

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
November 12, 2019**

The Rochelle City Council met in Regular Session at 6:30 p.m. on Tuesday, November 12, 2019 in the Council Chambers of City Hall; 420 N. 6<sup>th</sup> 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, Gruben, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. A quorum of six were present. Absent. Councilwoman Shaw-Dickey. Also present were City Manager Jeff Fiegenschuh, City Clerk Sue Messer, and City Attorney Dominick Lanzito.

**PROCLAMATIONS, COMMENDATIONS, ETC:** Veterans Day.

**REPORTS AND COMMUNICATIONS:**

- Mayor
- Council Members
- City Clerk – Informed Council of grant award of \$21K for Census outreach and education. Announced budget Committee of Whole will be held 11/18/2019 at 6:00pm.
- Remarkable Resident – Sam Graber

**PUBLIC COMMENTARY:** None.

**DISCUSSION:** Motion made by Councilor T. McDermott and seconded D. McDermott, **“I move discussion items to be move up following public commentary.”** Motion passed by voice vote without dissent.

- 1) **Proposed Zoning Code Updates.** Teska has reviewed the entire text of the Rochelle Zoning Ordinance, with the intention of providing guidance to the City in order to determine if the Zoning Ordinance can be amended and updated, or if a complete rewriting of the Zoning Ordinance is required. After review of the Rochelle Zoning Ordinance, Teska has discovered numerous issues that need to be addressed. Some of these issues are urgent, requiring immediate attention, while others can be addressed at the discretion of the City. The biggest issue concerning the Zoning Ordinance is the general lack of consistency, and overall disorganization of the document. The City has obviously paid a great deal of attention to zoning related issues throughout the years, as numerous amendments are inserted throughout the document. Unfortunately, this has resulted in certain topics (such as accessory uses) being addressed in multiple sections within the document, definitions being spread out in multiple sections of the document, and references to other regulations being unclear and hard to find. The end result is a document that is difficult for citizens and businesses to understand and unnecessarily hard for staff to enforce, which impedes the City’s desire to protect the character of the community and promote continued economic development within the City. As the Zoning Ordinance is well over 20 years old (1996), many current zoning issues (such as gaming, medical/recreational cannabis, wind turbines, solar panels, beekeeping, chickens/goats, modern telecommunications, etc.) are not addressed. In addition, a number of major issues were identified that should be rectified immediately, including sign regulations that are not consistent with recent court rulings, and questionable standards for granting variances. It is the recommendation of Teska that the City of Rochelle create and adopt a new zoning ordinance that addresses the omissions and inconsistencies of the current ordinance and incorporates modern planning techniques. Community Director, Michelle Pease and Pete Iosue from Teska were present to answer questions.
- 2) **The Spark Locally Made Marketplace.** The Retail Advisory Board identified a small business incubator space as a project upon its establishment. In 2020, the group hopes to bring that goal to fruition through a locally made marketplace called 'The Spark, housed in the City-owned Standard Oil Filling Station. Retail Advisory Board Members Jacob Becker presented information on this project along with Marketing, PR & Tourism Director Jenny Thompson.

**BUSINESS ITEMS:****1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:**

- a) Approve Minutes of City Council Meeting – October 28, 2019
- b) Approve Exceptions –10/23/19-11/4/19
- c) Approve Bills – 11/5/19
- d) Approve Payroll – 10/7/19-10/20/19
- e) Accept and Place on File Municipal Compliance Report – Fire Pension Fund
- f) Accept and Place on File Municipal Compliance Report – Police Pension Fund
- g) Accept and Place on File Minutes of Airport Advisory Board – August 5, 2019
- h) Accept and Place on File Minutes of Planning and Zoning Commission – October 7, 2019
- i) Approve Request related to the Lighted Christmas Parade – 12/6/19

Motion made by Councilor Hayes and seconded by Councilor Burke, **“I move consent agenda items (a) through (i) be approved by Omnibus vote as recommended.”** Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 6-0.

- 2) **Ordinance Granting a Sign Variance at 1201 East Illinois Route 38 (Pilot Travel Centers, Petitioner).** Pilot Travel Centers, LLC appeared before the Planning and Zoning Commission with a plat of annexation, re-zone and variances on June 3, 2019. A variance for signage was granted at this meeting; however, their canopy signs were inadvertently omitted from their request. This variance request is to correct that omission and allow the travel center the variance for their fuel canopies to be branded “Pilot” and “Diesel” accordingly. The gas canopy will have 3 “Pilot” logos totaling 64.68 square foot. Diesel canopy will have 4 logos totaling 86.24 square foot. Staff has reviewed the canopy plans and feel that these are standard and customary to other canopy signs granted for fueling stations and referenced the standards for granting a variance found in Section 110-677. The Planning & Zoning Commission held a public hearing on November 4, 2019. The Commission voted 7:0 to recommend the sign variances. Michelle Pease was available to answer any questions. Motion made by Councilor Hayes and seconded by Councilor T. McDermott, **“I move Ordinance 19-5070, an Ordinance Granting a Sign Variance at 1201 East Illinois Route 38 (Pilot Travel Centers, Petitioner), be approved.”** Roll call was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 6-0
- 3) **Ordinance Approving a Conditional Use in the PUD-C (Planned Unit Development – Commercial) Zoning District to Allow Retail Sales of Electronic Cigarettes, Vapor and Related Products in Accessors at 1231 Caron Road (Sinbad Vapors, LLC, Petitioner).** Sinbad Vapors, LLC is a retail store for electronic cigarettes, vapor and related products and accessories. 1231 Caron Road is in a PUD-C zoning district where a conditional use permit is required for this type of business. Sinbad Vapors LLC is requesting a Conditional Use for their retail store to be located at 1231 Caron Road. Under Division 2, section 110-77, Conditions, certain conditions may be required such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Planning and Zoning Commission upon its finding. According to Chapter 110 Zoning, under Division 2 - Conditional Use Permits, the Planning and Zoning Commission shall hold a public hearing, shall review the site, existing and proposed structures, architectural plans, neighborhood uses, parking areas, driveway locations, highway access, traffic generation and circulation. The Planning & Zoning Commission held a public hearing on November 4, 2019. The Commission voted 5:2 to recommend the Conditional Use Permit. Michelle Pease and Majid Jabber, owner of Sinbad Vapors, LLC, spoke to Council and available for questions. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, **“I move Ordinance 19-5071, an Ordinance Approving a Conditional Use in the PUD-C (Planned Unit Development – Commercial) Zoning District to Allow Retail Sales of Electronic Cigarettes, Vapor and Related Products in Accessors at 1231 Caron Road (Sinbad Vapors, LLC, Petitioner), be approved.”** Roll call was taken. Ayes: Councilor Gruben, D. McDermott, and T. McDermott. Nays: Councilor Burke, Hayes and Mayor Bearrows. Motion failed 3-3.
- 4) **Ordinance Authorizing Purchase of Real Estate for a Public Purpose - 608 W. 2nd Avenue.** RMU wishes to construct a new well house located on the 2nd Avenue corridor, just east of the RMU Electric Offices. The City currently owns several lots located on the east end of 2nd Avenue where the old Patterson Lumber Company storage area was and approved the purchase of additional lots in the area at the August 12th council meeting. This is the final property that needs to be purchased to move forward with the construction of the new well house. Motion made by Councilor Hayes and second by Councilor Burke, **“I move Ordinance 19-5072, an Ordinance Authorizing Purchase of Real Estate for a Public Purpose at 608 W. 2nd Avenue in the amount of \$65,000, be approved.”** Roll call was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 6-0.

- 5) **Resolutions Authorizing the Execution of a Collocation License Agreement and Dark Fiber License Agreement with Zayo Group, LLC.** Enter into an agreement with Zayo Group LLC to lease a point to point dark fiber to Zayo. This fiber will connect the to the Northern Trust facility. Enter into a agreement with Zayo Group LLC to allow Zayo rack space and power supply in the Technology Center. Electric Superintendent, Jason Bird was available to answer questions. Motion made by Councilor T. McDermott and second by Councilor Hayes, **“I move Resolution R19-55, a Resolution Authorizing the Execution of a Collocation License Agreement with Zayo Group, LLC, be approved.”** Roll call was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 6-0. Motion made by Councilor Burke and second by Councilor D. McDermott, **“I move Resolution R19-55, a Resolution Authorizing the Execution of a Collocation License Agreement with Zayo Group, LLC, be approved.”** Roll call was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 6-0.

**EXECUTIVE SESSION:** At 7:43 PM, Councilor T. McDermott moved and seconded by Councilor Burke, **“I move the Council recess into executive session to discuss the purchase or lease of real property for City’s use Section (c) (5), the setting of a price for sale or lease of property owned by the City Section (c) (6), the (appointment, Employment, compensation, discipline, performance and/or dismissal) of specific employee(s) Section (c) (1), 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, Gruben, Hayes, D. McDermott, T. McDermott, and Mayor Bearrows. Nays: None. Motion passed 6-0.

At 8:30 PM, moved by Councilor Mayor Bearrows and seconded by Councilor Burke, **“I move the Council return to open session.”** Motion passes by voice vote without dissent.

**ADJOURNMENT:** At 8:31 PM, moved by Burke and seconded by Councilor Hayes, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.

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John Bearrows, Mayor

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Susan L. Messer  
City Clerk of Rochelle