

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
October 15, 2019**

The Rochelle City Council met in Regular Session at 6:30 p.m. on Tuesday, October 15, 2019 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG & PRAYER: Prayer was said by City Clerk, Sue Messer.

ROLL CALL: Present on Roll Call were Councilmembers Burke, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. A quorum of five were present. Absent. Councilor Gruben and Shaw-Dickey. Also present were City Manager Jeff Fiegenschuh, City Clerk Sue Messer.

PROCLAMATIONS, COMMENDATIONS, ETC: None.

REPORTS AND COMMUNICATIONS:

- Mayor – Thanked the staff for the efforts for Hay Day. Condolences to Councilman John Gruben and his family on the loss of his brother.
- Council Members
- City Manager-Read letter from RTHS regarding donation to Renaissance Program and letter from Sam Graber regarding all the accomplishments in 2019.
- Remarkable Resident – Pete Alfano
- Good News Award
 - Professional Community & Economic Developer – Michelle Pease

PUBLIC COMMENTARY: Russ Stevens is requesting a dispensary at his location on Rte. 251 South.

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting – September 23, 2019
- b) Approve Exceptions – 9/18/19-10/7/19
- c) Approve Bills – 10/8/19
- d) Approve Payroll – 9/9/19-9/22/19
- e) Accept and Place on File Minutes of Golf Course Advisory Committee – 8/26/19
- f) Accept and Place on File Minutes of Planning and Zoning Commission – 9/16/19

Motion made by Councilor Burke and seconded by Councilor D. McDermott **“I move consent agenda items (a) through (f) be approved by Omnibus vote as recommended.”** Roll call vote was taken. Ayes: Councilor Burke, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 5-0.

- 2) **Ordinance Granting Certain Sign Variations at 601 Flagg Road (HP Rochelle Real Estate, LLC, Petitioner) - Benny’s Corner Market.** HP Rochelle Real Estate, LLC is asking for a variance of the sign ordinance from the allowed 25’ off the right of way to allow their ground sign 5’ off the right of way, which will be 25’ behind the existing sidewalk. (Sec. 110-675 (1) Setback. Each sign shall be set back from the public right of way a distance of at least one-half the required minimum setback building line.) They are asking for this variance because they feel they are at a disadvantage because of the additional right of way IDOT purchased based on the Kyte Creek bridge being built for the possible expansion of IL Route 251 to five lanes. HP Rochelle Real Estate, LLC are prepared to physically move the ground sign and would be fully responsible for any and all costs involved in relocating the sign if the roadway expansion occurs. HP Rochelle Real Estate, LLC feels that a variance from the sign ordinance is necessary in order to obtain the most basic gas station imaging. A variance to increase the square footage of their ground sign is also being requested to meet the requirement of Mobil’s signage. The Planning & Zoning Commission held a public hearing on October 7, 2019. The Commission voted 6:0 to recommend the sign variance. Community Development Director, Michelle Pease was available to answer any questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke **“I move Ordinance 19-5062, an Ordinance Granting Certain Sign Variations at 601 Flagg Road (HP Rochelle Real Estate, LLC, Petitioner), be approved.”** Roll call was taken. Ayes: Councilor Burke, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 5-0.

- 3) **Ordinance Amending Certain Sections of the City of Rochelle Zoning Ordinance Pertaining to Conditional Use Treatment of Cannabis Establishments in Certain Areas of the City of Rochelle.** The State of Illinois has made the recreational use of cannabis legal, beginning January 1, 2020. Currently within the City of Rochelle's zoning code there is no location identified for an allowable use, or with a conditional use, for adult use cannabis businesses, as allowed by the Illinois Cannabis Regulation and Tax Act. The Planning and Zoning Commission can recommend to the City Council to allow (1) adult use cannabis craft growers (2) adult use cannabis cultivation centers (3) adult use cannabis infuser organizations and (4) adult use cannabis processing organizations within an I1 Light Industry, I2 General Industry and I3 Heavy Industry zoning district with a conditional use. Cannabis transportation will also be identified in the code. Conditions can be set forth on all of the cultivation centers and organizations that the facilities may not be located within a set amount of feet, which the Planning & Zoning Commission will recommend to City Council, of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Facilities may not be located within said amount of feet of the property line of a pre-existing property zoned or used for residential purposes. The Planning and Zoning Commission can recommend to the City Council to allow adult use cannabis dispensing organizations within a B2 Commercial Highway zoning district with a conditional use. Conditions can be set forth on dispensaries that the facilities may not be located within a set amount of feet, which the Planning & Zoning Commission will recommend to City Council, of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Facilities may not be located within said amount of feet of the property line of a pre-existing property zoned or used for residential purposes. The Planning & Zoning Commission held a public hearing on October 7, 2019. The Commission voted 6-0 to recommend the following zoning for adult use cannabis business operations as defined in the Cannabis Regulation and Tax Act:

- Cultivation Centers allowed in all Industrial Zones (I-1, I-2 & I-3), with a set-back of 200 feet from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home.
- Dispensaries allowed in all Commercial Highway (B-2), with a set-back of 200 feet from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home.

Michelle Pease was available to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, "**I move Ordinance 19-5063, an Ordinance Amending Certain Sections of the City of Rochelle Zoning Ordinance Pertaining to Conditional Use Treatment of Cannabis Establishments in Certain Areas of the City of Rochelle, be approved.**" Roll call was taken. Ayes: Councilor Burke, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 5-0.

- 4) **Ordinance Placing a Moratorium on Imposing Permit Fees for Residential Building Permits for Calendar Year 2020.** For 2019, the City Council approved the waiving of building permit fees, sewer, water and electric connection fees for all new single-family residential construction. The savings per house on average is around \$400.00 for the building permit depending on the square footage, a \$700.00 sewer connection fee, and a \$50.00 electric connection fee for a total of \$1150.00. Over the last decade, the City has on average permitted 3 houses per year. To date, 4 single family homes have been built and taken advantage of the permit fee waiver. City staff is proposing again to City Council to approve the waiving of building permits, electric, sewer and water fees for all single family residential new construction housing in 2020. In addition to new construction, staff is requesting the waiving of these same fees for properties that have been vacant for 6 months or more, with a minimum investment of \$15,000. This additional request will assist with addressing blight in our community and encourage habilitation of existing housing. Staff feels the Equalized Assessed Value will out gain the original permitting cost for all taxing bodies. Michelle Pease was available to answer questions. Motion made by Councilor Hayes and second by Councilor Burke, "**I move Ordinance 19-5064, an Ordinance Placing a Moratorium on Imposing Permit Fees for Residential Building Permits for Calendar Year 2020, be approved.**" Roll call was taken. Ayes: Councilor Burke, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 5-0.

- 5) **Resolution Authorizing the City Manager to Execute an Agreement with the Greater Rochelle Economic Development Corporation for Economic Development Services.** In 2017, the City entered into a rail revenue sharing agreement with the Greater Rochelle Economic Development Corporation (GREDCO). The agreement was to run with the term of the Mayor, which ended in May 2019. For the past several months, staff has been working with the executive board of the GREDCO to finalize a new agreement. This agreement constitutes, what is believed to be a fair and equitable compromise. The major provisions of the new agreement are below:
- GREDCO shall receive 5% of the annual revenues received by the City of Rochelle Rail. There will no longer be a minimum amount received, nor will there be a dollar amount cap.
 - The agreement shall expire upon the conclusion of the current term of the mayor. It may be renewed up to two additional 2-year terms if agreed to by both parties no less than 90 days prior to the expiration of the initial term.
 - GREDCO shall not use any CIR funds for the purchase or acquisition of property that will eventually be purchased by the City of Rochelle.
 - All accounting and reporting requirements from the first agreement remain in the new agreement.
 - GREDCO shall not use any CIR funds toward the pay or compensation of its CEO.
 - GREDCO shall use the funds exclusively for the continued development of the CIR and other economic development purposes that benefit the City of Rochelle and its citizens.

City Manager, Jeff Fiegenschuh was available to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **“I move Resolution R19-52, a Resolution Authorizing the City Manager to Execute an Agreement with the Greater Rochelle Economic Development Corporation for Economic Development Services, be approved.”** Roll call was taken. Ayes: Councilor Burke, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 5-0.

DISCUSSION: None.

EXECUTIVE SESSION: At 7:07 PM, Councilor T. McDermott moved and seconded by Councilor D. McDermott, **“I move the Council recess into executive session to discuss the appointment, employment, compensation, discipline, performance and/or dismissal of a specific employee, Section (c) (1), purchase or lease of real property for City’s use Section (c) (5), and discussion of minutes of meetings lawfully closed under this Act for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated, Section (c) (21).”** Roll call was taken. Ayes: Councilor Burke, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 5-0.

At 7:52 PM, moved by Councilor T. McDermott and seconded by Councilor D. McDermott, **“I move the Council return to open session.”** Motion passes by voice vote without dissent.

ADJOURNMENT: At 8:06 PM, moved by Councilor D. McDermott and seconded by Councilor t. McDermott, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.

John Bearrows, Mayor

Susan L. Messer
City Clerk of Rochelle