

CITY OF SOUTH BELOIT
REGULAR COUNCIL MEETING
June 21, 2021

CALL TO ORDER: 5:00 pm, Nature at the Confluence, 306 Dickop St., by Mayor Rehl.

ROLL CALL: Present & answering to roll call were Commissioners Adleman, Fitzgerald, Hedrington, Morse, and Mayor Rehl.
City Attorney Aaron Szeto was present
City Clerk Tracy Patrick recorded the minutes
Department Heads in attendance:
Police Chief Adam Truman
Fire Chief Dan Zerfass
Waste Water 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 Adleman made a motion to approve the agenda amending moving items 1. b. thru 1. e. under New Business to immediately after Public Comment. Commissioner Morse second the motion. Voice vote carried the motion.

PUBLIC COMMENT: Mayor Rehl announced there would be a limit of 6 speakers per topic and a 3-minute per person comment limit. Accordingly, the number of people allowed to speak will be 3 in favor of and 3 against the White School Road Pre-Annexation request on the agenda. There were no speakers to the Pre-Annexation request.
Tim McMahon was present and asked to speak when the item regarding the request from the South Beloit Lion's Club comes up.

NEW BUSINESS:

1. Discussion and/or Motion Items:
 - b. From the Zoning Board of Appeals Meeting held on June 16, 2021 a positive recommendation was given regarding a text amendment amending Chapter 118, Zoning, Article III, Districts for the City's Zoning Code (regarding Seasonal Outdoor Venues). Commissioner Adleman made a motion to approve an Ordinance 2625 amending Chapter 118, Zoning, Article III, Districts for the City's Zoning Code (regarding Seasonal Outdoor Venues). Commissioner Fitzgerald second the motion. Attorney Szeto said the amendment would allow for Seasonal Outdoor Venues with accessory food and drink in the Urban Transitional (UT) Zoning District, and would apply to any UT District in the City. Currently the code is silent and this use is not allowed at all in the City. Mayor Rehl said the City recognizes small gaps in its own ordinances and wants to add the use regardless of the current pre-annexation request. Roll call vote showed 5 ayes.
 - c. Commissioner Adleman made a motion to approve Ordinance 2626 approving a Pre-Annexation Agreement regarding the property commonly known as 13276 White School Road, Roscoe, IL and authorizing the Mayor of the City of South Beloit, Illinois to execute the same. Commissioner Hedrington second the motion. Attorney Szeto said Council has the proposed terms of the Pre-Annexation Agreement. Attorney Szeto explained Pre-Annexation Agreements apply to properties not contiguous to a property within the City's boarders. If, during the 20-year term of the Pre-Annexation Agreement the property would become contiguous to the City, the property owner would have to annex the property into the City. The property is within 1.5 miles of the City of South Beloit city limits. The City's rules and ordinances would be applicable to the property regarding how the property would be operated along with the City's Zoning and Subdivision Codes. Attorney Szeto reviewed the applicant's proposed uses and the process for approval of the Pre-Annexation Agreement, Map Amendment, and Special Use Permit for the White School Road property. Attorney Szeto reviewed the conditions of the Special Use Permit, and stated the agreement is subject to the conditions of the Special Use Permit. Attorney Szeto reminded the Council that they should look at the item from the standpoint of what is in the best interest of the City from a planning perspective including, but not limited to, the growth of its border. Commissioner Fitzgerald said pre-annexations are not

new. South Beloit and Rockton have a Border Agreement. Roscoe said no to Border Agreements to South Beloit and to Rockton. Commissioner Fitzgerald said a deal was made by Roscoe to pre-annex Roger's Ready Mix. Commissioner Fitzgerald said South Beloit subdivisions were not considered at that time. Commissioner Fitzgerald said the Council is in a tough spot as Council has to determine what's best for the City of South Beloit. Commissioner Fitzgerald added that Roscoe would also do what's best for Roscoe. Commissioner Adleman said there are other examples of pre-annexing by Roscoe such as Camping World, RWS, and All World. All of which are next to a residential neighborhood in South Beloit. Commissioner Adleman agreed the Council has to do what's best for the City of South Beloit. Commissioner Fitzgerald said the map is all over for annexations that have been done for what benefits each municipality. The decision for this Pre-Annexation is the Council's. Mayor Rehl said relationships with the new administration have improved with Roscoe and Rockton. Mayor Rehl added that the vote is not intended to be a "got ya back" vote. Commissioner Fitzgerald said Council needs to view the request as an opportunity. Commissioner Fitzgerald said people mentioned the City's Comprehensive Plan, however; it's just a plan for the future. Attorney Szeto said the City's Comprehensive Plan is a planning tool from 2014, and will change over time. As the City grows the plan encompasses a bigger area compared to the previous version of the plan. The City's Comprehensive Plan for 2014 did not contemplate this property at that time. The next Comprehensive Plan will reference this area. Commissioner Fitzgerald said the Comprehensive Plan is intended for guidance, and is not the law. Commissioner Morse agreed that Council needs to look at the growth of the City. Annexing in this property will be a benefit to South Beloit as well as protect the area. Commissioner Morse believes that if the property would sell there would most likely be another subdivision added. Attorney Szeto explained the conditions for the pre-annexation are what staff felt would mitigate any issues of concern as far as impact of the proposed use on the neighbors. Commissioner Fitzgerald said if the Pre-Annexation passes the City can adjust as needed. Attorney Szeto said the Special Use Permit is for the Planned Unit Development. If the conditions are not met, the City can revoke the Special Use Permit. Commissioner Adleman asked the applicant, Kerry Frank, what the hours for the Wine Bar will be. Ms. Frank said the current plans are 2 days a week from 4 pm – 9 pm and may adjust later. Commissioner Adleman asked if a DJ or loud music were planned. Ms. Frank said this would not be allowed. Commissioner Fitzgerald asked if the trees would be cut. Ms. Frank said there are no plans to cut any trees. Mayor Rehl said as leaders, Council has a balance to consider. Council has to consider where the balance falls. Mayor Rehl said Council should be sympathetic to everything that's been heard from the public. Commissioner Adleman said he looked into a similar business and there have not been any loud music or drunk driving issues in the past year. Commissioner Adleman said he does not believe there will be issues with this business either. Roll call vote showed 5 ayes.

- d. From the Zoning Board of Appeals Meeting held on June 16, 2021 a negative recommendation was given regarding a Map Amendment to zone the property at 13276 White School Road, Roscoe, IL as the Urban Transitional (UT) Zoning District upon Pre-Annexation. Commissioner Adleman made a motion to approve Ordinance 2627 approving a Map Amendment to zone the property at 13276 White School Road, Roscoe, IL as the Urban Transitional (UT) Zoning District upon Pre-Annexation. Commissioner Morse second the motion. Attorney Szeto said the item is a Map Amendment to zone the property as Urban Transitional (UT). Attorney Szeto said in light of the fact that there is a written objection by 20% of the people that own the frontage along the proposed property that would trigger a 2/3 vote by the City Council. Attorney Szeto asked applicant, Kerry Frank if she had received a notice of an objection to the Map Amendment via Certified Mail from the objectors. Ms. Frank said she had not received any notice. Attorney Christopher Logli (Ms. Frank's Attorney) said he received an email of the scanned copy of a Notice of Objection via email earlier today. Attorney Szeto said by law the owners of the 20% of the frontage are required to send the Notice of Objection to the owner by the date of the Zoning Board of Appeals Meeting. Attorney Szeto said the email notice was not sent by that date; therefore, it does not meet the requirement for a 2/3 vote. The vote could be approved with a minimum of a majority vote. Attorney Szeto advised Council of the requirement to make Findings of Facts for the Map Amendment. Attorney Szeto reviewed the Findings of Facts with Council. Council found the Findings of Facts were consistent with the objectives of the Zoning Code. Roll call vote showed 5 ayes.
- e. From the Zoning Board of Appeals Meeting held on June 16, 2021 a negative recommendation was given regarding a Special Use Permit to allow for a Planned Unit Development for an Outdoor Seasonal Venue in the Urban Transitional (UT) Zoning District for 13276 White School Road, Roscoe, Illinois. Commissioner Hedrington made a motion to approve Ordinance 2628 approving a Special Use Permit to allow for a Planned Unit Development for an Outdoor

Seasonal Venue in the Urban Transitional (UT) Zoning District for 13276 White School Road, Roscoe, Illinois. Commissioner Morse second the motion. Attorney Szeto said the Special Use Permit gives the City additional control regarding how the property is operated to the extent that if the property owner violates any of the conditions, the Special Use Permit can be revoked. Attorney Szeto said many of the conditions of the Special Use Permit mirror the Pre-Annexation Agreement. Attorney Szeto reviewed the conditions of the Special Use Permit. Attorney Szeto reviewed the Findings of Facts with Council. Upon discussion of the findings, the Council determined the Findings of Facts meet the criteria for granting a Special Use Permit. Roll call vote showed 5 ayes.

APPROVAL OF MINUTES:

- 1-2. Commissioner Morse made a motion to approve the minutes of the Regular Council Meeting held on June 7, 2021, and the revised minutes of the Regular Council Meeting held on May 3, 2021. Commissioner Hedrington second the motion. Voice vote carried the motion.

REPORT OF OFFICERS:

1. Finance:

Commissioner Adleman made a motion to approve the claims to be paid from June 5-18, 2021 in the amount of \$416,414.03. Commissioner Hedrington second the motion. Roll call vote showed 5 ayes.

1. Attorney Report:

None

3. Commissioner's Report:

Accounts & Finance-Commissioner Tom Fitzgerald
Health & Public Safety-Commissioner Brian Hedrington
Streets & Public Improvement-Commissioner Ryan Adleman
Public Properties-Commissioner Ken Morse

NEW BUSINESS

CONTINUED:

1. Discussion and/or Motion Items:

- a. From the Zoning Board of Appeals Meeting held on May 19, 2021 a positive recommendation was given regarding amending Chapter 118, Zoning, Article III, Districts for the City's Zoning Code (regarding Fitness Centers/Health Clubs). Commissioner Morse made a motion to approve Ordinance 2624 amending Chapter 118, Zoning, Article III, Districts for the City's Zoning Code (regarding Fitness Centers/Health Clubs). Commissioner Fitzgerald second the motion. Roll call vote showed 5 ayes.
- f. Commissioner Morse made a motion to approve Ordinance 2629 annexing the property commonly known as XX Park Ave and with PIN No. 04-05-406-001 and the property commonly known as XX Washington with PIN No. 04-05-406-002. Commissioner Hedrington second the motion. Attorney Szeto said the properties are Mid-States parcels that were not annexed in to the City when Mid-States was previously annexed in. Roll call vote showed 5 ayes.
- g. Commissioner Morse made a motion to approve Resolution 6235 approving a redevelopment agreement with Mid-States. Commissioner Adleman second the motion. Attorney Szeto said the Resolution is to clean up the remaining item from when Mid-States was annexed in to the City. The terms and conditions were previously agreed upon with the annexation. Roll call vote showed 5 ayes.
- h. Commissioner Adleman made a motion to approve Resolution 6236 approving a Hotel/Motel Funding Grant Application to South Beloit Lion's Club in the amount of \$2,500.00. Commissioner Fitzgerald second the motion. Commissioner Fitzgerald said the Resolution that came before Council to approve the funding did not get a second to the motion only because for the last 5 years Council wanted to have an application that was professional and legal. Commissioner Fitzgerald said the application that was submitted by the Lion's Club was not complete. Previously Commissioner Fitzgerald wanted to approve \$5,000.00 for the funding amount, however; the application needs to be completed correctly. The application recently submitted by the Boys and Girls Club was completed properly. Commissioner Fitzgerald said he would like to amend the amount from \$2,500.00 to \$5,000.00. Commissioner Adleman second the motion. Jerry Miller was present and said the application wasn't provided for 2 years. Commissioner Fitzgerald said the application was to start the process new going forward.

Mayor Rehl said the good the Lion's Club does is unquestionable, however; Council can't underwrite for the good that's done. Tim McMahon was present and said the number of stays cannot be answered on the application because they are not able to find out how many overnight stays there were. Mayor Rehl said they would need to take their best guess to answer that question. Mayor Rehl said Council has a fiscal responsibility to use tax funds properly. Roll call for the amended amount showed 5 ayes. Attorney Szeto confirmed the application went through the Hotel/Motel Committee. Roll call vote on the Resolution as amended showed 5 ayes.

- i. Commissioner Hedrington made a motion to approve Resolution 6237 approving a First Amendment to Recapture Agreement with Rock Court Enterprises LLC. Commissioner Fitzgerald second the motion. Attorney Szeto reviewed the Recapture Agreement. Attorney Szeto said one condition of the Agreement regarding the stub road at the location will be completed subject to the review and inspection by the City Engineer. When the stub road is complete the City will release the agreement so that clean title can be provided. Attorney Szeto said the Agreement is recorded as a lien. Attorney Szeto reviewed the payoff. Roll call vote showed 5 ayes.
- j. Commissioner Morse made a motion to approve Resolution 6238 authorizing the Mayor to execute an Intergovernmental Agreement with IDOT regarding the Local Agency Maintenance of Traffic Control Devices. Commissioner Adleman second the motion. Roll call vote showed 5 ayes.
- k. Commissioner Morse made a motion to approve Resolution 6239 approving the Selection of Fehr Graham for Construction Engineering Services for the Bike Path Project. Commissioner Adleman second the motion. Roll call vote showed 5 ayes.
- l. Commissioner Morse made a motion to approve Resolution 6240 approving and authorizing the Mayor to sign three Agreements with the Illinois State Toll Highway Authority. Commissioner Adleman second the motion. Roll call vote showed 5 ayes.
- m. Commissioner Fitzgerald made a motion to approve Resolution 6241 approving the purchase of Police squad cars for delivery in 2022. Commissioner Adleman second the motion. Roll call vote showed 5 ayes.
- n. Commissioner Morse made a motion to approve Resolution 6242 re-appointing members to the Library Board as follows:
 - Jose Alarcon is hereby appointed to a (3) three-year term set to expire on July 1, 2024.
 - Marilyn Bukove is hereby appointed to a (3) three-year term set to expire on July 1, 2024.Commissioner Adleman second the motion. Roll call vote showed 5 ayes.

MISCELLANEOUS
LICENSES AND PERMITS:

1. Business Licenses:
 - a. City Novelty
 - b. Northern Illinois Judo Club
 - c. Perfect Nutrition
 - d. Quick Hits Slots
2. Miscellaneous Licenses:
 - a. City Novelty
 - b. Perfect Nutrition
3. RLE's:
 - a. Masen Lund-Got Slots
 - b. Vinod Patel-Quick Hits Slots
4. Tobacco Dealer's License:
 - a. City Novelty
 - b. Quick Hits Slots
5. Video Gaming Licenses:
 - a. Quick Hits Slots

Commissioner Hedrington made a motion to approve all the licenses second by Commissioner Fitzgerald. Voice vote carried the motion.

EXECUTIVE SESSION:

At 7:18 pm on a motion from Commissioner Adleman second by Commissioner Morse the council approved going into executive session. 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.

Voice vote carried the motion.

RECONVENE TO
OPEN SESSION:

At 7:45 pm.

ROLL CALL:

Roll call showed all members at the reconvening of the meeting.

ORDER OF BUSINESS:

None.

ADJOURN:

At 7:45 pm on a motion made by Commissioner Adleman second by Commissioner Morse. Voice vote carried the motion.

Mayor

City Clerk

Approved: