/a Kilburn Shell** in a C-3, Commercial General Zoning District at 913 Kilburn Avenue. Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.

3. The sale of tobacco products shall be limited to the interior site plan that was submitted Exhibit F.
4. Submittal of a civil plan to include improvements to the parking lot and 12 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 that 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 A.M. to Midnight 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.

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

16. Chiarelli - REVERSING the Liquor and Tobacco Advisory Board, thereby recommending that City Council DENY the sale of package liquor with a gas station in the name of **Robbin Madhok for Magnum Oil 1 Inc. d/b/a Alpine Marathon** in a C-3, General Commercial Zoning District and R-4, Multi-family Residential Zoning District at 3299 South Alpine Road.
17. Chiarelli - SUSTAINING the Liquor and Tobacco Advisory Board, thereby recommending that City Council APPROVE the sale of liquor by the drink in conjunction with a catering, restaurant, bar, banquet hall and hotel and APPROVE the sale of liquor by the drink in conjunction with an outdoor seating area in the name of **Cliffbreakers Riverside Resort, LLC d/b/a Cliffbreakers Riverside Resort** in a C-3, General Commercial Zoning District at 700 West Riverside Boulevard. Approval is subject to the following conditions:
  1. Must meet all applicable liquor codes.
  2. Must meet all applicable building and fire codes.
  3. The proposed use shall not operate as a night club.
  4. The proposed use shall not have a cover charge.
  5. The sale of alcohol shall be limited to the submitted plans.
  6. The hours of operation shall be in accordance with the liquor code.

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

## **II. ORDINANCES LAID OVER SEPTEMBER 2, 2014**

### **A. CODE AND REGULATIONS**

1. Chiarelli - Ordinance - Amending Chapter 16, Schedule Section 291 of the Code of Ordinances of the City of Rockford to add the following:

"All traffic be required to stop prior to entering the intersection of 7<sup>th</sup> Street and 5<sup>th</sup> Avenue".

"All traffic be required to stop prior to entering the intersection of 7<sup>th</sup> Street and 2<sup>nd</sup> Avenue".

"All traffic be required to stop prior to entering the intersection of 7<sup>th</sup> Street and 4<sup>th</sup> Avenue".

2. Chiarelli - Ordinance - Amending Chapter 16, Schedule Section 285 of the Code of Ordinances of the City of Rockford to repeal the following:

"The Two (2) Hour Parking Restriction on both sides of 21<sup>st</sup> Street from 8<sup>th</sup> Avenue to 9<sup>th</sup> Avenue, thus re-establishing unrestricted parking".

3. Chiarelli - 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 east side of Clifton Avenue from Pond Street to South Main Street".

4. Chiarelli - Ordinance - Amending Chapter 16, Schedule Section 286 of the Code of Ordinances of the City of Rockford to add the following:

"Restricting parking to Three (3) Hour Parking on both sides of North 5<sup>th</sup> Street from State Street to Jefferson Street, thus repealing the existing Two (2) Hour Parking Restriction".

5. Chiarelli - Ordinance - Amending Chapter 16, Schedule Section 286 of the Code of Ordinances of the City of Rockford to add the following:

"All time limit Parking Restriction in Municipal Parking Lot 26 near 8<sup>th</sup> Street and 13<sup>th</sup> Avenue, thus establishing unrestricted parking".

## **III. MOTION AND RESOLUTIONS TO BE READ IN SEPTEMBER 8, 2014**

1. Chiarelli - Rock the Runway – September 27, 2014
2. Chiarelli - Race the Runway – October 4, 2014
3. Chiarelli - Air Camp – October 10-12, 2014

**IV. 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. Hervey - Ordinance - Authorizing the Mayor and Legal Director to execute the agreements and documents necessary to purchase 557 South New Towne Drive for \$1,100,000.00 on the terms and conditions described in the Agreement for Purchase and Sale dated May 4, 2014 and the addendum thereto dated August 7, 2014.
2. Chiarelli – Ordinance – APPROVE a Zoning Map Amendment from R-1, Single-Family Residential and C-3, General Commercial District to C-2, Limited Commercial District and APPROVE a Special Use Permit for a Planned Unit Development consisting of a grocery store and off-premise monument sign on adjacent parcel in a C-2, Limited Commercial District at 1701, 1719 West State Street, 117, 121, 123 North Independence Avenue, 120, 124, 128 North Central Avenue.
3. Chiarelli – Ordinance - (A) APPROVE the Special Use Permit for a drive-through in conjunction with a donut shop (fast food restaurant),(B) APPROVE a Variation to reduce the required parking from 101 parking spaces to 79 spaces; (C) APPROVE of a Variation to reduce the required 20 feet front yard setback for a parking lot to 15 feet along East State Street; (D) APPROVE a Variation to reduce the required 20 feet wide frontage landscaping to 15 feet wide along East State Street; (E) DENY a Variation to reduce the required 20 feet front yard setback for a parking lot to 5.3 feet along Sundae Drive; APPROVE a Variation to reduce the required 20 feet front yard setback for a parking lot to 11.3 feet along Sundae Drive;(F) DENY a Variation to the required 20 feet wide frontage landscaping to 5.3 feet wide along Sundae Drive; APPROVE a Variation to the required 20 feet wide frontage landscaping to 11.3 feet wide along Sundae Drive in a C-2, Limited Commercial Zoning District at 7340 East State Street.
4. Chiarelli – Ordinance - APPROVE a Variation in required landscaping per the submitted site plan; and APPROVE a Variation in the required parking spaces per the submitted site plan in a C-3, General Commercial Zoning District at 2019 and 2021 South Main Street.
5. Chiarelli – Ordinance - APPROVE a Zoning Map Amendment from County AG to R-1, Single-family Residential Zoning District; APPROVE the Special Use Permit for a church; and APPROVE a Variation to waive the required landscaping; and a Variation to waive the required parking standards in an R-1, Single-family Residential Zoning District at 3844 Sandy Hollow Road.
6. Chiarelli – Ordinance - APPROVE the Special Use Permit to construct a 120’ high cell tower in a C-2, Limited Commercial District at 3816 Broadway.
7. Chiarelli – Ordinance - APPROVE the Special Use Permit for a 130’ monopole cellular tower in a C-3, General Commercial Zoning District at 3017 Wallin Avenue.
8. Chiarelli – Ordinance - APPROVE the Special Use Permit for a 150’ monopole cellular tower in an I-1, Light Industrial Zoning District at 1507 Kishwaukee.

9. Chiarelli – Ordinance - APPROVE referred the sale of package liquor with a retail drug store with sundries in the name of **Bond Drug Company of Illinois LLC d/b/a Walgreens** in a C-2, Limited Commercial Zoning District at 3929 Mulford Road.
  11. Chiarelli – Ordinance - APPROVE the sale of package liquor with a retail drug store with sundries in the name of **Bond Drug Company of Illinois LLC d/b/a Walgreens** in a C-2, Limited Commercial Zoning District at 1145 North Alpine Road.
  12. Chiarelli – Ordinance- APPROVE the sale of package liquor with a retail drug store with sundries in the name of **Bond Drug Company of Illinois LLC d/b/a Walgreens** in a C-3 General Commercial Zoning District and I-1, Light Industrial District at 2323 Charles Street.
  13. Chiarelli – Ordinance - APPROVE a modification of existing liquor license by the drink and outdoor seating area with a restaurant to extend hours of operation to 2:00 am in the name of **Abduraman Isai and Istref Sam Sabini / Menns Inc. d/b/a Tavern on Clark** in a C-3, General Commercial Zoning District at 755 Clark Drive.
  14. Chiarelli – Ordinance - APPROVE the sale of tobacco products with a grocery store in the name of **Samir R. Rathod / Veer Mahi Inc. d/b/a 320 Grocery** in a C-3, General Commercial Zoning District at 320 North Court Street.
  15. Chiarelli – Ordinance - APPROVE the sale of tobacco products in conjunction with a gas station in the name of **Junaid Ahmed for JR Gasoline, Inc. d/b/a Kilburn Shell** in a C-3, Commercial General Zoning District at 913 Kilburn Avenue.
  16. Chiarelli – Ordinance - APPROVE the sale of liquor by the drink in conjunction with a catering, restaurant, bar, banquet hall and hotel and APPROVE the sale of liquor by the drink in conjunction with an outdoor seating area in the name of **Cliffbreakers Riverside Resort, LLC d/b/a Cliffbreakers Riverside Resort** in a C-3, General Commercial Zoning District at 700 West Riverside Boulevard.
- \* 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, September 8, 2014, 5:15 p.m.**

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

**AGENDA**

1. C & R 14-155 Special Use Permit for a title loan business in a C-3, General Commercial Zoning District at 2542 South Alpine Road
2. C & R 14-169 Special Events:  
Rock the Runway 09/27/14  
Race the Runway 10/04/14  
Air Camp 10/12/14
3. C & R 14-170 Vacation Request for a portion of Right-of-Way adjacent 2515 Kilburn Avenue
4. C & R 14-171 Right-of-Way Vacation of 9<sup>th</sup> Avenue from 24<sup>th</sup> Street, east to RPS Dist. 205 property as well as alley adjacent to said portion of 9<sup>th</sup> Avenue
5. C & R 14-172 Harrison Avenue Project/ Involuntary Land Acquisition of Parcels through Litigation: 21XX Harrison Avenue and 2210 Harrison Avenue
6. C & R 14-173 Resolution of the City Council to the Zoning Officer to Prepare a Text Amendment to the City of Rockford Zoning Ordinance Prohibiting Certain Deed Restrictions

**FINANCE AND PERSONNEL COMMITTEE**

**Monday, September 8, 2014, 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: City-Wide Sidewalk & ADA Repairs #10 to Campos Construction, of Rockford, Illinois in the amount of \$48,247.00
  - B. Award of Bid: Airport Drive and Falcon Road Reconstruction to William Charles Construction, of Loves Park, Illinois in the amount of \$7,688,705.86
  - C. Award of Sole Source Contract: Motorola StarCom Radio System Upgrade to Motorola Solutions in the amount of \$31,774.80
  - D. Engineering Agreement: Keith Creek Stabilization with Willett, Hofmann & Associates, Inc. for a not-to-exceed cost of \$31,860.00
  - E. Change Order: Railroad Avenue Water Main Abandonment – As work progressed it was discovered a water main was cracked and repairs were made for an additional \$70,000 for a new contract price of \$306,200.90 - **Info only**

- F. Vouchers in the amount of \$2,464,401.54
2. Lease Agreement between Rockford Housing Authority & City of Rockford Human Services Department for the lease of space at Orton Keyes Head Start Site
  3. Memorandum of Understanding S. Main Street Two-Way Conversion between the City of Rockford and the State of Illinois regarding the rerouting of Wyman Street (IL 2) to S. Main Street from Cedar Street to Chestnut Street

**PLANNING AND DEVELOPMENT COMMITTEE**

**Monday, September 8, 2014, \_\_\_ p.m.**

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

**AGENDA**

No Meeting Scheduled

**LEGISLATIVE LOBBYING COMMITTEE**

**Monday, September 8, 2014, \_\_\_ p.m.**

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

**AGENDA**

No Meeting Scheduled.