

**CITY OF FREEPORT, ILLINOIS**  
**MONDAY EVENING**  
**CITY COUNCIL MEETING**  
**OCTOBER 20, 2003 AT 7:00PM**  
**CITY COUNCIL CHAMBERS**

**QUORUM**

At 7:00pm, a quorum being present, Mayor Gitz called the meeting to order.

**RECORD**

Present were Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender.

**PLEDGE OF ALLEGIANCE**

At this time, the Pledge of Allegiance was led by Alderman Clark.

**PRESENTATION**

Mayor Gitz presented a plaque to Tom Dole, Street Superintendent, who will be leaving his position.

There was a presentation by Envirogen and Hinshaw & Culbertson on the Process and Schedule for the Landfill Transfer Station Siting.

**APPROVAL OF AGENDA**

Aldерwoman Bender moved, seconded by Alderman Dawson for approval of the agenda. The motion carried.

**PUBLIC COMMENTS**

Marg Blum and Pat Leitzen Fye spoke in support of the TIF Resolution. Ronda Scott spoke in opposition to the TIF Resolution.

Al Lutz stated the TIF monies should go towards façade improvements and street and sidewalk upkeep.

Merlyn Foat spoke in opposition to the noise ordinance.

**APPROVAL OF MINUTES**

The Journal of the Minutes of the regular meeting held on October 6, 2003 was presented for approval. Aldерwoman Bender moved, seconded by Aldерwoman O'Neill for approval of the minutes. The motion carried.

**CONSENT AGENDA**

A. Approval to Receive and Place on File:

1. Police Department Activities for September 2003
2. Fire Department Activities for September 2003
3. Communication – Shawn Boldt
4. Reports – Zoning Board of Appeals
  - a. Variance, 858 E. Shawnee
  - b. Variance, 1326 S. Deming
5. Report – Planning Commission
  - a. Rezoning request, 605-607 N West Ave

- B. Approval of Water & Sewer Disbursements for October 2003 - \$164,104.97
- C. Approval of Bills Payable for October 2003 - \$387,364.02
- D. Approval of Payroll of Period ending October 4, 2003 - \$282,971.65
- E. Treasurer's Report of Cash, September 2003
- F. Treasurer's Schedule of Tax Receipts, September 2003

Alderman Gaulrapp requested that item C be removed from the Consent Agenda in order to consider approval of the NHS contract. Alderman Clark moved, seconded by Alderman Gaulrapp for approval of the consent agenda, with the exception of item C. On the roll call of yeas, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-71**

**AN ORDINANCE AMENDING CHAPTER 670 (PEACE DISTURBANCES) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

Alderwoman Bender, Public Safety Chair, stated that the committee held a meeting on October 6, 2003. The language in this ordinance is drafted from a legal point of view, so that the landlord and the occupant would be equally responsible. The intent of this ordinance is to bring the landlord in only when other avenues are not workable. The committee voted to approve this ordinance and Alderwoman Bender so moved, seconded by Alderman Gaulrapp. Alderwoman Bender moved, seconded by Alderman Gaulrapp that this ordinance be amended to state, "*It shall be an affirmative defense to prosecution under this subsection that the legal owner of a property produces a legally binding document showing another to be in possession or control of such property at the time of the offense.*"

On the roll call of yeas and nays to accept the amendment, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried. This ordinance was automatically laid over to the next regular meeting.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-72**

**AN ORDINANCE GRANTING A VARIANCE TO CHAPTER 692, SECTION 692.01 (DISCHARGING FIREARMS AND OTHER WEAPONS)**

Alderwoman Bender, Public Safety Chair, stated that the committee held a meeting on October 6, 2003. The Country Club Board of Directors requested that their property not be involved with the deer hunting. This limits the area to the same as last year. Doug Dufford reported that there is still a deer problem and it will only get worse if this program is not continued. The receiver of the deer will be Stateline Archery Club. The committee voted unanimously to approve this ordinance and Alderwoman Bender so moved, seconded by Alderman Gaulrapp.

Alderman Clark moved, seconded by Alderman Gaulrapp to suspend the rules in order to consider this ordinance at this meeting. On the roll call of yeas and nays to suspend the rules, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried. On the roll call of yeas and nays to approve the ordinance, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-73**

**ORDINANCE TO AUTHORIZE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FREEPORT AND FREEPORT SCHOOL DISTRICT #145 FOR A SCHOOL RESOURCE OFFICER PROGRAM**

Alderman Bender, Public Safety Chair, stated that the committee held a meeting on October 6, 2003. The committee voted unanimously to approve this ordinance and Alderman Bender so moved, seconded by Alderman Dawson. This ordinance was automatically laid over to the next regular meeting.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-74**

**ORDINANCE CREATING CHAPTER 466 (ADDITIONAL HAZARDOUS MATERIALS REGULATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

Alderman Bender, Public Safety Chair, stated that the committee held a meeting on October 6, 2003. This item was laid over from the meeting of September 2, 2003, in order to receive a final draft. The committee voted unanimously to approve this ordinance and Alderman Bender so moved, seconded by Alderman Dawson. Alderman Dawson moved, seconded by Alderman Bender to suspend the rules in order to consider this ordinance at this meeting. On the roll call of yeas and nays to suspend the rules, Aldermen Clark, Dawson, O'Neill, Wright, Gaulrapp, and Bender voted yea. Alderman Boldt voted nay. There were six yeas and one nay. The motion carried.

On the roll call of yeas and nays to approve the ordinance, Aldermen Clark, Dawson, O'Neill, Wright, Gaulrapp, and Bender voted yea. Alderman Boldt abstained. There were six yeas and one abstention. The motion carried.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-75**

**ORDINANCE AMENDING CHAPTER 1420 (BOCA NATIONAL BUILDING CODE) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on October 14, 2003. Speakers in support of changing the maximum footage a building can be without a sprinkler system were Jim Bangs, Cheryl Kneubuell, Bob Skurla, and Aldermen Gaulrapp and Clark. Speaking against the change were Fire Chief, Jim Blackburn and Jim Gale. After much deliberation, Fire Chief Blackburn made an alternative proposal. The committee voted unanimously to send this ordinance to the council floor and Alderman Gaulrapp so moved, seconded by Clark. This ordinance was automatically laid over to the next regular meeting.

**EXECUTIVE SESSION**

Alderman Gaulrapp moved, seconded by Alderman Bender to go into executive session according to according to 5 ILCS 120/2 (c)(5) in order to discuss the sale or lease of real estate. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

The council then convened in the mayor's office. After reconvening in Council Chambers, Alderman Boldt moved, seconded by Alderman Gaulrapp to come out of executive session. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-76**

**ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN PROPERTY FOR THE PURPOSES OF THE SPRING STREET STORMSEWER CONVEYANCE SYSTEM**

Alderman Boldt, Public Works Chair, stated that the committee held a special meeting on October 20, 2003. The committee voted unanimously to approve this ordinance and Alderman Boldt so moved, seconded by Alderwoman O'Neill.

Alderman Boldt moved, seconded by Alderwoman O'Neill to suspend the rules in order to consider this ordinance at this meeting. On the roll call of yeas and nays to suspend the rules, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

On the roll call of yeas and nays to approve the ordinance, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-77**

**SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (VARIANCE, 858 E SHAWNEE ST)**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on October 14, 2003. A legal description of insurance was discussed for the ordinance changes. Alderwoman Bender presented a letter from RAMP and wanted to ensure that Kay Woods received legal advice. The committee voted unanimously to move this ordinance to the council floor and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. There was leave to hear from Community Development Director, Reggie Taylor. He explained that the variance is for a carport that would assist Ms. Woods with some disability issues.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-78**

**SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (VARIANCE, 1326 W DEMING)**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on October 14, 2003. The committee voted unanimously to concur with the denial from the Zoning Board of Appeals and Alderman Gaulrapp so moved, seconded by Alderman Bender. This ordinance was automatically laid over to the next regular meeting.

**RESOLUTION #R-2003-65**

**RESOLUTION TO AMEND A TAX INCREMENT FINANCING DISTRICT FUND EXPENDITURE PLAN**

**WHEREAS**, on September 4, 1994, the City Council of the City of Freeport approved Ordinances 94-64, 94-65, and 94-66, pursuant to 65 ILCS 5/74.4-1 creating a Tax Increment Redevelopment Area (TIF) and designating a Downtown Area TIF Redevelopment Plan and Project, and whereas in 2000, 2001, and 2002 a Tax Increment Financing District Fund Expenditure Plan was approved by this Council; and

**WHEREAS**, under such plan incremental increases in taxes due to redevelopment are accumulated in a special fund for use in accordance with the goals and objectives of that plan; and

**WHEREAS**, the City Council's Community Development Committee and the City Council's Finance Committee have reviewed and recommended the attached

amendment to the "Tax Increment Financing District Fund Expenditure Plan" in order that such special fund be allocated for expenditure in accordance with the State law and in accordance with the City Redevelopment Plan; and

**WHEREAS**, this City Council finds that its approval of the amended "Tax Increment Financing District Fund Expenditure Plan" is in the best interests of all citizens in this community.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** that the document attached hereto and made a part hereof as Exhibit A, captioned the "Tax Increment Financing District Fund Expenditure Plan", is hereby adopted and approved; and the Mayor, the Finance Director, and any other City employee or official as may be deemed appropriate, are hereby authorized to implement this "Tax Increment Financing District Fund Expenditure Plan" and any other documents as may be necessary or appropriate so as to effectuate the intent of this Resolution.

**BE IT FURTHER RESOLVED** that all resolutions or parts of resolutions in conflict with this Resolution are repealed insofar as they conflict.

**BE IT FURTHER RESOLVED** that this Resolution is passed under the Home Rule Authority of the City of Freeport as provided in Section 6 of Article VII of the Illinois Constitution of 1970.

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on October 14, 2003. Mayor Gitz gave a review of the TIF Expenditure Plan. Ronda Scott presented uses for the funds that did not include administrative costs. Marty Vanags commented on what the FDDF has done for the downtown and the expectations to come. The committee voted unanimously to move the resolution to council floor and Alderman Gaulrapp so moved, seconded by Alderman Clark. On the roll call of yeas and nays to adopt this resolution, Aldermen Clark, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. Alderman Dawson voted nay. There were six yeas and one nay. The motion carried.

**RESOLUTION #R-2003-66**

**A RESOLUTION TO AUTHORIZE AGREEMENT WITH NEIGHBORHOOD HOUSING SERVICES OF FREEPORT, NFP**

**WHEREAS**, NEIGHBORHOOD HOUSING SERVICES OF FREEPORT, NFP ("NHS") has expressed an interest in renewing their existing contract with the City of Freeport; and

**WHEREAS**, the City is interested in revitalization of its neighborhoods and expanding the availability of affordable housing for the benefit of its residents; and

**WHEREAS**, NHS is a locally funded, locally operated program organized to revitalize declining neighborhoods by implementing strategies to assist residents in improving their premises and bring their property to minimum housing code standards.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** that the Mayor of the City of Freeport, Illinois, is hereby authorized to execute the attached Agreement between the City of Freeport, Illinois and Neighborhood Housing Services of Freeport, NFP.

**BE IT FURTHER RESOLVED** this Resolution is expressly adopted pursuant to the Home Rule authority of the City of Freeport under Section 6(a) of Article VII of the Illinois Constitution of 1970, and all Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on October 14, 2003. Deb Elzinga, Executive Director of NHS, requested that

funds be released immediately. The committee voted unanimously to approve this request and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The resolution was adopted.

### **APPOINTMENTS**

Effective immediately, Mayor James Gitz hereby appoints Alderwoman Linda O'Neill to the Stephenson County Convention and Visitors Bureau. This term will expire on December 31, 2005.

Alderman Clark moved, seconded by Alderwoman Bender to accept this appointment. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, Wright, Gaulrapp, and Bender voted yea. Alderwoman O'Neill abstained. There were six yeas and one abstention. The motion carried.

There was leave granted to hear both appointments. Effective immediately, Mayor James Gitz hereby appoints Rev. David Whitehead and Lana Varner to the Taylor Park Health and Environmental Task Force.

Alderman Clark moved, seconded by Alderwoman Bender that these appointments be accepted. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

### **APPROVAL OF CONSENT AGENDA ITEM C**

Since the NHS contract was approved, Alderwoman Bender moved, seconded by Alderman Clark approval of the bills payable. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

### **APPROVAL OF APPRAISERS FOR HOMER STREET PROJECT**

Alderman Boldt, Public Works Chair, stated that there were two bids received for the appraisal of properties on Homer Street. Both bids were the same amount. The committee voted to accept both bids from Frank Petta and John Hill and Alderman Boldt so moved, seconded by Alderwoman O'Neill. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

### **FINANCE**

Alderman Clark, Chair, stated that the next meeting would be October 24, 2003, at 5:00pm, in City Council Chambers.

### **FIRE DEPARTMENT**

Chief Blackburn stated that applications and testing would begin for new firefighters. He also stated that the Fire Department has almost completed its Fire Prevention Programs. They have presented the program to about 2,000 children from kindergarten to the fourth grade.

### **MAYOR'S REPORT**

The mayor discussed the following items:

- IEPA dedication of Tutty's Crossing

- Grant opportunity from the Wildlife Habitat Counsel for natural waterways & walk ways
- Transfer station waiting periods
- Gov. Blagoevich's EDD program- money of bypass

**NEW BUSINESS**

Alderman Clark requested that the Community Development Committee start to review the Land Use Plan as originally requested by Alderman Wright. He also referred discussion of a resolution for a strategic plan for the downtown foundation to the Finance Committee.

Alderman Wright referred the possibility of contracting with the Economic Downtown Foundation to the Finance Committee. He also requested that the committee review the revolving loan fund.

**PUBLIC COMMENTS**

Marianne Garvens commented on the Open Meetings Act and TIF laws.

Ronda Scott commented the possible SSA.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 9:15pm.

**LATACIA M. ISHMON, CITY CLERK**