

CITY OF SOUTH BELOIT
REGULAR COUNCIL MEETING
AUGUST 20, 2018

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

ROLL CALL: Present & answering to roll call were Commissioners Duffy, Fitzgerald, Jones, and Mayor Rehl. Commissioner Chambers was absent
City Attorney Roxanne Sosnowski was present
City Clerk Tracy Patrick recorded the minutes
Department Heads in attendance:
Fire Chief Mike Davenport
Police Chief Pat Hoey
Public Works Superintendent Jeff Reininger

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 Duffy made a motion to approve the agenda moving Items b. and c. under New Business to immediately follow Item o. Commissioner Jones second the motion. Voice vote carried the motion.

Commissioner Fitzgerald made a motion to approve the agenda as amended.
Commissioner Duffy second the motion. Voice vote carried the motion.

PUBLIC COMMENT: Christine Lawver was present regarding a request for 2 Zoning Map Amendments that are on the agenda and would like some consideration on the matters. Ms. Lawver stated the Clark Street parcel was a parking lot when Buffa's restaurant was in operation, and has been a parking lot for the past 50 years. Regarding 602 Gardner, the property was sold on land contract and the new owner would like to store personal property at the location.
Tim McMahon and Jerry Miller with the South Beloit Lion's Club was present to ask why the \$5000.00 contribution was on the agenda for reconsideration since it was already approved at the last meeting.
Mr. McMahon and Mr. Miller with the Lion's Club would like Council to consider change the sign ordinance to allow signs such as the Lion's portable sign. The sign is used to lend out to other organizations for free.

APPROVAL OF MINUTES: 1. Commissioner Duffy made a motion to approve the minutes of the Regular Council Meeting held on August 2, 2018. Commissioner Jones second the motion. Voice vote carried the motion.

REPORT OF OFFICERS:

1. Finance:
 - a. Commissioner Jones made a motion to approve the claims to be paid from August 4-17, 2018 in the amount of \$227,146.29. Commissioner Fitzgerald second the motion. Roll call vote showed 4 ayes and 1 absent by Commissioner Chambers.
2. Attorney Report:
None
3. Commissioner's Report:
Accounts & Finance-Finance Director Don Elliott
Public Health & Safety-Commissioner Tom Fitzgerald
Streets & Public Improvements-Commissioner Lori Duffy
Public Properties-Commissioner Nick Jones

Mayor Rehl asked for a motion to move item 1 a. under New Business to prior to Item's b. and c. that were moved previously after item o. Commissioner Duffy made the motion to move item a. as presented. Commissioner Jones second the motion. Voice vote carried the motion.

NEW BUSINESS:

Discussion and/or Motion Items:

1. d. Commissioner Jones made a motion to approve Ordinance 2365 approving a Class EV Liquor License for Mauremi Inc. d/b/a Mustang's Bar and Grill for the Annual corn Boil Event to be held on August 25, 2018. Commissioner Fitzgerald second the motion. Roll call vote showed 4 ayes and 1 absent by Commissioner Chambers.
- e. Commissioner Fitzgerald made a motion to reconsider a \$5000.00 contribution from the Hotel/Motel Tax Fund to the South Beloit Lion's Club. Commissioner Duffy second the motion. Commissioner Fitzgerald said after the last meeting he wasn't sure the approval was legal. Attorney Sosnowski explained the Hotel/Motel Funds are for events that attract overnight hotel stays or tourism. In the past there have been many requests for funds from the Hotel/Motel Fund that do not attract overnight stays. The question for the Council is does the Council believe the Lion's Club events bring tourism. Council discussed the letter that was submitted by the Lion's Club regarding their events, and number of persons each event brings in. Council discussed creating an application for any requests for contributions from the fund, and would like to have the request in writing showing how the requestor's event brings in overnight hotel stays or creates tourism. Attorney Sosnowski said council could decide to spend from the General fund, however; this would be a policy decision, not a legal decision. Roll call vote showed 4 nays and 1 absent by Commissioner Chambers. The contribution will be given.
- f. Commissioner Duffy made a motion to approve a request for the release of a mowing lien in the amount of \$626.63 for the property located at 721 Roscoe Avenue from new property owner, Tony Thoren. Attorney Sosnowski said Mr. Thoren won the high bid from the Winnebago County Trustee's Auction for the property. Mr. Thoren submitted a letter requesting the City release the lien. Attorney Sosnowski explained when properties are sold such as this one, the City is not under an obligation to release the lien, but should consider Mr. Thoren was not the owner at the time the lien was filed. If the City did not release the lien it could create a cloud for a future sale. Mr. Thoren was present and said he just received the deed, however; it was not recorded yet. Council agreed to release the deed once Mr. Thoren shows proof that the deed was recorded. Roll call vote showed 4 ayes and 1 absent by Commissioner Chambers.
- g. Council discussed use in general of the Hotel/Motel tax funds and possible application for funding requests. Commissioner Fitzgerald said last year the City gave \$27,600.00 from the Hotel/Motel fund to Visit Beloit and the Rockford Area Convention Visitor's Bureau (RACVB) due to agreements for 10% to each entity. Commissioner Fitzgerald would like to see the agreements reduced to 5%, and use the savings of 5% to use for local businesses that promote tourism. Mayor Rehl would like to ask Visit Beloit and RACVB how South Beloit's portions of the funds are used and the how the funds benefits each entity.
- h. From the Zoning Board of Appeals meeting held on August 15, 2018 a positive recommendation was given regarding a Special Use Permit. Commissioner Duffy made a motion to approve Ordinance 2366 approving a request for a Special Use Permit to allow for an Open Sales Lot for outdoor storage of vehicles, and auto recovery in the (CG) Commercial General Zoning District for the properties located at 127 and 129 Blackhawk Boulevard, South Beloit, Illinois, Winnebago County, PIN No's. 04-05-176-004 and 04-05-176-009. From petitioners, Fred Smith and Glenn Plaza Ltd. Commissioner Fitzgerald second the motion. Attorney Sosnowski reviewed the conditions, and stated if approved the pending case in Circuit Court regarding this property would be dismissed. Roll call vote showed 4 ayes and 1 absent by Commissioner Chambers.
- i. From the Zoning Board of Appeals meeting held on August 15, 2018 a positive recommendation was given regarding a Text Amendment. Commissioner Fitzgerald made a motion to approve Ordinance 2367 approving a Text Amendment to the City of South Beloit Zoning Code to amend Chapter 118 Section 118-3 Definitions for Group Homes/Use, Section 118, Article III, Districts, division 3, Residential Districts,

Permitted Uses and Special Uses. Filed by the City of South Beloit. Commissioner Duffy second the motion. Roll call vote showed 4 ayes and 1 absent by Commissioner Chambers.

- j. From the Zoning Board of Appeals meeting held on August 15, 2018 a positive recommendation was given regarding a Text Amendment. Commissioner Fitzgerald made a motion to approve Ordinance 2368 approving a Text Amendment to various provisions of the City of South Beloit Code of Ordinances regarding accessory structures. Mayor Rehl said the request to review the code regarding accessory structures came from a concern for a property that had 5 sheds in the back yard. A Public Meeting was held to get input from citizens regarding what should be allowed. The determination was no more than 40% of the back yard would be permitted to allow for accessory structures. Roll call vote showed 4 ayes and 1 absent by Commissioner Chambers.
- k. From the Zoning Board of Appeals meeting held on August 15, 2018 a negative recommendation was given regarding a Zoning Map Amendment. Commissioner Duffy made a motion to approve Ordinance 2369 approving a request for a Zoning Map Amendment from the (CR) Commercial Retail Zoning District to the (CG) Commercial General Zoning District for the property located at 602 Gardner Street, South Beloit, Illinois, Winnebago County, PIN No. 04-05-328-001. Filed by RVB Partnership. Commissioner Jones second the motion. Attorney Sosnowski explained staff recommended denial due to the intensity of the permitted uses in the Commercial General (CG) Zoning District that if permitted would open up for uses that would be allowed going forward. The minimum lot size allowed is 8,750 sf. The size of the lot in question is 6,569 sf. The size limit is not appropriate in the CG District. Council discussed the current pending Administrative Hearing Code violation issues regarding no business license. The applicant applied for the only use that would fit for the CG District, which would be a storage unit. Attorney Sosnowski said there is some confusion regarding what use is going on there. The City's Code Enforcement Officer received reports of people coming to the location to pick up their purchased goods. A recent Fire Inspection showed issues with the condition of the building. When Mayor Rehl asked what it would take for the applicant to come into conformance with the City's Code, Attorney Sosnowski said the City could amend the Code. Council determined more information was needed, and would like Attorney Szeto and Code Enforcement Officer Henthorn to attend the next meeting for further discussion. Commissioner Duffy made a motion to lay over the item second by Commissioner Jones. Voice vote carried the motion.
- l. From the Zoning Board of Appeals meeting held on August 15, 2018 a negative recommendation was given regarding a Zoning Map Amendment. Commissioner Fitzgerald made a motion to layover Ordinance 2370 approving a request for a Zoning Map Amendment from the (R2) Residential Two-Family Zoning District to the (CG) Commercial General Zoning District for the property located at XXClark Street, South Beloit, Illinois, Winnebago County, PIN No. 04-05-328-006. Filed by RVB Partnership. Commissioner Duffy second the motion. Voice vote carried the motion.
- m. From the Zoning Board of Appeals meeting held on August 15, 2018 a positive recommendation was given approving a Final Plat. Commissioner Fitzgerald made a motion to approve Resolution 5967 approving Final Plat No. 2 for the property located at 14465 De La Tour Drive, with PIN No. 04-18-202-002. From applicant B &G Development. Commissioner Jones second the motion. Roll call vote showed 4 ayes and 1 absent by Commissioner Chambers.
- n. Commissioner Duffy made a motion to approve Ordinance 2372 authorizing the purchase of 624 Eastern Avenue in the amount of \$148,000.00 plus closing costs. Commissioner Fitzgerald second the motion. Roll call vote showed 4 ayes and 1 absent by Commissioner Chambers.
- o. Council discussed the request from the South Beloit Lion's Club to consider amending the City of South Beloit's Code of Ordinances regarding sign regulations. Council reviewed the photos of the Lion's Club sign and agreed to consider the change to allow the type of sign requested. Staff recommendation if considered, would be to allow such a sign with restrictions similar to the temporary signs, and with limitations. Attorney Sosnowski said the change would have to go through the Zoning Board of Appeals process for a Text Amendment to the City's Code of Ordinances.

- a. Commissioner Jones made a motion to approve Resolution 5965 appointing Commissioner for remainder of term until the next General Election. Commissioner Fitzgerald second the motion. Roll call vote showed 4 ayes and 1 absent by Commissioner Chambers.
- b. City Clerk, Tracy Patrick administered the Oath of Office to Angela Teeters.
- c. City Clerk, Tracy Patrick administered the Oath of Office to Christopher Moore.

MISCELLANEOUS

LICENSES AND PERMITS:

1. Miscellaneous Licenses:

- a. The Olive Branch Greek Food Truck

Commissioner Teeters made a motion to approve all licenses second by Commissioner Moore. Voice vote carried the motion.

EXECUTIVE SESSION:

At 6:15 pm on a motion made by Commissioner Duffy second by Commissioner Teeters. Voice vote carried the motion. The purpose for Executive Session is to:

1. Discuss personnel issues as provided by 5 ILCS 120/2 (c) (1) of the Illinois Open Meetings Act.
2. Review closed session minutes including semi-annual review of closed session minutes pursuant to 5 ILCS 120/2 (c) (21) of the Illinois Open Meetings Act.

RECONVENE TO
OPEN SESSION:

At 6:55 pm

ROLL CALL:

Roll call showed all members present.

ORDER OF
BUSINESS:

1. Commissioner Fitzgerald made a motion to approve Resolution 5966 regarding the release and continued hold for confidentiality of Executive Session Minutes. Commissioner Moore second the motion. The review of the minutes showed full release of the minutes of March 27, 2017, partial release of the minutes of January 17, 2017, February 6, 2017, and May 1, 2017 meetings, and no release of the minutes of February 20, 2017, April 17, 2017, and May 23, 2017 minutes.

ADJOURN:

At 7:00 pm on a motion made by Commissioner Moore second by Commissioner Teeters. Voice vote carried the motion.

Mayor

City Clerk

Approved: