

CITY OF SOUTH BELOIT
REGULAR COUNCIL MEETING
October 4, 2021

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

ROLL CALL: Present & answering to roll call were Commissioners Adleman, Fitzgerald, Hedrington, Morse, and Mayor Rehl.
City Attorney Roxanne Sosnowski was present
City Administrator Sonya Hoppes was present
City Clerk Tracy Patrick recorded the minutes
Department Heads in attendance:
Police Chief Adam Truman
Fire Administrator Dan Zerfass
Waste Water Treatment Plant 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 Adleman made a motion to approve the agenda. Commissioner Fitzgerald second the motion. Voice vote carried the motion.

PUBLIC COMMENT: Mary Gillam spoke about the concerns she has regarding the the Zoning Map Amendment item on the agenda for 540 South Bluff Street. Ms. Gillam said there are concerns from surrounding property owners with rentals and tenants who do not care for properties the same as property owners.

APPROVAL OF MINUTES:
1. Commissioner Fitzgerald made a motion to approve the minutes of the Regular Council Meeting held on September 20, 2021. Commissioner Hedrington second the motion. Voice vote carried the motion.

REPORT OF OFFICERS:
1. Finance:
Commissioner Fitzgerald made a motion to approve the claims to be paid from September 18- October 1, 2021 in the amount of \$203,802.31. Commissioner Adleman second the motion. Roll call vote showed 5 ayes.
2. Reports:
Staff Report-City Administrator, Sonya Hoppes
Accounts & Finance-Commissioner Tom Fitzgerald
Health & Public Safety-Commissioner Brian Hedrington
Streets & Public Improvement-Commissioner Ryan Adleman
Public Properties-Commissioner Ken Morse
Mayor-Ted Rehl

NEW BUSINESS:
1. Discussion and/or Motion Items:
a. Commissioner Adleman made a motion to approve a request for a block party on October 30, 2021 from Rich Koepf. Commissioner Fitzgerald second the motion. Roll call vote showed 5 ayes.
b. Commissioner Morse made a motion to approve the Budget Timetable. Commissioner Adleman second the motion. Voice vote carried the motion.

- c. Commissioner Adleman made a motion to approve Trick or Treat hours. Commissioner Hedrington second the motion. City Administrator Hoppes recommended 5-7 pm, and said past hours for 2019 were from 5-7, and 2020 hours were 4:30-6 pm. Commissioner Adleman recommended extending the hours due to Halloween being on a Sunday. Commissioner Adleman made a motion to amend the hours to 4-7 pm. Commissioner Hedrington second the motion. Voice vote carried the motion.
- d. Council discussed open burning. Chief Zerfass recommended October 10-November 10. Commissioner Adleman said he believes the Advisory Referendum showed the vote was 80% to 20% to continue open burning. Commissioner Adleman recommended making open burning seasonally for 2 months in the spring and 2 months in the fall. Commissioner Morse said the issue is the season always gets extended if it's wet and could end up being extended even longer. Commissioner Morse said that was why the Fire Chief always determined the time frame for open burning. Commissioner Adleman said the weather could dictate the time for burning. Chief Zerfass said the Ordinance states 30 days and could be extended if need be. Commissioner Fitzgerald agreed with Commissioner Adleman for a 2-month period in the spring and in the fall, and said other communities have burning with no issues. Commissioner Adleman said he would also like to extend the time from 8 am – 5 pm to 8 am – 8 pm. Commissioner Morse did not agree with extending the time to 8 pm, and said it gets dark earlier and fires would burn longer. Mayor Rehl said although the referendum showed 80% - 20%, the 20% still need to be represented. Mayor Rehl said he would still like 30 days in the spring and 30 days in the fall. Chief Zerfass said he previously made recommendations for changes, and would like the recommendations to be considered if any changes are made to the code. Consensus was made to wait till spring for any changes to be brought back to the board. Commissioner Morse said he does not agree with extending open burning longer. Roll call vote showed 4 ayes and 1 nay by Commissioner Morse for open burning to be from October 10-November 10.
- e. Commissioner Fitzgerald made a motion to approve Ordinance 2653 approving a Class G Liquor License to Vishat Inc. Commissioner Adleman second the motion. Roll call vote showed 5 ayes.
- f. Commissioner Fitzgerald made a motion to approve Ordinance 2654 approving a Zoning Map Amendment in the One-Family Zoning District (R1) to Two-Family Residential Zoning District (R2) for the property commonly known as 540 South Bluff Street, South Beloit, Illinois, Winnebago County, with PIN No. 04-06-327-006. Filed by Bruce and Judith Warden and Amcore Investment Group. Commissioner Hedrington second the motion. The applicants were not present at the Council meeting. Attorney Sosnowski said the application for this Ordinance was for a Zoning Map Amendment for an existing vacant parcel for a low-density residential area. Staff and the Zoning Board recommended approval. Attorney Sosnowski said R2 would permit a 2-family residential development such as a duplex. This zoning does not provide for more intensive multifamily housing. Attorney Sosnowski reviewed staff recommendations that were approved by the Zoning Board, and said the use would be consistent with existing residential uses. Setbacks would be required to be met. The use would be consistent with the City's Comprehensive Plan. Attorney Sosnowski said the roll call vote at the Zoning Board Public Hearing showed 4-0 with 3 board members absent. At the Hearing there was testimony from residents who felt single family residential should remain. There were concerns from residents who were against the change regarding a decline in property values. Commissioner Fitzgerald said the property is 1.6 acres, and asked how many 2-family units would be built, as well as where the locations would be on the lot. Commissioner Fitzgerald said he would want to see a site plan for the property that shows where the driveway would be located. Attorney Sosnowski said the ZBA packet showed the board stated only (1) 2-family dwelling could be placed on the parcel. If the zoning map amendment was approved, plans would need to be submitted to the City for review and approval. Commissioner Adleman said the plat showed A, B, and C, and asked what that would mean. Attorney Sosnowski explained the testimony at the Hearing stated only (1) 2-family unit could be built. The minutes of the ZBA meeting reflected that the Zoning

Board Chair confirmed with Mr. Warden that he did not want to apply for a more intense zoning. Attorney Sosnowski said the zoning district would be for the entire lot. Anything more would need a more intensive zoning district. Attorney Sosnowski advised Council could lay over the item and ask the applicant to be present. Commissioner Morse said he agrees with residents. Commissioner Adleman said he agrees with Commissioner Morse, and would also want to see a site plan. Commissioner Adleman confirmed there would be protection for the school being so close to the location in the event a sexual predator were to be a resident at that location. Commissioner Fitzgerald said there are too many questions. Mayor Rehl said this is just to be able to build in R2 and has nothing to do with the plan. Mayor Rehl said the City could stop this down the road if they do not like the plan. Mayor Rehl also said, the question here is do we allow a two family dwelling to be on that lot? Commissioner Fitzgerald asked what if Council votes no. Attorney Sosnowski said the Finding of Facts would need to be found in the negative. Council could find only 1 Finding of Fact that was not met in order to deny the Map Amendment. Attorney Sosnowski advised that based on the comments of a few of the Commissioners, Council could determine Finding of Fact #1 was not met regarding the health, safety and general welfare of the City. Residents expressed potential crime with a multi-family unit, and property value concerns if a multi-family unit was built. Mayor Rehl called for the vote and stated the vote would only be for the R2 Zoning. Roll call vote showed 4 nays and 1 aye by Mayor Rehl. The motion failed. Attorney Sosnowski stated she will amend the findings of fact to be consistent with the statements Council made.

- g. Commissioner Morse made a motion to approve Ordinance 2655 approving two agreements for the sale of real property located at 327 Burr Oak Avenue, South Beloit, Illinois by the City. Commissioner Hedrington second the motion. Attorney Sosnowski said the ordinance is actually only for one agreement, not two. Attorney Goscik amended the ordinance to reflect the one agreement and provided an amended ordinance to Clerk Patrick. Commissioner Morse made a motion to amend the motion to one agreement. Commissioner Hedrington second the motion. Attorney Sosnowski said the City previously acquired the property. The property was advertised for accepted bids, however; no bids were received. In July, a Resolution was passed authorizing the sale of the property to an interested party. An offer in the amount of \$500.00 was submitted to the City and will be accepted via this Ordinance. Roll call vote showed 5 ayes.
- h. Commissioner Hedrington made a motion to approve Ordinance 2656 authorizing the sale of certain personal property owned by the City of South Beloit. Commissioner Fitzgerald second the motion. Roll call vote showed 5 ayes.
- i. Commissioner Adleman made a motion to approve Resolution 6267 approving a Replat of Storage Queen for the property located at 5900 Technology Drive and 15621-15641 Manchester Road with PIN No's. 04-04-427-001, 04-04-427-002, 04-04-427-003, 04-04-427-004, and 04-04-427-005. Commissioner Fitzgerald second the motion. Roll call vote showed 5 ayes.
- j. Commissioner Fitzgerald made a motion to approve Resolution 6268 approving a Memorandum of Understanding with the Winnebago County Health Department for Drug Overdose Prevention Program. Commissioner Adleman second the motion. Roll call vote showed 5 ayes.
- k. Commissioner Morse made a motion to approve Resolution 6269 approving an Agreement with the Winnebago County Health Department for Tobacco Compliance Checks. Commissioner Hedrington second the motion. Roll call vote showed 5 ayes.
- l. Commissioner Adleman made a motion to approve Resolution 6270 approving an agreement with Fehr Graham for the South Beloit Lift Station and Force Main Project. Commissioner Morse second the motion. Roll call vote showed 5 ayes.
- m. Commissioner Adleman made a motion to approve Resolution 6271 authorizing the Mayor to execute a second renewal agreement with Synergy for snow plowing for the 2021-2022 season. Commissioner Morse second the motion. Roll call vote showed 5 ayes.

- n. Council discussed fireworks in the City. Commissioner Fitzgerald asked if it was illegal to shoot fireworks in the air.. Wisconsin can sell fireworks to Illinois residents. Commissioner Fitzgerald said there are concerns for veterans and dogs. Commissioner Morse said the enforcement is up to the Police Department, and this has been an issue for the past 40 years. Commissioner Morse said fireworks stores would have to be banned within the City. Commissioner Adleman said trying to catch where fireworks are being shot off from is like chasing shadows. Police Chief Truman said this is hard to enforce when short staffed. Attorney Sosnowski said their office previously prepared a memo regarding fireworks in June. Attorney Sosnowski reviewed the difference comes down to whether the items that are being sold are legal or illegal. Under Illinois law, fireworks are differentiated between 1.3G fireworks which are used in professional outdoor displays, those can only be sold and used by persons who are licensed. Consumer fireworks exclude those fireworks which contain less than 2500 grains of explosive compounds. If the fireworks contain less than 2500 grains of explosive compounds, it would not be illegal to sell those even if they were to be shot up in the air. In general, it is not illegal to sell fireworks, it depends on the amount of grains. Commissioner Morse said the Fire Marshall investigates what's sold. Attorney Sosnowski stated that what is being sold should only be sold to licensed pyrotechnics. Attorney Sosnowski said the City can not be more restrictive than the State Statute and there is already a State Statute that deals with this issue. Attorney Sosnowski said you would have to request assistance from o the State Fire Marshall to do an inspection of the stand that is selling fireworks to determine if what is being sold is not excluded from the consumer fireworks category. Attorney Sosnowski stated that the City should be reporting any potential violations of the pyrotechnic act to the State Fire Marshall and the Illinois Department of Revenue. City Administrator Hoppes said she could look into the matter.

MISCELLANEOUS

LICENSES AND PERMITS:

1. Business Licenses:
 - a. Helsell's Antiques & Collectables
 - b. Yours Truly, Skye
2. Miscellaneous Licenses:
 - a. Helsell's Antiques & Collectables

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

ADJOURN:

At 6:17 pm on a motion made by Commissioner Adleman second by Commissioner Fitzgerald. Voice vote carried the motion.

Mayor

City Clerk

Approved: