



## City Council

City Council Chambers ◊ 314 West Stephenson Street ◊ Freeport, IL 61032

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### MINUTES

### COUNCIL MEETING

MONDAY, AUGUST 20, 2018 AT 6:00 P.M.

#### **CALL TO ORDER**

A regular meeting of the Freeport, Illinois, City Council was called to order in Council chambers by Mayor Jodi Miller with a quorum being present at 6:02 p.m. on Monday, August 20, 2018.

#### **ROLL CALL**

Present on roll call: Mayor Jodi Miller and Council Members Sally Brashaw, Michael Koester, Andrew Chesney, Tom Klemm, Peter McClanathan, Art Ross, Don Parker and Patrick Busker (8)

Staff members present: City Manager Lowell Crow, Director of Finance Randy Bukas, Director of Public Works Dennis Carr, Director of Utility Operations Tom Kopanski, Fire Chief Todd Allen, Chief of Police Todd Barkalow, Director of Information Technology Curt Suttman, and City Clerk Dovie Anderson

Others Present: City Legal Counsel Aaron Szeto, Esq. and City Legal Counsel Steve Cox, Esq.

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Alderperson Brashaw.

#### **APPROVAL OF AGENDA**

Alderperson Brashaw moved and Alderperson Ross seconded to approve the agenda; motion carried unanimously by voice vote without dissent.

#### **APPROVAL OF MINUTES**

Alderperson Koester moved and Alderperson Busker seconded to approve minutes from the [August 6, 2018](#), meeting; and motion prevailed by voice vote without dissent.

#### **PUBLIC COMMENTS**

Joseph Appell spoke as a solar proponent in favor of Ordinance #2018-40. He believes there are some misconceptions regarding the negative impacts of solar energy. He believes the glare from solar panels is minimized because, by design, they are manufactured to absorb sunlight. He has been following opposition to solar energy in neighboring counties and thought Stephenson County was on a favorable track until questions were raised regarding this Ordinance. He referenced the Future Energy Jobs Bill which became effective in 2017. Part of the goal of that bill is "25/25" which stands for 25 percent renewable energy by 2025. We are at approximately 7 percent now. He feels that false data grows in darkness. He extended an invitation to shed light on the subject at the Northwest Audubon Society and Illinois Sierra Club's joint community dialogue on September 27, 2018, at the Freeport Public Library.

#### **ITEM #4 - [Appointments by Mayor Miller](#)**

Alderperson Chesney moved and Alderperson Koester seconded to accept the appointment of Scott Leiser to the Historic Preservation Commission (to replace the vacated position of Pam Borowski) effective immediately through February 28, 2020.

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The motion prevailed by a roll call vote of:

Yeas: Brashaw, Koester, Chesney, Klemm, McClanathan, Ross, Parker, and Busker (8)

Nays: None

**ITEM #5 – Recognition of Fire Chief Todd Allen**

Mayor Miller presented Chief Allen with a plaque and announced that he has received the distinction of Chief Fire Officer, one of 1,300 in the world. She was honored and privileged to present him with his uniform bar. Manager Crow read the letter from the Center for Public Safety Excellence stating that Chief Miller is recognized by his peers based upon his level of knowledge and skills. Part of the requirements is to continue his education and professional development. Chief Allen was appreciative and humbled when he thanked his fellow firefighters and his family for their support and attendance tonight. He views this as a way to be motivated and accountable in his commitment to further his education and management responsibilities.

**ITEM #6 – Quarterly Presentation by the Greater Freeport Partnership to Council**

Executive Director Rebecca Motley stated that one of her first goals is to develop a long-range plan and, once developed, these quarterly reports will be a reflection of that. In the meantime, she will give a status update based upon the initial Scope of Services developed with the merger of the four economic development organizations. Since moving here on June 20, 2018, she has acclimated herself by attending many local events and meeting with key people in the City and County. She has leased an apartment downtown to show her support of living and shopping in that area. Ms. Motley is forming her team beginning with hiring Tess Dahms, formerly with Northwest Illinois Development Association (NIDA) as an Administrative Assistant. LouAnn Stambaugh-Hayes was recently hired as the Director of Tourism and Marketing. She is a fifth generation Freeporter whose grandfather owned Krogull's Market and is returning to the Freeport area. She has extensive experience in tourism and corporate marketing in the Chicago area. Ms. Stambaugh-Hayes was in attendance. Ms. Motley has extended an offer for a Member Services Director who will oversee Chamber services. Economic development and support staff will be hired soon. She has been working closely with Manager Crow especially on the Revolving Loan Fund and downtown development.

**ITEM #7 – CONSENT AGENDA**

*All items on the Consent Agenda are considered to be routine in nature and will be enacted in one motion. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered as the first item after approval of the Consent [View Consent Agenda](#)*

- A. Approval to receive and place on file:
  - 1) Minutes from Liquor Commission – July 17, 2018 and Special Meeting July 20, 2018
  - 2) Cash and Investment Report – June 30, 2018
  - 3) Financial Reports: General Fund, Library Fund, Water Fund, Sewer Fund, Storm Sewer Fund - June 2018
  - 4) Financial Reports: General Fund, Library Fund, Water Fund, Sewer Fund, Storm Sewer Fund - July 2018
- B. Approval of Resolution R-2018-43: Temporary Closure of Business 20 (Galena Avenue) for Aquin Homecoming Parade – September 30, 2018
- C. Approval of Finance Bills Payable (Registers #40, 41, 42, 43, and 44 and invoices to be approved for registers dated August 3, 2018 through August 16, 2018) --- \$1,303,068.80

Aldersperson Koester moved and Aldersperson Busker seconded that the consent agenda be approved. Motion prevailed by omnibus vote of:

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Yeas: Brashaw, Koester, Chesney, Klemm, McClanathan, Ross, Parker and Busker (8)  
Nays: None

**ORDINANCES – SECOND READING**

**ITEM #8 – [2<sup>ND</sup> READING OF ORDINANCE #2018-40](#)**

**An Ordinance Amending the Codified Ordinances of the City of Freeport Regarding the Regulation and Zoning of Solar Energy Systems: Chapter 1240 - General Provisions and Definitions, Section 1240.06; Chapter 1248 - Agricultural Districts, Section 1248.01; Chapter 1250 - Residence Districts, Sections 1250.01 and 1250.05; Chapter 1252 - Business Districts, Section 1252.01; Chapter 1254 - Manufacturing Districts, Sections 1254.01; Chapter 1256 - P-1 Professional District, Sections 1256.01 and 1256.02; Chapter 1258 - H-1 Medical Use District, Section 1258.01; Chapter 1259 - RR Riverfront Redevelopment District, Section 1259.02; Chapter 1260 - F-1 Flood Plain District, Section 1260.02; Chapter 1262 – Off Street Parking and Loading, Section 1262.03; Chapter 1268 – Supplemental Regulations, Section 1268.02; Chapter 1446 - Licensing of Commercial Contractors, Sections 1446.01 and 1446.06; Chapter 1477 - Solar Energy Systems [Added in Its Entirety] of the Codified Ordinances of the City of Freeport** [View table](#) [View photos](#) *At the July 16, 2018, Council Meeting a motion to move forward for approval was made by Alderperson Brashaw and seconded by Alderperson McClanathan. The matter was automatically laid over to the August 6, 2018 Council Meeting, where it was removed from the Agenda and moved to the Committee of the Whole meeting on August 13, 2018. At the August 13, 2018 Committee of the Whole meeting, Alderperson Koester made a motion to move it to the next Council Meeting for discussion with the understanding that it may be moved to the next Committee of the Whole meeting as well. Alderperson Klemm seconded.*

Manager Crow stated that Attorney Cox has been in communication with the Department of Energy and their suggested revisions along with example maps were provided to Council members. He asked that Council review the amended Ordinance and provide feedback at the next Committee of the Whole meeting.

Alderperson Busker made a motion to move Ordinance #2018-40 to the next Committee of the Whole meeting on September 10, 2018, seconded by Alderperson Koester.

Alderperson McClanathan clarified that the updated information is regarding ground-mounted installations. The Council previously reviewed and there was general consensus regarding roof- and building-mounted installations. Manager Crow stated that the amendments include disallowing ground-mounted arrays on empty lots in residential areas. Ground-mounted arrays will be limited to 625 square feet or 25 percent of the lot, whichever is smaller. The example maps show various locations and layouts across the City.

Mayor Miller called for a vote on the motion. It prevailed by voice vote and the matter was automatically laid over to the next Committee of the Whole meeting.

**ITEM #9 – [2<sup>ND</sup> READING OF ORDINANCE #2018-42](#)**

**An Ordinance Amending Title 8 (Parking), Chapter 480 (Parking Generally), Section 480.22 (Courtesy Zones, Fifteen- and Thirty-Minute Parking Zones) of the Codified Ordinances of the City of Freeport, Illinois** *At the August 6, 2018, Council Meeting a motion to move forward for approval was made by Alderperson Koester; seconded by Alderperson Chesney; and the matter was automatically laid over to tonight's meeting.*

Director Carr stated that a 30-minute parking space is proposed in front of Generations Boutique at the northeast quadrant of the intersection of Chicago Avenue and Main Street. Alderperson Brashaw asked and Chief Barkalow confirmed that Civilian Service Officer Ted Austin was in agreement. He cautioned that it takes Officer Austin about two hours to circle the downtown so it will be difficult to observe every car parked in that spot, but he will monitor it as closely as possible.

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Mayor Miller requested a roll call vote on passage of Ordinance #2018-42 and the motion prevailed by:  
Yeas: Brashaw, Koester, Chesney, Klemm, McClanathan, Ross, Parker and Busker (8)  
Nays: None  
Abstain: None  
Ordinance #2018-42 passed.

**ITEM #10 – 2<sup>ND</sup> READING OF ORDINANCE #2018-43:**

**An Ordinance Granting a Special Use Permit to Allow for the Operation of an Outdoor Amusement Establishment, Kiddie Park, or Similar Amusement Center for Property Located at 11 East Douglas Street, Freeport, Illinois** *At the August 6, 2018, Council Meeting a motion to move forward for approval was made by Alderperson Koester; seconded by Alderperson McClanathan; and the matter was automatically laid over to tonight's meeting.*

Director Bukas stated that the Planning Commission met on July 26, 2018, to review a Special Use Permit application from the Freeport Art Museum in a B2-1 zoned district for the operation of an outdoor amusement or kiddie park or similar amusement center. There were no objections from the public and the Planning Commission voted 8 to 0 to recommend approval.

Mayor Miller requested a roll call vote on passage of Ordinance #2018-43 and the motion prevailed by:  
Yeas: Brashaw, Koester, Chesney, Klemm, McClanathan, Ross, Parker and Busker (8)  
Nays: None  
Abstain: None  
Ordinance #2018-43 passed.

**ITEM #11 – 2<sup>ND</sup> READING OF ORDINANCE #2018-44**

**An Ordinance Amending Chapter 242 Fire Department Section 242.11 Promotions of the Codified Ordinances of the City of Freeport Regarding Promotions for Employees within the City of Freeport Fire Department** *At the July 16, 2018, Council Meeting a motion to move forward for approval was made by Alderperson Koester; seconded by Alderperson Busker; and therefore the matter was automatically laid over to tonight's meeting.*

Manager Crow stated that there has been an amendment since last reading. The Union has asked that we do not adjust the requirements for the Lieutenant's list, so it has been changed back to the required 3 of the 5 courses for Firefighter I. The State is considering changing the requirements for Fire Chief. The original reason for the request of increasing the requirement to 5 of the 5 courses was to better align with the State.

Alderperson Koester moved to approve the amendment to Ordinance 2018-44, Alderperson Chesney seconded. The motion prevailed by a roll call vote of:  
Yeas: Koester, Chesney, Klemm, McClanathan, Ross, Parker and Busker (7)  
Nays: None  
Abstain: Brashaw (1)

Mayor Miller requested a roll call vote on passage of Ordinance #2018-44 as amended. Motion prevailed by:  
Yeas: Koester, Chesney, Klemm, McClanathan, Ross, Parker and Busker (7)  
Nays: None  
Abstain: Brashaw (1)  
Ordinance #2018-44 passed.

**ORDINANCES – FIRST READING**

**ITEM #12 – 1<sup>ST</sup> READING OF ORDINANCE #2018-45:**

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**An Ordinance Amending Title Six - Administration, Section 224.05 – Absence or Disability, Vacancy in Office, of the Codified Ordinances of the City of Freeport, Illinois to Provide That the Deputy City**

Manager Crow stated that, as discussed at the Committee of the Whole meeting, this Ordinance sets up the duties of the Deputy City Manager in the absence of the City Manager.

Aldersperson Chesney made a motion to move Ordinance #2018-45 forward for approval; seconded by Aldersperson Busker. The matter was automatically laid over to the next Council meeting.

**ITEM #13 – 1<sup>ST</sup> READING OF ORDINANCE #2018-46**

**An Ordinance Amending Part Twelve – Planning and Zoning, Chapter 1220 – Planning Commission Chapter 1242 – Administration, Enforcement, and Penalty, and Chapter 1244 – Board of Zoning Appeals of the Codified Ordinances of the City of Freeport**

Manager Crow stated that Attorney Cox presented this Ordinance at the Committee of the Whole and Attorney Cox has incorporated changes requested by Council at that meeting. The original draft contained the wording that a 2/3 majority vote of Council would be needed to overturn a ruling made by either the Planning Commission or the Zoning Board of Appeals. Council requested the wording reflect a simple majority vote to overturn a ruling. This Ordinance establishes the Zoning Board of Appeals as the fact finding body and the Planning Commission as the reviewing board regarding the Comprehensive Plan.

Aldersperson McClanathan asked and Manager Crow confirmed that this change aligns with other municipalities in Illinois. Manager Crow, Attorney Cox, and Attorney Szeto have not seen the duties assigned to these boards in the manner in which Freeport has historically done.

Aldersperson Koester made a motion to move Ordinance #2018-46 forward for approval; seconded by Aldersperson Chesney. The matter was automatically laid over to the next Council meeting.

**ITEM #14 - 1<sup>ST</sup> READING OF ORDINANCE #2018-47**

**An Ordinance Amending Part Six – General Offenses Code Chapter 626 Drugs, Section 626.02(a) of the Codified Ordinances of the City of Freeport regarding Cannabis**

Manager Crow stated that two of our three current Ordinances align with State standards. This one is the only one that did not, and the proposed change to this Ordinance will also bring it into alignment with State standards.

Aldersperson Brashaw made a motion to move Ordinance #2018-47 forward for approval; seconded by Aldersperson Parker. The matter was automatically laid over to the next Council meeting.

**APPROVAL OF BID**

**ITEM #15 - Approval of Qualifications (RFQ) Fire Hydrant Painting Program #W&S-FHP18**

Director Kopanski stated that fire hydrant painting is an important part of general maintenance of the water system. The EPA now requires that previous layers of lead-based paint be removed prior to repainting of fire hydrants.

Aldersperson Koester made a motion to accept the proposed bid from Cryder Enterprises, Inc. for \$200 per hydrant containing lead-based paint and \$100 per hydrant containing non-lead-based paint and Aldersperson Ross seconded.

Aldersperson Chesney asked why there was only one bid, why was it not a local company, and could this work be done in-house. Director Kopanski stated that the removal of lead paint requires special equipment that we do not

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own and ongoing blood testing of the workers for metals. He stated that the specifications were published in the Freeport and Rockford papers and private bid sites in addition to our City's website.

Mayor Miller called for a roll call vote and the motion prevailed by:

Yeas: Brashaw, Koester, Klemm, McClanathan, Ross, Parker and Busker (7)

Nays: Chesney (1)

**REPORTS OF DEPARTMENT HEADS**

**Finance**

Director Bukas had nothing additional to report.

**Public Works**

Director Carr stated that the sidewalk is being finished by Deiningers. The Forestry Department has the Oracle clam truck back and it is fully operational. Tree removal will resume tomorrow. Alderperson Parker followed up on a constituent's request and thanked Director Carr for putting a sign back up.

**Fire**

Chief Allen stated a Citizen's Fire Academy will be offered this fall on Tuesdays in October from 6:00 to 8:00 p.m. Applications are available on the City's website or at Central Fire Station and are due October 1, 2018.

**Police**

Chief Barkalow stated that the Back-to-School Event at the King Center was last weekend. The Police Department helped cook hot dogs, handed out backpacks, and conducted a child safety seat presentation. Freeport School District starts back up Wednesday, August 22, 2018, and Aquin Schools started today. He reminded citizens to stop for the school bus stop arm and be cautious in school zones when children are present. The speed limit is 20 mph and cell phone use is prohibited. The Police Department is offering a Citizens Police Academy on Wednesdays beginning September 12, 2018, for 8 weeks from 6:30 to 9:00 p.m. Applications are available on the City's website and Facebook.

**Water & Sewer**

Director Kopanski reported that Float Street water main will go out for bids soon with a bid opening on September 11, 2018, and tentative Council approval on September 17, 2018. On Monday, August 27, 2018, there will be a bid opening for digester cleaning with tentative Council approval on September 4, 2018.

**IT**

Director Suttman had nothing additional to report.

**CITY MANAGER REPORT**

Manager Crow stated Andrew Zupkoff will begin as the new Community & Economic Development Director on September 17, 2018. He has 5 years of municipal service with a Master of Public Administration (MPA) degree. He is currently with Forsyth, Illinois, as their Community & Economic Development Director and Zoning Administrator.

As the Float Avenue project develops, notification will be given to neighbors affected by the construction.

The Ridgefield drainage project that was approved in February 2018 will go out to bid soon. Director Carr met with citizens affected by the construction today.

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**MAYOR'S REPORT**

Mayor Miller thanked the many volunteers responsible for the car show at the fairgrounds this past weekend. Proceeds benefit the Leader Dog Program.

Saturday, August 25, 2018, the 11<sup>th</sup> Annual 4-Mile Classic Colby Smith Memorial Run will be held.

Also on Saturday at 5:30 p.m., the Lincoln-Douglas Commemorative Debate will be held at Debate Square. Lincoln and Douglas will be portrayed by Freeporters George Buss and Tim Conners, respectively.

On August 29, 2018, Girl Scouts of America will host an informational meeting and sign up at the Freeport Public Library

**COUNCIL ANNOUNCEMENTS/NEW BUSINESS**

Aldersperson Brashaw expressed her pride and extended her congratulations to Chief Allen on achieving Chief Fire Officer.

Aldersperson Koester congratulated Chief Allen and expounded upon the educational requirements of Fire Chief as well as the multiple levels of certification that are required prior to obtaining the designation of Chief Fire Officer. The Neighborhood Watch Meeting for 2<sup>nd</sup> Ward will be held Wednesday, August 22, 2018, at 6:30 p.m. at Central Fire Station. Mayor Miller will be presenting.

Aldersperson Chesney had nothing additional to report.

Aldersperson Klemm reported that he attended Freeport School District #145 teacher opening day. He commented that he met great, motivated staff who had many positive comments about working with students. He thanked Joseph Appell for his comments in favor of solar energy. He reminded citizens that cell phone use is illegal in school zones and that the district has some new buses equipped with cameras to take pictures of motorists who pass them illegally.

Aldersperson McClanathan had nothing additional to report.

Aldersperson Ross had nothing additional to report.

Aldersperson Parker had nothing additional to report.

Aldersperson Busker stated the 5<sup>th</sup> Ward Neighborhood Watch Meeting is Tuesday, August 21, 2018, at 6:00 p.m. at the Church of the Nazarene.

**PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS**

Tom Teich stated that he placed 5<sup>th</sup> place in the bowling tournament at the Cherry Bowl. He thanked Chief Barkalow and Chief Allen for the good work at the Police and Fire Departments.

Upon a motion duly made and seconded, the meeting was adjourned at 7:05 p.m.

Respectfully submitted,  
*/s/ Dovie L. Anderson*  
Dovie L. Anderson  
City Clerk