

CITY OF SOUTH BELOIT  
REGULAR COUNCIL MEETING  
June 1, 2020

CALL TO ORDER: 5:00 pm, Council Chambers, City Hall by Mayor Rehl.

ROLL CALL: Present & answering to roll call were Commissioners Duffy, Fitzgerald, Hedrington, Morse, and Mayor Rehl.  
City Attorney Aaron Szeto was present  
City Clerk Tracy Patrick recorded the minutes  
Department Heads in attendance:  
Fire Chief Mike Davenport  
Police Chief Adam Truman  
Wastewater Treatment Plant Superintendent Jeff Reininger  
Street Superintendent Mike Murphy

PLEDGE OF ALLEGIANCE: Led by Mayor Rehl and recited by all members present.

INVOCATION: Mayor Rehl asked for a moment of silence.

APPROVE AGENDA: Commissioner Fitzgerald made a motion to approve the agenda second by Commissioner Duffy. Voice vote carried the motion.

PUBLIC COMMENT: John Thiering was present to speak to Council regarding a permit for a privacy fence he applied for. Mr. Thiering said the fence was already ordered when he found out he would be required to have slats due to being in the flood zone. Mr. Thiering said he looked at several other fences all over the city and did not see any fences that are constructed with slats even in the floodplain. Mayor Rehl said the City has numerous fences that have previously been constructed without permits, which has been an issue. Mayor Rehl said he would contact Mr. Thiering by the end of the week, and stated the City acts on complaint basis.

APPROVAL OF MINUTES: 1. Commissioner Duffy made a motion to approve the minutes of the Regular Council Meeting held on May 18, 2020, and the Public Hearing held on May 18, 2020. Commissioner Morse second the motion. Voice vote carried the motion.

REPORT OF OFFICERS:

1. Finance:  
Commissioner Fitzgerald stated the claims to be paid from May 16-29, 2020 in the amount of \$1,483,629.91. Roll call vote showed 5 ayes.
2. Attorney Report:
4. Commissioner's Report:  
Accounts & Finance-Commissioner Tom Fitzgerald  
Public Health & Safety-Commissioner Brian Hedrington  
Streets & Public Improvements-Commissioner Lori Duffy  
Public Properties-Commissioner Ken Morse

UNFINISHED BUSINESS:

1. Discussion and/or Motion Items:
  - a. Commissioner Fitzgerald made a motion to approve Ordinance 2521 amending various provisions of Chapter 86 – Streets, Sidewalks, and other Public Places of the City Code of Ordinances. Commissioner Duffy second the motion. Council discussed sidewalk width regarding whether a 5' width would be required. Commissioner Fitzgerald said he measured various sidewalks currently in the City and he believes the sidewalk width should be uniform with existing sidewalks that are generally 4 ½'. City Engineer, Seth Gronewold was present and advised Council the 5' width comes from IDOT, and stated all sidewalks designed now have to be 5', however; the minimum width is 4' (or 48"). Less than 4' are not considered to be ADA compliant. Mr. Gronewold said IDOT prefers 5', but the City could use a transition square

when tying into an existing sidewalk until all other sidewalks are replaced. Commissioner Fitzgerald believes the Ordinance should be more definitive, and less confusing. Attorney Szeto said the ordinance could be spelled out more clearly. The 5' requirement could be for new subdivisions. For existing or tying into existing sidewalks the transition square would be required. Commissioner Fitzgerald asked what is considered in the admin cost for the proposed \$150 fee. Attorney Szeto explained the fees were determined to recover the cost of staff, City Engineer, and Public Works review and inspections. Attorney Szeto said to ensure sidewalk and driveway replacements are properly completed to code an inspection should be completed. The inspection could be done by the City Engineer or by Public Works. Commissioner Fitzgerald does not believe there should be any cost for staff time, but agreed cost recovery for the Zoning Official and City Engineer could be recovered in the fee. Cost for Zoning Official and City Engineer time was discussed. Attorney Szeto said the fees could be adjusted as Council desires. Commissioner Fitzgerald asked if a permit would be required for a driveway and sidewalk if the sidewalk goes through the driveway. Mr. Gronewold explained - yes, if both driveway and sidewalk are being done, however; if only the sidewalk is being redone and nothing in the driveway approach then only 1 permit should be required. Commissioner Fitzgerald said if the sidewalk is only being repaired, the cost would be the same. Permit costs were discussed along with when inspections would be required for driveways and sidewalks. Mr. Gronewold said when the inspections are done prior to the work being completed they may not conform to code and have to be redone and re-inspected. Attorney Szeto said if the work is done as required there would not be a need to have a second inspection. Council discussed who would be doing the inspections, and determined the Street Superintendent would do the inspections. Commissioner Fitzgerald asked about a driveway drawing #1 that was provided along with the Ordinance and stated that the ordinance needs to be more specific regarding driveway minimum/maximum amounts. Council discussed the driveway flare and determined it would be at least 18' and no more than 22'.

Attorney Szeto suggested Council continue discussion on to Item 1. b. under New Business for guidance. Attorney Szeto provided pictures of 2 driveways that have been added to without a permit or were added to with gravel for discussion. Attorney Szeto asked Council to consider whether flares going in toward the front of the house should be allowed. Typically, flares are added to the side yard of the driveway. Commissioner Hedrington believes it depends on the house, and the property line could prohibit the owner from adding a flare to the side. Commissioner Morse believes adding a flare to the front of the house could end up looking like a parking lot. Attorney Szeto said other applicants have wanted to flare in, but were not permitted. 1 of the driveways in the pictures have already been paved. Attorney Szeto was looking for direction, and advised Council that the code won't fit every property. Zoning Official Jessica Roberts was present. Ms. Roberts said a variance can only be applied for a measurement. An ordinance could be crafted for a maximum width or X number of feet. This would create a measurement that could be varied from. Ms. Roberts also added that if Council determines to allow a variance the question could become what is the purpose for the addition? What would the applicant be parking on the addition? Ms. Roberts advised an ordinance can't capture every scenario. Council should look at the big picture, but allow unique cases to vary. Commissioner Morse believes the ordinance should not be too liberal, but agrees that cases should be looked at as an individual case so that a variance can be applied for. Attorney Szeto suggested allowing a small measurement number for a variance. Attorney Szeto reminded Council a variance requires a hardship to be shown for the approval to vary. Council agreed on a 2' measurement with an ability to vary in order to have more control and the ability to look at individual cases. Commissioner Fitzgerald made a motion to layover Ordinance 2521 for amendments to be made. Commissioner Duffy second the motion. Voice vote carried the motion.

- b. Council discussed Ordinance 2524 establishing guidelines for certain businesses that have been closed due to the COVID-19 Pandemic. Mayor Rehl explained the City can not give permission for businesses to open since the City is not the authority who closed the businesses, however, if the proposed ordinance is passed, it would most likely be interpreted as the City giving permission. Attorney Szeto said some municipalities were waiting to see how outdoor dining is working. Commissioner Duffy said inclement weather doesn't help with outdoor seating. Commissioner Fitzgerald said he would not be in favor of changing anything at this time but would be willing to look at the item again in 2 weeks. Commissioner Fitzgerald made a motion to layover Ordinance 2524 second by Commissioner Morse, Voice vote carried the motion.

Mayor Rehl said this was Commissioner Duffy's last meeting, and that her actual last day would be Friday May 5<sup>th</sup>. Mayor Rehl expressed appreciation from the Council and City for the

service by Commissioner Duffy to the City and presented Commissioner Duffy with a clock/plaque. Commissioner Duffy thanked Council and the City for the opportunity to serve. Mayor Rehl also introduced Ryan Adleman, who Mayor Rehl will be recommending to serve in the vacancy. Mr. Adleman currently serves on the Library Board and the Zoning Board of Appeals Board. Mr. Adleman was present and provided a brief bio of himself.

NEW BUSINESS:

1. Discussion and/or Motion Items:

- a. Commissioner Morse made a motion to approve Ordinance 2525 ratifying the issuance of a Class EV Special Event Liquor License for Jackson 620 d/b/a The Wheel for an event held on May 24, 2020. Commissioner Fitzgerald second the motion. Roll call vote showed 5 ayes.
- b. This item was discussed with Item 1. a. under Unfinished Business.
- c. From the Zoning Board of Appeals Meeting held on May 20, 2020 a positive recommendation was given regarding a Special Use Permit. Commissioner Duffy made a motion to approve Ordinance 2526 approving a Special Use Permit Application to allow for storage of household goods in the (IL) Light Industrial Zoning District, a use allowed within the (CG) Commercial General Zoning District, and to allow for accessory outside storage of items and materials accessory to primary use, limited to no more than 25 percent of the total lot area, shall be located within the rear yard, and subject to screening from view of adjacent properties by a combination of landscaping and fencing for the property located at 234 Charles Street, South Beloit, Illinois, Winnebago County with PIN # 04-06-428-015. Filed by Karson Inc. Commissioner Morse second the motion. Attorney Szeto said the application was looking to do outside storage for his landscaping business. The ZBA recommended approval. Zoning Officer, Jessica Roberts added the request would include materials and non-motorized vehicles. Roll call vote showed 5 ayes.
- d. From the Zoning Board of Appeals Meeting held on May 20, 2020 a positive recommendation was given regarding a Text Amendment. Commissioner Hedrington made a motion to approve Ordinance 2527 approving a Text Amendment to various provisions of Chapter 118 – Zoning of the City of South Beloit Code of Ordinances to provide regulations regarding Amateur Radios/Antennas. Filed by the City of South Beloit. Commissioner Duffy second the motion. Mayor Rehl said the City received a recent complaint regarding an amateur radio, and the City did not have an ordinance regulating the radios. Commissioner Fitzgerald said if the radios cause interference with any neighbors they should not be able to have the radios. Attorney Szeto explained the Federal Communications Commissioner (FCC) regulates the radios, not the City. The City is limited to what it can regulate and the radios are very protected. Radio owners are required to have an FCC permit. Roll call vote showed 5 ayes.
- e. Commissioner Fitzgerald made a motion to approve Ordinance 2528 amending Chapter 10 Animals, Article I, In General, of the City of South Beloit Code of Ordinances. Commissioner Hedrington second the motion. Attorney Szeto told Council there were 2 versions of this ordinance to pick from. One simply exempts honey bees. The other one has restrictions for honey bees. Commissioner Fitzgerald said he believes they are compared to a barking dog, or a nuisance. Attorney Szeto explained, they are still bees. There are people who are allergic to bees. Small lots could be an issue. Commissioner Fitzgerald said if there were restrictions regarding acreage, that would eliminate most of the City. Attorney Szeto said the acreage could be adjusted. Commissioner Morse said he believes Council needs to get an expert opinion from someone who deals with honey bees. Commissioner Duffy said she is allergic to bees herself. Council determined more information was needed regarding honey bees. Commissioner Fitzgerald made a motion to layover the item second by Commissioner Hedrington. Voice vote carried the motion.

ADJOURN:

At 6:26 pm on a motion made by Commissioner Duffy second by Commissioner Fitzgerald. Voice vote carried the motion.

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Mayor

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City Clerk

Approved: