



*City Council*  
**COMMITTEE OF THE WHOLE**  
*City of Belvidere, Illinois*

Alderman Clinton Morris, 1<sup>st</sup> Ward

Alderman Daniel Snow, 2<sup>nd</sup> Ward

*Co-Chairman, City/County Coordinating*

Alderman Thomas Ratcliffe, 3<sup>rd</sup> Ward

*Chairman, Finance and Personnel*

*Vice Chairman Building Planning and Zoning*

Alderman George Crawford, 4<sup>th</sup> Ward

*Chairman, Public Safety*

Alderman John Sanders, 5<sup>th</sup> Ward

*Chairman, Building, Planning and Zoning*

Alderman Clayton Stevens, 1<sup>st</sup> Ward

*Vice Co-Chairman, City/County Coordinating*

Alderman Daniel Arevalo 2<sup>nd</sup> Ward

*Vice Chairman, Public Safety*

Alderman Wendy Frank, 3<sup>rd</sup> Ward

*Vice Chairman, Finance and Personnel*

Alderman Ronald Brooks, 4<sup>th</sup> Ward

*Chairman, Public Works*

Alderman Mark Sanderson, 5<sup>th</sup> Ward

*Vice Chairman, Public Works*

**AGENDA**

**November 14, 2016**

**6:00 p.m.**

**City Council Chambers**

**401 Whitney Boulevard**

**Belvidere, Illinois**

Call to Order: Mayor Chamberlain

Roll Call: Present: Absent:

Public Comment:

Public Forum:

Reports of Officers, Boards, and Special Committees:

1. Building, Planning & Zoning, Unfinished Business: None.
2. Building, Planning & Zoning, New Business:

(A) Appointment of Alissa Maher to the Planning and Zoning Commission.

3. Public Works, Unfinished Business: None.

4. Public Works, New Business:

(A) Branch Grinding.

(B) Bid Threshold Revision.

5. Other:

(A) Appointment of Alexandra (Sandie) Omiotek to the Historic Preservation Commission.

(B) Business Registration.

6. Adjournment:

November 1, 2016

To: Mayor Chamberlain & Belvidere City Council

From: Alissa Maher

107 W. 4<sup>th</sup> St

Belvidere, IL 61008

Cell ph: (630) 664-9131

Work ph: (815) 544-1699 (ext. 193)

#### Planning and Zoning Commission

Please accept this letter as a formal request to join the members of the Belvidere Planning and Zoning commission. I look forward to learning from and contributing to the community of Belvidere.

I am a new resident of Belvidere, and although I have worked here for the past 2 years, I have a lot to learn about this community and its surroundings. I would like to get better acquainted with this city and all of its workings and to be a part of the future growth of Belvidere. Wanting to join the commission goes beyond politics, what truly interest me is getting to know the people who are immersed in the betterment of Belvidere and joining in them in their enthusiasm for this city. Thank you for your time and consideration.

Sincerely yours,

Alissa Maher

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# ALISSA MAHER

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[alibaxterab@gmail.com](mailto:alibaxterab@gmail.com) ♦ 107 W. 4th St., Belvidere, IL 61008 ♦ (630) 664-9131

## OBJECTIVES

To further my experiences, and to develop a better understanding of the world around me. My goals in career are the same as my goals in my life, I look to understand the mysteries around me as well as seek out the answers that are obscured from view. To be involved in the world around me and to know that nothing is unattainable.

## EDUCATION

Kishwaukee College

May, 2014 Associates in Mechanical Design,

Certificate in Architectural Design

- ♦ Phi Theta Kappa member
- ♦ 2014 Outstanding student of the year
- ♦ CPR and First Aid Certified
- ♦ Kishwaukee CAD committee member

## EXPERIENCE

World of Wonder Child Care ♦ Cortland, IL

**Child Care Assistant** August, 2008 – August, 2014

Daily schedule planning, educator, and to maintenance and repair of equipment.

Egg Toy Studio ♦ Sycamore, IL

**Independent Contractor** January, 2014 – August, 2015

Fabrications, finishes, and electrical wiring.

R&D Thiel ♦ Belvidere, IL

**Truss Designer** August, 2014 – Current

Roof and floor design.

## SKILLS

- ♦ Organizational skills
- ♦ Quick learner
- ♦ Works well in diverse team environment
- ♦ Technical problem-solving
- ♦ Enthusiastic
- ♦ Strong decision maker
- ♦ Determination
- ♦ Proficient in AutoCAD, SolidWorks & Auto Desk

# Memo

**To:** Mayor and City Council  
**From:** Brent Anderson, Director of Public Works  
**Date:** 10/27/2016  
**Re:** Branch Grinding

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Due to the success of our annual spring and fall branch pickup program, our branch pile needs to be reduced. The current budget includes \$15,000 for leaf and branch pickup. We have received a hourly rate proposal from Bill Miller Logging to complete the branch grinding at the rate of \$650 per hour. This is the same rate that they have charged since 2013.

I would recommend approval of the proposal from Bill Miller Logging, at an hourly rate of \$650.00 per hour for grinding of the City's branch pile. This work will be paid for from Line Item #01-5-310-6826.

**BELVIDERE PUBLIC WORKS**

401 Whitney Boulevard

Belvidere, IL 61008

Phone 815-544-9256

Fax: 815-544-4255

# Memo

**To:** Mayor and City Council  
**From:** Brent Anderson, Director of Public Works  
**Date:** October 17, 2016  
**Re:** Bid Threshold Revision

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On August 2, 2005, the Governor signed Public Act 94-0435 which raised the threshold for competitive bidding from \$10,000 to \$20,000. Eleven years have now gone by and the cost of materials, goods and services that the Public Works Department utilizes on a regular basis continue to increase. Therefore I would recommend that Section 2-700 sub-section (a) of the Belvidere Municipal Code be revised from \$10,000 to \$20,000 to match the Illinois purchasing guidelines.

Matching the state guidelines will simplify the procurement process for commonly used materials such as valves, hydrants, water main pipe, sanitary sewer pipe, meters, hot mix asphalt, aggregates, fuel and oil without affecting bidding on larger projects and procurements.

# HISTORIC PRESERVATION COMMISSION MEMBERS RESUME

Name of Local Government: City of Belvidere Historic Preservation Commission

Commissioner Name: Alexandra (Sandie) Omiotek

Mailing Address: 401 E Lincoln Avenue, Belvidere IL 61008

Home Address (If different from mailing address): \_\_\_\_\_

Telephone: Business \_\_\_\_\_ Home 630/457-7421

E-mail address: Somiotek@yahoo.com

Term of Membership: Three (3) Years

Date Term Expires: November 2019

Occupation: Plant & Garden Merchandiser

Does your occupation satisfy a membership requirement? Y N

Education (Please include degree and major): Life

Please specify your knowledge, expertise and/or demonstrated interest in historic preservation (e.g. member of a preservation organization, hands-on experience, training, etc.): My interest in Historic Preservation begins with me

buying a Historic Home! That is demonstrated interest for sure 😊

**If above information is not provided, the SHPO cannot process the application.**

# Memo

**To:** Mayor and City Council  
**From:** Mike Drella  
**CC:** Mayor  
**Date:** 11/08/2016  
**Re:** Business Registration

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As you may know, recent law enforcement activities successfully targeted local establishments who were allegedly involved in criminal activity. I have received some queries regarding the City's ability to regulate massage establishments as a means to prevent these businesses from re-establishing themselves. I do not recommend adopting a program to regulate only massage parlors for the reasons set forth below. I do recommend a more comprehensive business registration program that will be more inclusive.

In 2003, the State of Illinois adopted Public Act 92-860, a comprehensive licensing scheme regulating massage therapists and requiring a state license to engage in massage therapy. Public Act 92-860 pre-empted home rule authority and makes it illegal to provide a massage for compensation without a state issued massage license. Massage is broadly defined.

Many municipalities, including Belvidere, repealed their massage regulatory ordinances in the face of Public Act 92-860. Some municipalities simply ignored it and some left in place a regulatory scheme, not regulating the masseuse, but regulating the massage parlor. This last approach is consistent with State law and some municipalities feel that it provides another mechanism to ensure legal operations. I am of the opinion that it is ineffective.

After repealing the City ordinance regulating massage parlors, the City learned that some local establishments were advertising massages. A cease and desist notice was immediately issued. In response, each establishment claimed that they did not offer massages at their establishments, claimed that the ads were erroneous and actually corrected the advertisement, at least at that time. When pressed, they claimed that they simply offered "relaxation techniques". Supposedly some form of aroma therapy etc. Recently, at least one of the establishments actually had licensed massage therapists on staff.

In short, a business only needs to claim that they are not offering massages to avoid any massage regulatory scheme we may create. Future violations would need to be proved in a similar fashion to the current investigation. At that time, the business could re-open as a new business again claiming not to offer massage. An obvious cycle could develop. Simply re-open under new management and claiming a new and different business unrelated to massage and operate until caught again.

In an effort to avoid such a cycle, I have drafted a much more inclusive regulatory scheme that requires all businesses in the City of Belvidere to obtain a Business License Registration at no cost. It makes it illegal to operate a business without obtaining a free Registration License. It then provides certain

penalties for operating without the Registration License and allows for injunctive relief closing down an unlicensed business.

Finally and most importantly, it creates a system by which the City may revoke or suspend a license for certain ordinance and criminal violations including prostitution. Because of the civil nature of the licensing scheme, it is not necessary to prove a criminal violation beyond a reasonable doubt. Rather, the City would only need to show that it is simply more likely than not that the criminal activity was occurring. For some violations a new License would not be issued for a location for a longer period of time if the owner knew or should have known of the illegal activity.

There is no doubt that the attached regulations cast a wide net that requires compliance from all businesses, the vast majority of which are law abiding contributing members of the Belvidere community. That is why the regulations propose free registration and periods in which a business may cure minor violations without penalty. However, the regulations would allow the City to ensure that it has the means to close businesses that are engaging in more significant criminal activities such as prostitution, fencing stolen goods etc.

It also has the added benefit of creating a system by which our emergency responders will not only know where a building is, but also the nature of the business operating at that location. It will also provide the Fire Department an opportunity to be more proactive in ensuring that new businesses are aware if applicable fire regulations and are operated in a safe manner.

### Article III. General Business Registration License

#### Sec. 26-76. Purpose.

Each Business establishment located within the City is an integral part of, and affects, the physical and economic development of the City. This Article is intended to keep a current listing of all businesses doing business in the City, aid the Police Department, Fire Department and other departments in their responsibilities and to ensure proper zoning compliance.

#### Sec. 26-77. Definitions.

**Business.** The term Business, for purposes of this Article, means any occupation or endeavor resulting in or intending to sell any commodity, whether at wholesale or retail, from a fixed location or from a wagon, van, pack, cart or other vehicle, or the application of skilled labor to the property of any other person by the person conducting such trade or business, or the provision of any service, whether professional or technical, or any other occupation involving the maintenance of any office, store or other facilities within the City, or territory subject to the City's ordinances, except businesses, trades or occupations which have been preempted from municipal regulation. The term Business specifically includes any not for profit organization, or other organization that does not receive compensation for its services or goods.

**Person.** The term Person, for purposes of this Article, shall include any person, partnership, corporation, association, firm or other association.

#### Sec. 26-78. Business Registration License Required (BRL).

It shall be unlawful for any Person to operate, conduct or engage in any Business within the City of Belvidere, or any territory subject to its ordinances, without first having obtained a Business Registration License from the City of Belvidere. The Business Registration License shall be specific to a single location within the City. If a Person operates more than one location for the same Business or multiple Businesses, each location must obtain a separate Business Registration License. If one Person operates more than one Business from a single location only one Business Registration License is required. However, if multiple Persons operate legally unrelated Businesses from the same location, each Business must obtain an individual Business Registration License.

#### Sec. 26-79. Business Registration License Issuance.

The Business Registration License shall be issued by the City Clerk, upon application, on forms provided by the City Clerk. At a minimum, the application shall require the name, address, including home address or outside corporate address of any Person owning or operating the Business, phone number, corporate documents for any corporation (articles of incorporation), EIN number if issued, partnership documents, if applicable. Each partner of a partnership, member of a LLC, member of an unincorporated association or any shareholder of a corporation holding 40% or more of an interest in

the corporation shall be identified with address. The applicant shall also describe the nature of the proposed Business and the type of goods to be offered for sale or services offered. In certain cases, the City may also require a sketch layout of the proposed Business which identifies all areas of the Business including storage areas and the type of materials to be stored.

No fee shall be charged for issuance of a Business Registration License nor is any background check required. However, any other license and/or fee required by another section (eg. bowling allies etc.) must obtain that license permit and pay the applicable fee.

Upon filing of a complete application, the Business Registration License shall be issued unless the Business is prohibited by law or prohibited at the location applied for. Notwithstanding the foregoing, the City shall not be estopped from enforcing any ordinance or law (including its Zoning Ordinance) even if a Business Registration License is issued for an illegal use, non-complying use or location.

The Business Registration License is not transferable and in the event of the sale or transfer of the Business, the sale or transfer of a majority of the stock of any Person owning the Business, or upon the sale or transfer of the majority of the assets of the Business (including good will), a new Business Registration License must be obtained within ten (10) days of the sale or transfer by the Person then owning or operating the Business.

The BRL shall be prominently displayed at the location for which it is issued. The issuance of a BRL shall not relieve the Person or Business, to whom it is issued, from complying with any other relevant ordinance or statute, including but not limited to the City of Belvidere Zoning Ordinance. Issuance of the BRL does not guarantee compliance with such other laws and ordinances and it is the responsibility of the Person or Business to whom the BRL is issued to ensure compliance with such laws and ordinances.

#### Sec. 26-80. Term of License.

Each Business Registration License shall expire on April 30<sup>th</sup> of each year. Each Business must apply for a new license or a renewal of an existing license prior to April 15<sup>th</sup> of each year. The City Clerk need not send renewal notices or reminders. It is the responsibility of each Business to comply with the terms of this Article. If an existing Business moves to a new location, it must apply for a new Business Registration License for the new location.

#### Sec. 26-81. Suspension or Revocation of a Business Registration License.

- (a) The Mayor (or his designee) of the City, after a hearing, may suspend or revoke any Business Registration License for any of the following reasons:
- 1) The making of any false or misleading statement on the application for the Business Registration License.
  - 2) Violation of any provision of the City of Belvidere Municipal Code, including, but not limited to its Zoning Code. Prior to revocation or suspension of a Business Registration License under this subsection (a)(2), the Business shall be provided not less than fifteen (15)

calendar days to cure the violation. Violations of Chapter 10, Alcoholic Beverages, shall not result in a suspension or revocation under this Article unless a liquor license has not been issued or unless the Liquor Commissioner entered a suspension or revocation of the Business' Liquor License.

- 3) Failure to pay any tax, fee or fine owed to the City when due.
  - 4) Use of the Business or the premises on which the Business is located for any purpose in violation of the Criminal Code of the State of Illinois with the knowledge or consent of the Business, any principal of the Business, any employee of the Business or the owner of the property at which the Business is located. For purposes of this section, a Person shall be deemed to have knowingly allowed a criminal use of the Business or location if a similarly situated reasonable person would have suspected the existence of criminal activity.
- (b) Upon credible evidence of a violation identified in Sec. 26-81 the Mayor (or his designee) may temporarily close (for a period of not more than thirty (30) days), without a hearing or notice, any Business pending a hearing on whether a Business Registration License should be revoked or suspended. If after a hearing, the Mayor (or his designee) finds sufficient evidence of a violation as identified in Sec. 26-81, the Business Registration License may be suspended or revoked.
- (c) Suspension of a Business Registration License shall begin immediately upon the ruling of the Mayor (or his designee) and shall be for a term of not more than thirty (30) days after the reason for the suspension is cured.
- (d) A Person whose Business Registration License has been revoked may not apply for a new Business Registration License for a period of six (6) months which term shall not begin until after the reason for the revocation is cured.
- (e) A Person or Business whose Business Registration License is revoked based upon a violation of Sec. 26-81(4) shall be ineligible for any future Business Registration License where the violation constituted a violation of: child pornography (720 ILCS 5/11-20.1), the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.), the Methamphetamine Control and Community Protection Act (720 ILCS 646/1 et seq.), the Sale of Immoral Publications to Children Act (720 ILCS 670/0.01 et seq.), or Prostitution Offenses, Subdivision 15 of Article 11 of the Criminal Code of 2012 (720 ILCS 5/11-14 et seq.).
- (f) No Business Registration License shall be issued for any Business at a location, for a period of six (6) months where two or more Business Registration License's for the same location have been revoked in the previous two (2) years.
- (g) The penalties contained herein are in addition to any not exclusive of any other remedy the City or the State of Illinois may have for an underlying violation of local ordinance, County ordinance or State law.

#### Sec. 26-82. Hearing.

- (a) Any Person whose Business Registration License is subject to revocation or suspension is entitled to a hearing before the Mayor (or his designee). Upon a complaint of a violation

identified in Section 26-81, the City shall provide Notice of Hearing, to any Person owning the Business identified on the application for a Business Registration License or any renewal application, of a hearing to consider the suspension or revocation of the Business Registration License. The Notice of Hearing shall be served by first class mail addressed to the Person(s) identified as the Owner(s) on the application. Service on any Person identified as an Owner on the Business Registration License Application shall be sufficient notice on the entire Business and all Owners. Proof of mailing, in the United States mail, postage pre-paid, is sufficient evidence of service and service shall be deemed effective the date of mailing.

- (b) The Hearing shall be initiated not less than five (5) days, nor more than thirty (30) days, from the time a Notice of Hearing is served. The Hearing shall not be conducted under the formal rules of evidence and the Mayor (or his designee) may consider any evidence which a reasonable person would find relevant, including but not limited to, hearsay evidence. The Business, any Person owning the Business or their representative may cross examine any witness presented by the complainant or the City and may introduce any relevant information within the sound discretion of the Mayor (or his designee). Any party to the Hearing may request a reasonable continuance to obtain additional evidence or obtain counsel. However, any temporary suspension then in effect shall continue regardless of the time frame set forth in section 26-81(b).
- (c) The burden of proof necessary to find against a Person or Business shall be a preponderance of the evidence and the burden shall lie on the complainant or City. In the event the Person or Business is found guilty or pleads guilty in Circuit Court of a violation contained in Sec. 26-81, it shall be presumed that the City or complainant has met their burden of proof for the infraction for purposes of this Article.
- (d) The Mayor (or his designee) shall enter a written order, upon the conclusion of the Hearing, either revoking or suspending or finding insufficient reason to revoke or suspend the Business Registration License. In making the decision, the Mayor (or his designee) may consider whether the reasons articulated and presented for revocation or suspension have been cured and a finding that there is no reason to further suspend or revoke a Business Registration License is not necessarily a finding that a violation identified in Section 26-81 did not occur. The Mayor (or his designee) shall serve a copy of the decision either personally or by first class mail addressed to any Person identified on the Application or renewal application.
- (e) In the event of any revocation or suspension (including one that is ultimately overturned by a court of competent jurisdiction) neither the City, nor its officers, elected officials, appointed officials, employees or independent contractors shall be liable for any damages incurred by any Person or the Business unless a Court finds that the revocation or suspension was issued in wanton or willful disregard of this Article.
- (f) Any Business or Person may appeal a decision of the Mayor (or his designee) pursuant to the Administrative Review Law.
- (g) The Mayor may appoint any employee, officer or official of the City, or an Administrative Hearing Officer to conduct the Hearing and render applicable decisions.

#### Sec. 26-83. Penalties.

- (a) Any Person who operates any Business within the City of Belvidere, or any territory subject to its ordinances, without a valid Business Registration License shall be fined not less than \$100.00 plus court costs per offense with each day, or part thereof, that a violation exists or continues shall be deemed a separate offense.
- (b) Any Person who operates any Business during a period of suspension of the Business Registration License, or after revocation of the Business Registration License shall be fined not less than \$500.00 plus court costs per offense with each day, or part thereof, that a violation exists or continues to exist shall be deemed a separate offense.
- (c) The Court may, in addition to any other remedy, including the fines above, may order injunctive relief prohibiting operation of any Business in violation of this Article and may enforce such injunctive relief through contempt proceedings.
- (d) The City may, if an Administrative Hearing Officer is approved by the City Council, refer prosecutions of operation of a Business without a Business Registration License, or with a suspended or revoked Business Registration License, to administrative adjudication in lieu of a proceeding before the Circuit Court.