

VILLAGE OF ROCKTON
BOARD OF TRUSTEES MEETING MINUTES

November 5, 2018

Mayor Adams called the meeting to order at 7:00 pm.

Present were: Mayor Adams, Mr. Fridly, Mrs. Honkamp, Mr. Peterson, Mr. Magnus, Mrs. May, Mr. Winters and Atty. Kristine Gibbons

Staff present: Chief Dickson, Tricia Diduch and Don Self

APPROVAL OF MINUTES

Motion by Mr. Winters, second by Mr. Fridly, to waive the reading of the October 16, 2018 Village Board meeting minutes. All ayes. Motion approved 6-0.

Motion by Mr. Winters, second by Mr. Peterson, to approve the October 16, 2018 Village Board meeting minutes. All ayes. Motion approved 6-0.

AMENDMENTS TO THE AGENDA

Mr. Fridly stated that he would like to add a consensus for a fire hydrant. Mrs. May stated that she would like to remove Item #1 under herself. Mayor Adams stated that he would like to remove Item #2 under himself.

Motion by Mr. Winters to approve the amendments to the agenda, second by Mr. Peterson. All ayes. Motion approved 6-0.

PUBLIC COMMENT

Mary Hall-Scott spoke to the Village Board in reference to the request for a special use permit for N Style Studio located at 118 E. Main Street. Ms. Hall-Scott explained that she has three similar type businesses and spoke to the character of Nicole Rausch-Stokes.

Tamara Hendricks, owner of Rubies n Rust Antiques, spoke about the Jingle Bell Rockton event and that there were 19 businesses that participated. Ms. Hendricks estimated that approximately 4,500 people came into Rockton to shop the event in two days and thanked the Village for their support on behalf of the businesses. Ms. Hendricks also stated that during the "Main Street Trick or Treat" event that she had people mocking her store and making comments that she didn't appreciate. Ms. Hendricks added that this isn't the way that businesses should treat each other.

Shelly Day, manager of the Gem Shop, stated that she was a little upset about the Village reconsidering the ordinance for the tattoo parlor, not because she is against the tattoo parlor but because she felt that the Village was making an exception for a business. Ms. Day explained that the Village didn't make an exception for her business to put an advertising sign across from the high school, but they are considering breaking the rules to allow a tattoo parlor in Rockton.

Ed Nelson, Cassandra Nelson's father, spoke to the Village Board about the reconsideration of the tattoo parlor. Mr. Nelson stated that his daughter has put a lot of money into the business so that she can help with the economy of the whole Rockton area. Mr. Nelson added that they are masters of their craft and that they will bring more business to the downtown area. Mr. Nelson stated that the clientele is not bad and that the business owners are chasing the American dream of owning their own business. Mr. Nelson stated that they are hardworking young ladies and that his daughter is trying to hustle to make herself a professional in the business. Mr. Nelson added that they have put a lot of money into the building to ensure that it's a proper facility. Mr. Nelson asked that the Village Board give her a chance and stated that it will turn into other projects that will benefit the Rockton community.

Kevin Darrah, property owner of 120 and 201 W. Main Street, stated that he didn't think that a tattoo parlor is a good fit in the downtown area. Mr. Darrah said that the people from the tattoo parlor were badmouthing vendors at a kid's event held in downtown Rockton. Mr. Darrah stated that this isn't the right way to come into town and act like they want to open a business. Mr. Darrah said they were telling people that the businesses were against them and that he thought that this was wrong to tell the public who had no idea what they were even talking about. Mr. Darrah stated that this wasn't a good sign. Mr. Darrah also questioned the

procedure the Village has to follow for zoning changes and notifying adjoining businesses. Ms. Diduch stated that notices were sent to all of the adjoining business owners and that the proper procedure for a special use permit was followed. Mr. Darrah said that he didn't think that this was a good fit and that they aren't people that are willing to work together to make the businesses a success like last weekend.

MAYOR ADAMS

Mayor Adams read the proclamation for "National Apprenticeship Week" (November 12th-18th) and presented the proclamation to Richard Stewart with the Indiana, Illinois, Iowa Foundation for Fair Contracting. Mr. Stewart thanked Mayor Adams for the recognizing the proclamation and honoring the companies that have completed projects in the area along with supporting the apprenticeship program.

VILLAGE ATTORNEY

None.

ZONING

Motion by Mr. Winters to reconsider Ordinance 2018-25: Special Use Permit for a Tattoo Parlor at 118 W. Main Street, second by Mr. Peterson. Roll call. Ayes: Mr. Winters, Mrs. Honkamp, Mr. Fridly, Mr. Peterson and Mr. Magnus. Nays: Mrs. May. Motion approved 5-1.

Atty. Gibbons explained to the Village Board that at this time they can have a discussion about why they find it's appropriate for approval, why the Village Board is reconsidering and if there is anything that has come to light amongst other steps in the process. Mr. Peterson addressed the business owners directly as to the involvement of Ms. Rausch-Stokes' ex-husband being involved in the business. Mr. Peterson stated that there were some concerns and Ms. Rausch-Stokes said that he helped with the remodel of the building along with Cassandra Nelson's father. Mr. Magnus stated that he met with Ms. Rausch-Stokes and Ms. Nelson and looked at the shop. Mr. Magnus added that he didn't know these two women before the last meeting and that he thinks the remodel looks nice. Mr. Magnus stated that he reached out to the building owner to ask a few questions, but didn't hear back from him in time and that there are concerns about the ex-husband and if he has any vested interest in the business. Ms. Rausch-Stokes stated that she has a copy of the lease and that it's only her and Ms. Nelson on the lease. Mr. Magnus said that there are many business owners against a tattoo parlor and that he felt the tattoo parlor was getting a bad rap for other tattoo parlors, but that it's a whole new era from what it used to be. Mr. Magnus stated that he wasn't going to change his vote from the previous meeting and that as long as they have a special use permit and are abiding by the laws of their practice then he is okay with it. Mr. Winters added that if they don't follow the rules and stipulations of the special use permit that the permit could be pulled and they can be shut down.

Atty. Gibbons advised the Village Board that they can move on to talking about the findings of facts at the Zoning Board of Appeals (ZBA) level, go through those, adopt them and use reasons for why they are now finding them along with why it meets that specific criteria. Mr. Winters questioned if Ms. Rausch-Stokes gave testimony as to their business plan or was given an opportunity to present that information. Ms. Rausch-Stokes stated that she handed in the information and Ms. Nelson added that it seemed the ZBA didn't receive everything that was turned in. Ms. Diduch stated that the ZBA and Planning Commission did receive everything that was provided to her for the special use permit. Ms. Diduch advised that the information was also given to the Village Trustees in their packets regarding the special use permit. Ms. Diduch added that she cannot vouch nor attest to if the business plan provided after the last meeting and today is a typical business plan or not because she has not seen it. Ms. Diduch stated it's the Village Board's decision if the business plan is a quality business plan and added that the trainer of the applicant did state that, in fact, it was.

Mayor Adams stated that his concern was that there are limited storefronts in downtown Rockton and that the Village has other locations that may be better places or options because part of the window will be curtained off. Mayor Adams said that the Village has a ZBA and Planning Commission to give recommendations to the Village Board. The Planning Commission was a 3-3 split and the ZBA unanimously voted 7-0 to deny the petition for the special use permit. Mayor Adams stated that he wasn't opposed to the facility, but he is opposed to the site.

Mr. Fridly discussed the signage for N Style Studio and stated that the Village can put stipulations on that so there is no neon sign in the window and nothing that says "tattoo". Mr. Fridly added that there are other

businesses that have neon signs in their windows. Mr. Fridly discussed the layout of the business and the front window area where there is going to be a curtain and items on display in front of the curtain/window area. Mr. Fridly added that he doesn't see where this is going to affect the compatibility of attractive pedestrian shopping area or commercial frontage by allowing this storefront. Mr. Fridly said that the finding of facts has nothing to say about the business that is going in and stated that the business is going to be behind closed doors.

Mr. Peterson added that a lot of people in the Village are afraid of the unknown. Mr. Fridly agreed that the Village is very conservative. Mr. Peterson added that if it's just the two young ladies on the lease then he has less concerns, but he is afraid of others being involved because of history and he is torn on how to handle this. Mr. Peterson stated that he agrees with Mayor Adams that there is a better location for this type of business. Mr. Peterson stated that he has been in the shop and he isn't worried about what's in the front window, but he is worried about what comes along with it and he feels that it's a legit concern.

Mrs. May said that in the spirit of downtown Rockton the whole idea is pedestrian and to make it appealing for people to see and to walk in and she didn't know if this facility is that. Mrs. May stated that this facility is something that you go there specifically for and not to browse it. Mrs. May discussed the future of Rockton and the downtown streetscape and the purpose is to have people to walk, to see and to shop. Mrs. May said that she isn't sure that this adds to that value downtown. Mr. Fridly asked if the potential of foot traffic that a business could bring in would add anything. Mrs. May said that she doesn't have any data on that, but if she was going to get a tattoo then she is going to get a tattoo and she is leaving.

Mr. Peterson asked Atty. Gibbons if the special use permit is approved can it be taken away later. Atty. Gibbons advised that if the special use permit was approved with additional conditions and those conditions were later violated, then it would come back in front of the Village Board. The Village Board would discuss how the conditions were violated and determine if the special use permit should be taken away or if additional conditions should be placed on the special use permit. Mr. Fridly verified that this would be a Village Board action and not a staff action.

Mrs. Honkamp asked Ms. Rausch-Stokes that since her ex-husband is helping with the remodel, does she think he is going to want a part of this and Ms. Rausch-Stokes stated that he would not. Mr. Nelson stated that the ex-husband was contracted through him to do some work on the building and that he has already been paid. Mr. Magnus stated that it's a concern, but you can't guarantee who walks into any of the establishments. Mr. Magnus added that as long as the ex-husband doesn't have a vested interest in the business and his name isn't on the lease then we can't say he can't come in the building. Mr. Peterson said that the Village does have to have their eyes open because almost every single time there has been a red flag about something it has come back and bitten us.

Atty. Gibbons advised the Village Board that they need to discuss how it meets the finding of facts and meets the criteria of the retention of historic character in downtown Rockton and its revitalization. Atty. Gibbons stated that the ZBA determined that the criteria were not met. Atty. Gibbons stated that the Village Board would need to adopt the findings of facts and include this as well. Ms. Diduch clarified that the ZBA did discuss the medical tattooing and body art and even discussed how much of the business would be body art and medical tattooing/cosmetic and it was stated that the majority of the business would be body art/tattooing. Ms. Diduch said that the ZBA was well aware of the body art versus medical/cosmetic tattooing.

Mr. Magnus stated that tattooing/body art goes back for centuries and the only thing that is going to change is that there isn't going to be a vacant building downtown. Mr. Magnus added that a façade grant has been approved for the building and there are other signs downtown that could use improvements. Mr. Magnus said that everyone has said that they want businesses downtown and we have people that are putting money into a building to make improvements and we are telling them no. Mr. Fridly suggested making changes to the aesthetic look of the building and if that would be something that can be done. Mrs. May stated that she isn't in the business of telling people how to run their business or decorate their business. Mrs. May said that is not her role as a Village Trustee to micromanage someone's business. Mrs. May stated that she would like businesses that will draw people in, but also keep them in the area.

Atty. Gibbons went through the finding of facts one by one with the Village Board and determined how they

now meet the criteria. Motion by Mr. Fridly to adopt the findings of facts, second by Mr. Peterson. All ayes. Motion approved 6-0. The Village Board discussed additional conditions/amendments of the special use permit. Motion by Mr. Winters to include the additional conditions/amendments (no visible signage in front windows in reference to traditional tattooing, only retail items and artwork will be allowed to be displayed in front window, curtain to screen waiting area from being viewable from street will remain closed unless changing window displays, door to procedure area will remain closed during all procedures and removal of special use permit only being valid for one year) in Ordinance 2018-25:Special Use Permit for a Tattoo Parlor at 118 W. Main Street, second by Mr. Fridly. Mr. Magnus stated that he wanted the current business owners to know that the Village Board has heard their concerns, but what other business owners say and do on the sidewalks cannot be controlled. Roll call. Ayes: Mr. Winters, Mrs. Honkamp, Mr. Fridly and Mr. Magnus. Nays: Mr. Peterson and Mrs. May. Motion denied 4-2. Atty. Gibbons advised that Ordinance 2018-25 needed a super majority vote in order to pass.

PUBLIC SAFETY AND LEGAL – MR. WINTERS

Motion by Mr. Winters to approve the purchase requisition for CDW Government for Microsoft Windows server in the amount of \$1,311.40, second by Mr. Fridly. Roll call. All ayes. Motion approved 6-0.

ADMINISTRATION – MRS. HONKAMP

None.

WATER, SEWER, AND GARBAGE – MR. FRIDLIDY

Mr. Fridly stated that he would like a consensus to authorize the Public Works Director to purchase a new fire hydrant at Warrant and Kocher Streets at a cost of \$3,146. Mr. Fridly stated that the Village discovered that it wasn't working properly when they were flushing hydrants and that there is \$11,000 in the line item to pay for the fire hydrant. The Village Board was okay with this.

COMMUNITY DEVELOPMENT AND BUDGET – MR. PETERSON

None.

BUILDINGS AND PARKS – MRS. MAY

None.

STREETS AND WALKS – MR. MAGNUS

Motion by Mr. Magnus to approve Ordinance 2018-28: An Ordinance of the Village of Rockton, Illinois Designating a No Truck Area on Portions of Nazarene Drive within the Village of Rockton, Illinois, second by Mrs. May. Mr. Magnus stated that trucks are using Nazarene Drive to get to South Beloit's industrial park and the road is falling apart. Roll call. All ayes. Motion approved 6-0.

Motion by Mr. Magnus to approve the purchase requisition for William Charles for Highway 2 traffic light battery replacement in the amount of \$2,115, second by Mr. Fridly. Mayor Adams added that half of the amount is reimbursed back to the Village. Roll call. All ayes. Motion approved 6-0

EXECUTIVE SESSION

Motion by Mr. Fridly to adjourn from regular session at 7:56 pm and go into executive session pursuant to 5 ILCS 120/2(c)(5) to discuss potential acquisition of property, second by Mr. Peterson. All ayes. Motion approved 6-0.

Mayor Adams called the Village Board meeting back to regular session at 8:04 pm. Roll Call. All Village Board members were present.

ACTION ON ITEMS ARISING OUT OF EXECUTIVE SESSION

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PAYMENT OF BILLS

Motion by Mr. Winters, second by Mr. Peterson, to pay bills in the amount of \$836,329.88. Roll call. All ayes. Motion approved 6-0.

ADJOURN

Hearing no further business, motion by Mr. Winters, second by Mr. Peterson, to adjourn at 8:05 pm. All ayes. Motion approved 6-0.

Respectfully submitted,

Christina Stewart
Village Clerk