

CITY OF ROCK ISLAND
CITY COUNCIL MEETING

City Hall

1528 Third Avenue, Rock Island IL

City Council Chambers, 3rd Floor

3/13/2023 - Minutes

1. Call to Order

Mayor Thoms called the meeting to order at 6:45 p.m. and welcomed everyone.

2. This meeting will also be conducted by audio and video conference without the requirement of a physically present quorum of the Rock Island City Council due to the disaster declaration issued by Governor Pritzker.

3. Roll Call

Mayor Thoms asked City Clerk Samantha Gange to call the roll.

Present: Mayor Mike Thoms, Alderpersons Moses Robinson (virtual), Randy Hurt, Judith Gilbert, Jenni Swanson, Dylan Parker (virtual), and Mark Poulos (virtual).

Absent: Alderperson Bill Healy.

Staff: City Manager Todd Thompson, City Attorney Dave Morrison, City Clerk Samantha Gange, and other City Staff.

4. Pledge of Allegiance

Mayor Thoms led in the reciting of the Pledge of Allegiance.

5. Moment of Silence

Mayor Thoms requested a moment of silence. A moment of silence was observed.

6. Public Comment

Mayor Thoms asked if anyone in the public or virtually wished to speak. No residents volunteered.

7. Minutes from the February 27, 2023 Study Session and City Council Meeting.

MOTION:

Aldersperson Gilbert moved to approve the minutes as printed; Aldersperson Swanson seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert, and Swanson. Nay: None. Absent: Healy.

8. Minutes from the February 27, 2023 Closed Session.

MOTION:

Aldersperson Gilbert moved to approve the minutes; Aldersperson Swanson seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert, and Swanson. Nay: None. Absent: Healy.

9. Update Rock Island

Raise money for the Rock Island Parks Department while enjoying delicious food and a sampling of red wines The next Parks Wine & Dine fundraiser is this Thursday, March 16 at QC Coffee & Pancake House, 1831 3rd Avenue. Register by Tuesday, March 14th by calling 309-788-9589. The cost is \$75 per person.

Embrace your Irish heritage and the spirit of St. Patrick this weekend The annual St. Patrick's Day Parade is this Saturday, March 18. Hosted by the St. Patrick Society, the parade begins downtown Rock Island on the corner of 4th Avenue and 23rd Street at 11:30 a.m. The River Bend Foodbank will march first, collecting monetary donations along the way to help fight hunger in the Quad Cities.

Join Rock Island Parks and Recreation for an Easter Egg Hunt or a Home Bunny Visit! This year's Spring Egg Hunt is free, but children ages 3-10 will need to pre-register to attend. Hunt for thousands of colorful eggs in Lincoln Park, at 11th Avenue and 38th Street, at 9 a.m. on Saturday, April 1st for the annual Rock Island Parks & Recreation Spring Egg Hunt. Register by calling (309) 732-PARK. Want to have a Home Bunny Visit? For a fee of \$35, the Easter bunny will scatter 20 eggs in your yard and stick around for a quick photo with you. Register by calling the Rock Island Fitness and Activity Center at (309) 732-7275.

10. Mayor Thoms will close the regular meeting and open a Public Hearing on a request from Kenneth Allen, The Gathering for a waiver of the signature requirement to secure a Liquor License at 1718 2nd Avenue.

Mayor Thoms closed the regular meeting and opened the Public Hearing. He asked if anyone in the audience or virtually wished to speak for or against the request.

Kenneth Allen, owner of The Gathering, addressed City Council in support of waiving the requirement. Mr. Allen said that he has passed the building inspection, health inspection, and has been a law-abiding citizen. He said he has received 10 of the 21 signatures needed for his application. He said he submitted an initial business plan and then a revised business plan in 2019 as he has been working on his application for a long time. He said he has a kitchen design from A1 Kitchen Supply and his business has been open since June 2022 without incidents.

Alderspersion Swanson said the paperwork received by Council included two signatures. Mr. Allen provided signatures to Council and opined that one signature he did not receive for his current application was received in his previous application and therefore should be permitted for this application. Alderspersion Swanson clarified the number of needed signatures were 10. Mr. Allen said that he received 8 signatures. Alderspersion Hurt said signatures from the previous application were not valid for the new application.

Mr. Allen opined that City legislation does not state previous signatures cannot be used in a new application. City Attorney Morrison said the ordinance does not explicitly state old signatures cannot be used but that each application is its own separate document and new signatures are necessary due to changes in ownership. City Clerk Samantha Gange verified that some property owners and addresses have changed.

Mr. Morrison suggested that Mr. Allen present the new evidence and explanations to Council members. Mr. Allen said he had 2 copies and the rest original signatures he received at the end of 2022. Alderspersion Hurt asked for the current list that corresponds to the signatures received by Council. Clerk Gange said the signatures provided by Mr. Allen were included in the public hearing packet. Mr. Allen said he has returned mail to demonstrate his attempt to obtain signatures from property owners.

Alderspersion Parker affirmed that received signatures were included in the packet for Council. Alderspersion Swanson noted the difference in signatures in the table. Clerk Gange explained that some signatures received were exempt due to possessing liquor licenses.

Police Chief Richard Landi said at the time the report was completed on February 9, 2023, the mandatory signatures and majority signatures were included. He explained that many of the signatures provided were not valid as it included properties that were not on the list, properties that possess a liquor license, and the applicant's address.

Mr. Allen opined that the signature list was inaccurate and said he received the signatures of the majority of the property owners within the vicinity of his business.

He said staff did not identify which property owners held a liquor license and opined that all signatures should be accepted.

Attorney Morrison asked Mr. Allen to verify that the copies made were accurate to what he provided to be given to members of Council. Mr. Allen confirmed they were and said that he has been compliant with requests from City staff for his business. He said he has had possession of the building since May 2019 and would like to work with the City to become a staple of the downtown area.

Alderspersion Hurt asked about the date of the petitions, as there were no printed dates on the documents. Attorney Morrison said he would not be able to identify the date and Mr. Allen should instead be asked. Mr. Allen said he did not know why those signing the petition did not also give

the date. Alderperson Gilbert stated the two legitimate signatures that count are not dated. Alderperson Hurt said the petitions were not properly executed as they were not dated when they were signed. Mr. Allen opined that the date should not matter as staff call individuals to verify they have signed the petition for the license application.

Alderperson Gilbert said two of the received signatures were eligible to be counted as signatures. Mr. Allen said liquor license establishments should not be included in the number of required and majority signatures. Attorney Morrison said the ordinance states liquor license holders are not part of the required signatures. Mayor Thoms responded affirmatively and provided an example to better explain the information to Mr. Allen. Attorney Morrison provided the relevant section of the ordinance to answer Mr. Allen's question as subsection C, adjacent businesses. Mr. Allen said that he acquired two of the three required signatures.

Alderperson Gilbert said there were three owners of five properties that were required and zero signatures were obtained for the required list. She said of the eleven properties on the majority list, he attained two signatures. Alderperson Swanson asked if DARI and Economic Growth would be considered part of the City and therefore excluded. Mayor Thoms said they are not considered part of the City.

Mayor Thoms led a discussion to identify properties that possess a liquor license. Alderperson Robinson asked if this could be tabled due to the manner in which the matter was being discussed. Attorney Morrison said that in fairness to Mr. Allen, he is being allowed to present evidence in support of his liquor license application and that would ensure everyone is working from the same information.

Mr. Allen said he has worked very hard to get the majority of the signatures on the lists provided to him. Mayor Thoms verbalized understanding. Alderperson Swanson asked why letters were mailed out to individuals who were exempt from signing. Clerk Gange explained the City Clerk's office receives a list of properties based on County information from the CED department. The list is then provided to the applicant to attempt to get signatures by sending letters, knocking on doors, etc. She said Lt. James Morris differentiates which property owners possess liquor licenses but that letters are sent to all individuals on the lists.

Alderperson Swanson confirmed that Mr. Allen received a list of all property owners that did not identify liquor license holders and said this was misleading as he mailed out letters to the listed property owners which is a flaw in the system. Alderperson Hurt stated agreement and recommended license holders to be removed from the lists. Alderperson Swanson explained the nuance of previous signature waivers and said she understood his confusion with the process.

Alderperson Gilbert said she reviewed the signatures provided by Mr. Allen and the signatures in the public hearing packet and confirmed that the information provided was the same and that only two signatures were eligible for the license application of the six required and the 11 majority signatures needed. Mr. Allen said he had returned mail and was unable to contact everyone. Alderperson Gilbert said that some tax roll addresses do not match post office addresses however, there were only two eligible signatures obtained. Alderperson Parker said that he thought Mr. Allen demonstrated he attempted to obtain the signatures.

Mayor Thoms said that a vote could be taken or the decision could be postponed after the public hearing. Attorney Morrison confirmed that there would be options while entertaining a motion. Mr. Allen said that he has been in possession of this building for four years, has invested a lot of money, and would like to do good business in downtown Rock Island. He encouraged Council members to take his efforts to obtain signatures into consideration.

Aldersperson Robinson said changes are needed with the liquor licenses process so that it is more transparent and easier to navigate in the future for staff, Council members, and business owners.

MOTION:

Aldersperson Parker moved to recommend the Liquor Commissioner/Mayor waive the signature requirement as requested and approve the liquor license, Aldersperson Robinson seconded.

DISCUSSION:

Aldersperson Swanson asked if Council were being asked to waive the signature requirement and approve the liquor license. Attorney Morrison clarified by reading subsection J of Chapter 3 which dictates Council may waive the approval requirements relating to property owners and/or adjacent property owners set forth by section C in which City Council determines if it is in the best interest of the City. If said waiver is granted, the matter is referred to the Liquor Commissioner to determine whether or not a license should be granted to the premises requested by the applicant. Attorney Morrison referred to subsection K subparagraph five which states, the Liquor Commissioner will take the matter under advisement and make a decision within 30 days of the hearing the applicant will be notified of the decision on the issue.

Aldersperson Swanson said the motion should be to approve the waiver and refer to the Liquor Commissioner. Aldersperson Robinson said the language of the motion is consistent with former waiver requests. Aldersperson Gilbert asked about the signature columns in the police memo. Clerk Gange explained the first column identified if the signature was obtained and the second column identifies if the signature was verified. Aldersperson Gilbert asked if opposition to the license is being recorded. Aldersperson Parker said there is no distinction between someone refusing to sign and a signature that the applicant was unable to obtain. Aldersperson Gilbert asked if a motion to table the matter would take precedence over the current motion. Attorney Morrison said a motion to table the matter would take precedence.

Mr. Allen asked if staff were asking him to continue to attempt to get signatures from the addresses he was unsuccessful in contacting. Attorney Morrison said he was answering a procedural question of Robert's Rules. Aldersperson Robinson said Mr. Allen should not be penalized for the confusion of staff and suggested moving forward with the current motion and to address concerns moving forward. Aldersperson Parker said tabling the matter would not make a significant change and that Mr. Allen demonstrated his attempt to get signatures from the properties and restated his motion for clarification for Council. Aldersperson Swanson asked if Council was approving the license. Attorney Morrison clarified that the motion is a recommendation to approve the license.

Aldersperson Swanson verbalized understanding and remarked about the number of unobtained signatures as it relates to his request and what has historically been considered by members of Council. She said the number of signatures needed is 16 and the majority would be 9 signatures when removing liquor license holders. She acknowledged Mr. Allen's efforts to obtain signatures and identified that seven missing signatures is significant.

Mr. Allen said he was unable to get some signatures due to owners having concerns of increased vagrancy and percentage of sales from liquor sales.

Aldersperson Poulos clarified that the motion was a recommendation to the Liquor Commissioner and not an approval of the license. Mayor Thoms responded affirmatively.

VOTE:

Motion PASSED on a 4-2-1 roll call vote. Aye: Parker, Poulos, Robinson, and Swanson. Nay: Hurt and Gilbert. Absent: Healy.

11. Consent Agenda.

- a. Claims for the week of February 17 through February 23, 2023 in the amount of \$1,060,250.07; week of February 24, 2023 through March 2, 2023 in the amount of \$1,690,997.84; and payroll for the weeks of February 6 through February 19, 2023 in the amount of \$1,609,983.70.
- b. International City/County Management Association (ICMA) claims for the week of February 17 through February 24, 2023 in the amount of \$32,639.60.
- c. Report from the Public Works Department regarding payment to John Robert Westpfahl of Milan, IL in the amount of \$3,300.00 for the 2023 annual land set aside program.
- d. Report from the Public Works Department regarding payment in the amount of \$49,371.59 to CDM Smith, Chicago, IL for services provided from January 1, 2023 through February 11, 2023 for the Mill Street Plant Anaerobic Digester Maintenance Project.
- e. Report from the Public Works Department regarding payment in the amount of \$16,218.00 to CDL Electric of Kansas City, MO for an emergency Rail Road Signal Cable replacement at the intersection of IL 92 and Andalusia Rd.
- f. Report from the Human Resources Department regarding payment in the amount of \$7,240.64 to David G. Morrison, City Attorney, for services rendered during the month of February 2023.
- g. Report from the Information Technology Department regarding payment to Harris-Govern, Chicago, IL for the Govern software maintenance in the amount of \$34,413.11 for business licenses, permits, and the inspection system.

MOTION:

Aldersperson Swanson moved to approve consent agenda items a through g; Aldersperson Robinson seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert, and Swanson. Nay: None. Absent: Healy.

12. Claims

- a. Report from the Public Works Department regarding payment in the amount of \$22,200.22 to Valley Construction, Rock Island, IL for an emergency sewer main repair.
- b. Report from the Public Works Department regarding payment in the amount of \$51,362.00 to Valley Construction, Rock Island, IL for emergency stormwater and sanitary sewer main repairs.
- c. Report from the Public Works Department regarding payment in the amount of \$13,603.38 to Langman Construction Inc., Rock Island, IL for an emergency water main repair.

MOTION:

Aldersperson Robinson moved to allow the claims items a through c; Aldersperson Hurt seconded.

DISCUSSION:

Aldersperson Parker recused himself from the vote due to the nature of his employment.

VOTE:

Motion PASSED on a 5-0-1 roll call vote. Aye: Poulos, Hurt, Robinson, Gilbert and Swanson. Nay: None. Absent: Healy.

13. Report from the Martin Luther King Center regarding a no cost extension with Enterprise Community Partners Inc. for consulting services regarding the West End Revitalization.

MOTION:

Aldersperson Robinson moved to approve extension of the agreement and authorize the City Manager to execute the documents; Aldersperson Hurt seconded.

DISCUSSION:

City Manager Todd Thompson asked Martin Luther King Jr. Center Executive Director Jerry Jones to provide a brief explanation of how the extension relates to the position. Mr. Jones said Enterprise Community Partners has been working on this project since the beginning with an initial contract for the assessment and an additional contract to implement the work. The extension is to continue the implementation of the work from a consultant perspective. Mr. Jones said John Deere has invested funds to make this happen so no additional costs are incurred for the City.

Aldersperson Gilbert said the presentation of the position a few weeks ago did not mention that the consultant needed an additional year for implementation of the strategy and asked for clarification as to whether the employee is going to facilitate implementation. Mr. Jones said the employee will be gathering information from the steering committee and the work groups. He said this process is an incredibly inclusive process that brings in all of the input from stakeholders of the community. Enterprise Consultants have quite a bit of experience with this process and they will help hone strategies and provide guidance through this ambitious endeavor that is new to the City and staff to avoid common pitfalls and further project delays.

Mr. Jones said there have been several reasons for project delays including being unable to dedicate the amount of capacity needed for the project. The added position will require support from the consultant as well as it is two separate job descriptions, duties and components. Aldersperson Parker responded affirmatively and explained that the person hired will execute actions advised by Enterprise Consultants.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Hurt, Robinson, Gilbert and Swanson. Nay: None. Absent: Healy.

14. Report from the Parks and Recreation Department requesting approval to select Streamline Architects to provide architect design and oversight services for the RIFAC Remodel project and approval of \$28,650.00 in ARPA funding to complete the project.

MOTION:

Aldersperson Swanson moved to approve the request as recommended; Aldersperson Robinson seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert, and Swanson. Nay: None. Absent: Healy.

15. Report from the Community & Economic Development Department regarding the adoption of the Annual Arts Action Plan for 2023.

MOTION:

Aldersperson Gilbert moved to approve the adoption of the Annual Arts Action Plan for 2023; Aldersperson Swanson seconded.

DISCUSSION:

Aldersperson Parker asked Quad Cities Arts Executive Director Kevin Maynard if there are more opportunities to explore funding and grants for public art in Rock Island. Mr. Maynard responded affirmatively and said there are also opportunities for partnerships and regional funding as well. He said grant funds are available through the National Endowment for the Arts for artworks communities that we could do as a region to leverage funding opportunities. He said Quad Cities Arts has been collaborating with City staff to identify grant opportunities for the City as well as.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert and Swanson. Nay: None. Absent: Healy.

16. Report from the Community & Economic Development Department regarding a Special Use Permit for Radicle Venture, LLC located at 1340 31st Street. (First Reading)

MOTION:

Aldersperson Swanson moved to approve the Special Use Permit with the identified stipulation, suspend the rules, consider and pass the ordinance; Aldersperson Gilbert seconded.

DISCUSSION:

Aldersperson Swanson asked if this could be changed by future councils. Planning and Zoning Manager Tanner Osing responded affirmatively and explained this should have been done when the business opened but staff are ensuring it is completed now. Aldersperson Parker commended CED staff for their efforts.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert and Swanson. Nay: None. Absent: Healy.

17. Report from the Community & Economic Development Department regarding amendments to the Zoning Code to include a new definition for a Retail Tobacco Business. (First Reading)

MOTION:

Aldersperson Gilbert moved to approve the amendments of the Zoning Code, suspend the rules, consider and pass the ordinance; Aldersperson Parker seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert and Swanson. Nay: None. Absent: Healy.

18. Report from the Legal Department, City Clerk and Community and Economic Development Department regarding amendments to Article XVIII Sale/Possession of Tobacco Products. (First Reading)

MOTION:

Aldersperson Parker moved to approve the amendments of the Zoning Code with additional requests that staff come back in 30 days regarding flavors; suspend the rules, consider and pass the ordinance; Aldersperson Gilbert seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert, and Swanson. Nay: None. Absent: Healy.

19. Report from the Community and Economic Development Department regarding a development agreement with Bally's Quad Cities. (First Reading)

MOTION:

Aldersperson Hurt moved to approve the agreement; suspend the rules, consider and pass the ordinance; Aldersperson Gilbert seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert and Swanson. Nay: None. Absent: Healy.

20. Report from the Community and Economic Development Department regarding funds in the Tax Increment Financing (TIF) 204 account in the amount of \$564,261.00 as part of the City's development agreement with Bally's Quad Cities Casino, recommending the funds be declared as surplus and returned to the Rock Island County Treasurer.

MOTION:

Aldersperson Hurt moved to declare the TIF 204 funds a surplus and authorize the City Finance Director to return the funds to the Rock Island County Treasurer for distribution; Aldersperson

Gilbert seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert and Swanson. Nay: None. Absent: Healy.

21. Report from the Finance Department regarding an adjustment to the CY 2022 budget, increasing the Community and Economic Development TIF Fund (204) expenses by \$29,041.00 to be remitted to the Rock Island County Treasurer as part of the Parkway/I-280 TIF Fund Surplus.

MOTION:

Aldersperson Hurt moved to approve the budget adjustment as recommended; Aldersperson Gilbert seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert and Swanson. Nay: None. Absent: Healy.

22. Report from the Finance Department regarding a budget adjustment increasing the ARPA Fund (248) by \$76,071.00 for the Hauberg Carriage House Renovation.

MOTION:

Aldersperson Parker moved to approve the budget adjustment as recommended; Aldersperson Swanson seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert and Swanson. Nay: None. Absent: Healy.

23. Report from the Traffic & Engineering Committee regarding a request to remove the handicapped parking space in front of 1625 33rd Street. (First Reading)

MOTION:

Aldersperson Gilbert moved to approve the request as recommended, suspend the rules, consider and pass the ordinance; Aldersperson Swanson seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert and Swanson. Nay: None. Absent: Healy.

24. Other Business

Aldersperson Swanson thanked Mr. Bartels for attending her ward meeting to answer questions for residents. She also congratulated Angela Campbell and her staff for an outstanding grand opening of the new Watts-Midtown Library on Saturday. It was so well attended that there was

no available parking during the event. Mayor Thoms said 705 people were in attendance. City Attorney Dave Morrison also said the grand opening was a terrific event.

Aldersperson Gilbert requested a statement from Finance Director Linda Barnes regarding bank deposits. Ms. Barnes read the policy of the City of Rock Island which requires that funds on deposits with banks and saving and loans in excess of Federal Deposit Insurance Corporations or Saving Associations Insurance Funds Limits be secured by some form of collateral. The City will accept any of the following assets as collateral: U.S. Government securities obligations, Federal agencies obligations, instrumentalities, obligations of the State of Illinois, and obligations of the City of Rock Island. The amount of the collateral will not be less than 110 percent of the fair market value of the net amount of public funds secured.

25. Closed Session.

MOTION:

Aldersperson Gilbert moved to go into Closed Session for the exceptions cited; Aldersperson Parker seconded.

VOTE:

Motion PASSED on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert and Swanson. Nay: None. Absent: Healy.

26. Motion to Adjourn.

MOTION:

Aldersperson Parker moved to adjourn; Aldersperson Swanson seconded.

VOTE:

Motion passed on a 6-0-1 roll call vote. Aye: Parker, Poulos, Robinson, Hurt, Gilbert and Swanson. Nay: None. Absent: Healy.

The meeting adjourned at 8:23 p.m.

Naomi Torrence, Deputy City Clerk