

**VILLAGE OF ROCKTON**  
**BOARD OF TRUSTEES MEETING MINUTES**  
**June 16, 2015**

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

Present were: Mayor Adams, Mr. Fridly, Mr. Hoey, Mr. Magnus, Mrs. May, Mr. Peterson, Mr. Winters and Atty. Szeto

Staff present: Chief Dickson, Tricia Diduch, and Gordy Nygren

**APPROVAL OF MINUTES**

Motion by Mr. Winters, second by Mr. Fridly, to waive the reading of the June 2, 2015 Village Board meeting minutes. All ayes. Motion approved 6-0.

Motion by Mr. Winters, second by Mrs. May, to approve the June 2, 2015 Village Board meeting minutes. All ayes. Motion approved 6-0.

**AMENDMENTS TO THE AGENDA**

Mrs. May would like to remove item #3 under herself. Motion by Mr. Winters to approve the amendments to the agenda, second by Mr. Fridly. All Ayes. Motion approved 6-0.

**PUBLIC COMMENT**

Loren Floto spoke in reference to the Rock River Sweep which will take place on Saturday, September 12<sup>th</sup> from 9 am until 1pm. Mr. Floto was requesting use of the shelter in Settler's Park and advised that they are looking for volunteers on foot, kayaks, canoes and boats to help with the cleanup. Mr. Floto stated that last year there were 58 volunteers and that they collected 2500 pounds of garbage along the river.

Brenda Herron, a resident at 609 N. Prairie Street (corner lot), spoke in reference to a variance request that is up for approval on the Village Board agenda. She stated that they would like a 6 foot fence instead of a 4 foot fence on their property because they have a dog that could clear a 4 foot fence. Ms. Herron added that she has three adopted children and she watches three of her grandchildren and that she would like the variance granted for the safety of the children and her dog because there is a lot of traffic in the area.

Kevin Mueller spoke in reference to the recent Zoning Board meeting that he attended. Mr. Mueller felt that the Zoning Board didn't listen to everyone and that they had already made up their minds in reference to a matter that was being discussed that evening. Mr. Mueller was told that only one member from a family can speak at the meetings and he didn't feel that this was right. Mr. Mueller voiced his concerns about Rookie's Pub and Grill having an outdoor café granted and is not in favor of this being approved.

**MAYOR ADAMS**

None.

**VILLAGE ATTORNEY**

None.

**ZONING**

Motion by Mr. Hoey to approve Resolution 2015-110: Walmart Gas Station, 4781 E. Rockton Road - Revised Design Review, second by Mr. Fridly. There were two representatives from Walmart available to answer any questions. They advised that the changes that were being made were in the pump design and that the landscaping, parking ratio, storm drainage and lighting will remain the same. Mayor Adams stated that this was approved unanimously by both committees. Roll call. All ayes. Motion approved 6-0. Mayor Adams inquired when Walmart will start this project and when will they be open. The representative stated that it would be soon.

Motion by Mr. Winters to approve Resolution 2015-111: Whiskey's Rockton Inn, 102 E. Main Street – Design Review for Awning, second by Mr. Peterson. Mr. Fridly questioned why the awning was put up before the approval. Ms. Diduch stated that the awning was put up within a day so they were approached after the awning was put up. Ms. Diduch stated that Whiskey's had received previous approval for the outdoor patio, but plans for the awning were never submitted. Roll call. All ayes. Motion approved 6-0. Mayor Adams stated that Whiskey's will be advised that they need to get approval before construction starts on such projects.

Motion by Mr. Peterson to approve Ordinance 2015-19: Variance Request for Accessory Structure, 101 Bunn Drive, second by Mr. Hoey. Mr. Hoey stated that this is replacing the existing shed. Mr. Peterson added that this looks a little tight for the area and inquired if any of the neighbors had concerns. Ms. Diduch stated that no one had called in reference to ask questions or to show disapproval of the variance request. Roll call. Ayes: Mr. Winters, Mr. Hoey, Mr. Peterson, Mrs. May, and Mr. Magnus. Nays: Mr. Fridly. Motion approved 5-1.

Motion by Mr. Peterson to approve Ordinance 2015-20: Variance Request for Fence Height, 609 N. Prairie Street, second by Mrs. May. Roll call. All ayes. Motion approved 6-0.

Motion by Mr. Hoey to approve Ordinance 2015-21: Special Use Permit Request for Outdoor Patio, 104 W. Main Street, Rookie's Pub and Grill, second by Mr. Fridly. Mr. Fridly inquired if the layout met the criteria of a sidewalk café and Ms. Diduch stated that it did meet the criteria. Mr. Peterson asked about the fencing and Ms. Diduch said that it was decorative fencing that is also portable and between 30" – 42" tall. Ryan Asta, the owner of Rookie's Pub and Grill, stated that the fencing will be removed every night along with the table and chairs that are placed outside. Mr. Asta added that the outside seating area will be a nonsmoking area and it will be posted. Mr. Fridly asked Chief Dickson if he had issues with this as far as the police department goes. Chief Dickson stated that he sees many issues with this, but that everyone he has worked with downtown has been cooperative. Chief Dickson added that if there are any issues that they will try to work them out or it can be brought back to the Village Board. Mr. Fridly added that the sidewalk café had to meet Americans with Disabilities Act (ADA) requirements. Ms. Diduch stated that there is a planter that may have to move one or two feet to the east and if the planter is over an open grate that may become an issue. Ms. Diduch stated that Mr. Asta could eliminate the table near that area if he needs to. Mr. Peterson inquired about the hours of the outdoor seating and Mr. Asta stated that it would just be during hours that food is being served which would include lunch and dinner. Mr. Magnus questioned if this was run by the fire department and if it met the fire department code. Mr. Winters stated that there is a clear egress. Mr. Magnus stated that the Village needs to work better with the fire department in reference to code enforcement. Ms. Diduch stated that she thought that the Village was working better with the fire department in reference to code issues. Mr. Winters stated that he would like to respond to the public comment that was made in reference to the businesses downtown. Mr. Winters feels that they have been working with the retailers and that they have had plenty opportunity if they wanted to do sidewalk sales. Mr. Winters doesn't believe that this will interfere with retailers nor is it infringing upon retailers' property. Mr. Winters stated that he believed it may help other businesses. Mr. Peterson asked Mr. Asta where people were going to smoke. Mr. Asta stated that he didn't know, but he believes this will help improve the smoking issue because you cannot smoke within 15 feet of the door. Mr. Winters stated that smoking is something that is enforced by the Winnebago County Health Department and not the municipality. Mr. Mueller stated that he felt that this will hurt access on the sidewalk and that it's a different crowd and not a dinner crowd. Mr. Mueller doesn't like the image that this is going to give the downtown area. He feels it will give an image of more bars and less retailers. Mr. Hoey stated that he thought that this will give an image of a vibrant downtown where people will want to come and do business. Mr. Fridly explained to Mr. Mueller that the sidewalk café ordinance has been in the books for 10 or 12 years and that this was not something that they just came up. After much discussion, Ms. Diduch stated that the ordinance has all of the conditions included in it. Motion by Mr. Fridly for an amendment to be made to the ordinance that it is contingent upon fire department approval, second by Mr. Peterson. Roll call. All ayes. Motion approved 6-0.

## **PUBLIC SAFETY AND LEGAL – MR. WINTERS**

None.

## **COMMUNITY DEVELOPMENT – MR. HOEY**

Motion by Mr. Hoey to approve Resolution 2015-112: Approving Contract with Ehlers Investment Partners for Business District Study at a cost not exceed \$20,500, second by Mrs. May. Mr. Fridly asked if there were any other proposals that were submitted. Ms. Diduch stated that she had received a verbal quote of \$15,000 - \$20,000 from another consultant and that consultant advised her that it would probably be in the best interest of the Village to go with the same TIF consultant because nobody is going to be able to beat them since they already have data collected. Mr. Fridly questioned if another consultant came in at \$15,000 - \$20,000 then why is the Village rushing to give the job to Ehlers and that the best interest should be in the cost to complete the job. Mr. Hoey explained that Ehlers has already been in town doing the work for the Village on the TIF. Mrs. May brought up the time constraint and Mayor Adams stated that waiting another three weeks will not be helping the Village. Mr. Fridly feels that the process was handled wrong and that the Village should have sent out requests for proposals instead of talking to other consultants by phone. Mayor Adams stated that it is going to be considerably less than \$20,000 and this is perfectly acceptable to do because Ehlers has created two TIF Districts for the Village, especially since the Business District is going to be an overlay of the Downtown TIF District. Mr. Peterson inquired if the Village waits the three weeks if they have enough time to meet the timeline. Ms. Diduch went over the timeline that Ehlers submitted. Mayor Adams stated that it would have to be submitted to the state by October 1, 2015. Mayor Adams inquired if Ehlers would match the other bid. Atty. Szeto stated that there needs to be two public hearing and that the bulk of the time is needed to do the homework for the eligibility and redevelopment plan. Mr. Winters stated that even if it was approved tonight that he didn't think there was enough time. Roll call. Ayes: Mr. Hoey and Mrs. May Nays: Mr. Winters, Mr. Fridly, Mr. Peterson and Mr. Magnus. Motion not approved 4-2.

Motion by Mr. Hoey to approve Resolution 2015-113: Approving Payment of Sign Relocation Cost for Fatt Cat Café, second by Mr. Winters. Mr. Hoey stated that in the Administration Committee meeting they voted 3-0 not to recommend payment of the sign. Mr. Winters stated that the business owners have to take the legal responsibility of placing the sign in the correct location. Mr. Winters stated they had given the owners of Fatt Cat Café permission to put up a sign, but not where to put it. Mr. Peterson stated that the sign was already up when they came to get approval for a different sign. Mr. Winters explained that the Illinois Department of Transportation (IDOT) is trying to complete land acquisition and the sign is already in their right of way (ROW). Mr. Fridly stated that it is the owner's due diligence to abide by all governing bodies to make sure that the sign is in the proper location. Roll call. All nays. Motion not approved 6-0.

Motion by Mr. Hoey to approve ordinance 2015-22: Amendment to Chapter 92: Health and Sanitation; Nuisances, second by Mr. Fridly. Miss Diduch stated that this is expanding the definition of nuisances to include landscape waste which is already in the code to cover Village ROW and Village property, but this will prevent landscape waste from being dumped on vacant lots. Roll call. All ayes. Motion approved 6-0.

## **WATER, SEWER, AND GARBAGE – MR. FRIDLIDY**

Motion by Mr. Fridly to hire a full-time Public Works employee, Kris Washburn, at a rate of \$13/hour, second by Mr. Peterson. Mr. Fridly stated that background check is in the process and that the hiring of the full-time employee is at the discretion of the department head. Mr. Hoey commented that he believes it is bad practice to hire employees before completing a background check on the individuals. Mayor Adams asked Chief Dickson how long it would take to get the background check done. Chief Dickson advised that he didn't know because the fingerprints are checked in Springfield. Mr. Hoey stated that this potential employee has had issues with the police department. Mr. Fridly questioned how far back the issues were. Mr. Fridly stated that Mr. Washburn had given two weeks notice to his current employer and that he has a start date of June 22, 2015. Mr. Magnus stated that he hasn't been hired yet. Mr. Fridly added that background checks are typically not completed on all employees. Mrs. May stated that the hiring procedure should be discussed in committee meetings, especially with the new employee handbooks coming out. Mr. Winters suggested that

the Village Board approve the hiring for the full-time position and then do a call around with the credentials of the applicant. Mr. Fridly stated that the Village Board should authorize the position to be filled and that the department head has the responsibility of filling that position how he/she sees fit and if there is an issue with a candidate then the department head moves on to the next candidate. Mr. Hoey said that the Village Board has approved the hiring of employees in the past. Mr. Hoey added that other than approving the budgeted position, the department head doesn't need to have the Village Board approval to hire an individual for the open position. Mr. Hoey verified with Atty. Szeto that this was correct. Mr. Fridly amended the motion to approve hiring a full-time Public Works employee, second by Mr. Peterson. Roll call. All ayes. Motion approved.

#### **ADMINISTRATION AND BUDGET – MR. PETERSON**

Motion by Mr. Peterson to approve Ordinance 2015-23: An Ordinance of the Village of Rockton, Winnebago County, Illinois, Ascertaining the Prevailing Wages for Laborers, Workmen and Mechanics Employed on Public Works of Said Village, second by Mr. Fridly. Roll call. Motion approved 6-0.

#### **BUILDINGS AND PARKS – MRS. MAY**

Motion by Mrs. May to approve the Hanz Brew Fest to be held on Saturday, July 11<sup>th</sup> from 1-6 pm in Settler's Park, second by Mr. Hoey. Mr. Fridly inquired if it was just the date being approved. Mrs. May stated that the date had already been approved and that this was just cementing the other information regarding the fundraiser. Mr. Peterson verified that the police and public works departments were good with this and they stated that the details regarding the event were okay with them. Roll call. All ayes. Motion approved 6-0.

Motion by Mrs. May to approve the purchase requisition for pool furniture in the amount of \$3, 809.70, second by Mr. Peterson. Roll call. All ayes. Motion approved 6-0.

#### **STREETS AND WALKS – MR. MAGNUS**

None.

#### **EXECUTIVE SESSION**

Motion by Mr. Fridly to go into executive session pursuant to 5 ILCS 120/2 (C)(1) regarding the appointment of a hearing officer at 7:53 pm, second by Mr. Hoey. All ayes. Motion approved 6-0.

Motion by Mr. Peterson to adjourn executive session and return to regular session at 8:02 pm, second by Mrs. May. Roll call. All Village Board members present.

#### **ACTION ON ITEMS ARISING OUT OF EXECUTIVE SESSION**

Motion by Winters to approve Mayor Adams' appointment of John Gilbert as hearing officer for the Village, second by Mr. Hoey. Roll call. All ayes. Motion approved 6-0.

#### **UNFINISHED BUSINESS**

None.

#### **NEW BUSINESS**

Mr. Peterson stated that he would like to thank the public works and police departments for all of their help in setting up for Old Settler's Days. Mr. Peterson also complimented Miss Diduch for all of her work with the Rockton River Market in working with the vendors. The Rockton River Market has been a success the last few weeks and Mr. Peterson added that Miss Diduch has done a wonderful job.

#### **PAYMENT OF BILLS**

Motion by Mr. Winters, second by Mrs. May, to pay bills in the amount of \$119,340.11. Roll call. All ayes. Motion approved 6-0.

**ADJOURN**

Hearing no further business, motion by Mr. Hoey, second by Mr. Winters, to adjourn at 8:06 pm. All ayes.  
Motion approved 6-0.

Respectfully submitted,

Christina Stewart  
Village Clerk