



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, August 3, 2015

Presiding: Charles M. Haynes
Present: Sheila De Forest, Regina Hendrix, Ana Kelly, Chuck Kincaid, David F. Luebke,
Marilyn Sloniker (Councilors De Forest and Luebke joined by telephone)
Absent: None

1. President Haynes called the meeting to order at 7:00 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Councilor Hendrix presented a Proclamation declaring August 4, 2015 as **National Night Out** and Interim Police Chief Zibolski. Chief Zibolski invited the community to come out and meet their neighbors and socialize with law enforcement.
4. PUBLIC HEARING
 - a. Community Development Director, Julie Christensen, presented a resolution authorizing a **Conditional Use Permit** to allow a single-family attached dwelling in C-2, Neighborhood Commercial District, for the property located at 911 East Grand Avenue. The key issues are:
 - Single-Family Attached Dwellings are allowed as conditional uses in a C-2 District. The applicant has proposed allowing a residence on the second floor of the building on the subject property.
 - The applicant has stated the intention to reside in (or eventually rent out) this dwelling.
 - The applicant recently purchased the building and has opened a dog grooming business on the first floor.
 - The second floor is not currently set up as a living space. The applicant will be making the appropriate improvements in order to meet all requirements for residential uses in the Building Code.
 - The Plan Commission reviewed this item on July 22, 2015, and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the other four conditions recommended by the Planning staff.
 1. This Conditional Use Permit authorizes a single-family attached dwelling in a C-2, Neighborhood Commercial District.
 2. The applicant must obtain all necessary building permits for the improvements that will be required to convert the second story into a residence.
 3. The applicant must apply for and obtain a Certificate of Occupancy before moving into the residence.
 4. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Planning and Building Services Director may approve minor changes administratively.
 - President Haynes opened and closed the public hearing. Councilors Kelly and Hendrix made a motion to adopt the resolution. Motion carried unanimously on a roll call vote of 7-0. File 8614
 - b. Community Development Director, Julie Christensen, presented a resolution authorizing a **Conditional Use Permit** to allow the sale of alcoholic beverages in C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue (DBA Dave's Bait and Tackle). The key issues are:
 - The sale of alcoholic beverages is allowed as a conditional use in a C-2 District. The applicant has proposed allowing the sale of alcoholic beverages in the bait and tackle shop to be located on the subject property.

- Approval of the CUP would allow the applicant to sell alcoholic beverages in the shop.
- The previous tenant of the building, Dick's Bait and Tackle, sold beer and held an alcohol license until 2011.
 - The business closed in 2011 and the building on the subject property has been vacant since then.
 - The current tenant and applicant, Mr. Huyck, has a five-year lease on the building.
- If a Conditional Use Permit is granted, the applicant must also obtain an Alcohol Beverage License before any alcoholic beverages may be legally sold on the subject property.
- The applicant has indicated that beer will be the only type of alcohol to be sold at the shop.
- The property is located within 300 feet of a church. However, the prohibition within 300 feet of a church only applies to liquor licenses, not beer licenses.
- The Plan Commission reviewed this item on July 22, 2015, and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the other four conditions recommended by the Planning staff.

President Haynes opened and closed the public hearing. Councilors Luebke and Sloniker made a motion to adopt the resolution. Motion carried on a roll call vote of 7-0. File 8694

- c. Community Development Director, Julie Christensen, presented a resolution authorizing a **Conditional Use Permit** to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue (DBA Zen Sushi & Grill). The key issues are:
- Zen Sushi & Grill will be opening soon on the ground floor of the Phoenix building. The applicant has proposed the use of the raised concrete patio area on the west side of the Phoenix building, adjacent to the ramp leading from E. Grand Avenue to the rear of the building. The patio is partially covered by an existing pergola. According to the applicant, the furniture in the outdoor seating area will include tables & chairs as well as lounge-style seating (e.g. outdoor couches), with seating for 24 customers.
 - The existing patio area was approved by Planning staff along with the building in 2013 with the expectation that Hendricks Commercial Properties would eventually lease the westernmost storefront to a restaurant tenant.
 - The applicant has also applied for a Sidewalk Café License to place tables & chairs on the sidewalk in front of the building. Sidewalk Café Licenses are approved by Planning staff, following consultation with the Downtown Beloit Association Board of Directors, and are issued by the City Clerk's Office.
 - Section 125.68(3) of the Wisconsin Statutes regulates liquor sales within 300 feet of the main entrance of any school, hospital, or church. This statute does not apply to restaurants, and therefore does not apply to this request.
 - The Plan Commission reviewed this item on July 22, 2015, and removed a condition requested by the Fire Department which would have prohibited tables with an open flame. Following removal of the fire table prohibition, the Plan Commission voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the other four conditions recommended by Planning staff. The Fire Department's requested condition, which was part of the staff recommendation but subsequently removed by the Plan Commission, stated that "the applicant may not use tables or other furnishings that create an open flame, regardless of fuel type or source."

President Haynes opened and closed the public hearing. Councilors Kincaid and Sloniker made a motion to adopt the resolution. Motion carried on a roll call vote of 7-0. File 8540.

5. CITIZEN PARTICIPATION

- Craig Zastrow, 1631 E. Ridge Road, representative of Central Christian Church, spoke in favor of agenda item 7.a. Electronic Sign Ordinance. He presented the Council a sample specification of the sign they are prepared to install, as well as photographs of the property showing the proposed location of the sign.
- Janelle Marotz, 2450 Cranston Road, representative of the Beloit School District spoke in favor of agenda item 7.a. Electronic Sign Ordinance. She said the school district would like to install a sign at Aldrich Middle School
- David Clark, 2735 Riverside Drive, representative of Central Christian Church spoke in favor of item 7.a. Electronic Sign Ordinance. He stated that they are a contemporary church offering many community services and events and their existing sign is already 25 years old.

He said that they would like an electric sign that could accommodate the languages services, and events they currently make available.

- Jim Van De Bogart, 2091 Collingswood Drive, spoke in opposition of item 7.a. Electronic Sign Ordinance. He stated the potential for increased accident rates, as well as increased financial enforcement. He also shared concerns of setting off an ad war among the various signs.
- Mark Smullen, Principal at Aldrich Intermediate School, spoke in favor of item 7.a. Electronic Sign Ordinance. He said he hopes the Council will consider allowing the school to update their sign, he said that the sign is very tall requiring a 14 foot ladder, which proves unsafe in the winter months. He said they are seeking a one color, one message sign and compared their request to the digital displays used at CVS Pharmacy and noted that he hasn't noticed an increased in accidents due to its placement.

6. CONSENT AGENDA

Councilors Sloniker and Hendrix made a motion to adopt the Consent Agenda, which consist of items 6.a through 6.c. Motion carried unanimously on a roll call vote 7-0.

- a. The Minutes of the regular meeting of July 20, 2015 were approved.
- b. The application for a **Conditional Use Permit** to allow outdoor seating area and outdoor sales, possession, & consumption of alcohol in a PUD, Planned Unit Development District for property located at 2900 Milwaukee Road (DBA Noodles and Company) was referred to Plan Commission. File 8616
- c. The application for a Zoning Map Amendment to change the zoning district classification of the property located at 2460 Milwaukee Road from C-1, Office District and M-2, General Manufacturing District to PLI, Public Lands and Institutions District was referred to Plan Commission. File 8107

7. ORDINANCES

- a. Community Development Director, Julie Christensen, presented a proposed Ordinance to amend Sections 30.17(1)(b)2, (b)3, (b)6 and (b)7a of the Code of General Ordinances of the City of Beloit pertaining to **Electronically Variable-Message Signs**. The key issues are:
 - Section 1 of the proposed Ordinance adds the PLI zoning district to the list of zoning districts permitted to have EVM signs as secondary, on-premise signs.
 - Section 2 establishes maximum sign areas for EVM signs in the PLI zoning districts.
 - Section 3 changes where EVM signs are allowed to be located with regards to the vision triangle.
 - The Plan Commission reviewed this item on July 8, 2015, and voted unanimously (6-0) to recommend approval of the Sign Ordinance with two modifications.
 - Location: The original version of the Sign Ordinance proposed permitting EVM signs in PLI and C-1 zoning districts. The Plan Commission recommended only allowing EVM signs in the PLI zoning district.
 - Operating Time: The original version of the Sign Ordinance proposed establishments with EVM signs only have time restrictions if they abut a residential district. The Plan Commission recommended adding time restrictions on EVM signs for establishments that either abut a residential district OR are located directly across from a residential district.
 - There are 155 parcels zoned PLI in the City of Beloit. Of these 155 parcels, 70 are owned by the City of Beloit, 28 are owned by Beloit College, and 21 are owned by the School District of Beloit. Churches and private cemeteries are located on 12 parcels zoned PLI. The remaining parcels are owned by a variety of owners, including Alliant Energy, Beloit Health System, Historical Society, YMCA, US Army, Family Services, and the Boys and Girls Club.

Councilors Luebke and Sloniker made a motion to enact as presented. Councilor Kincaid said he does not believe this ordinance has the City headed in the right direction. Councilor Kelly has multiple concerns about the sign ordinance in general and believes the entire ordinance is due for review. Motion carried on a roll call vote of 5-2, with Councilors Kelly and Kincaid voting against. The full text of the Ordinance may be obtained from the City Clerk's Office, 100 State Street, Beloit, WI for a charge of 25 cents/page. The Clerk's phone number is 608-364-6680. Said Ordinance may also be accessed by clicking "City Ordinances" at the City's Website, which is www.beloitwi.gov. File 6068. Ordinance 3555

- b. Fire Chief, Bradley Liggett presented a proposed ordinance to Repeal and Recreate Section 1.10 of the Code of General Ordinances for the City of Beloit pertaining to **Emergency Management**. Chief Liggett explained that the key areas are: Summary of the subject matter and main points of the Ordinance are as follows:

- Reorganizes the Emergency Management function and reassigns these duties to operate under the auspices of the Fire Department.
- Reflects changes in the continuity of government line of succession for the City Manager.
- Expands involvement of all the city management team in emergency management
- Adopts minimum training standards for all employees in compliance with the National Incident Management System.
- Adopts the National Incident Management System as our common operating platform for incident management

Councilors Kincaid and Sloniker made a motion to enact as presented. Motion carried unanimously by voice vote 7-0. The full text of the Ordinance may be obtained from the City Clerk's Office, 100 State Street, Beloit, WI for a charge of 25 cents/page. The Clerk's phone number is 608-364-6680. Said Ordinance may also be accessed by clicking "City Ordinances" at the City's Website, which is www.beloitwi.gov. File 6543. Ordinance 3556.

8. APPOINTMENTS - None

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest thanked Firefighters and EMS for their responding to multiple fires this past week. She said she attended the Stop the Violence event and the Porter Avenue walking group and noted the sense of organization and community in both. She attended the US State Departments Women in Leadership event and said she is looking forward to the street dance this Friday, where she'll be volunteering.
- Councilor Sloniker attended the Police and Fire Commission meeting and was pleased to see Officers being recognized for their work and dedication. She also attended the Stop the Violence event, toured the Police Department and attended the Women in Leadership event.
- Councilor Hendrix expressed her gratitude to the Beloit Police Department who took the time for thirty of her students to tour the department and participate in a Q&A. She encouraged everyone to participate in National Night Out.
- Councilor Kincaid said he was on vacation and is trying to catch up.
- Councilor Kelly said that she is looking forward to hosting a neighborhood party for tomorrow's National Night Out.
- Councilor Haynes encouraged everyone to participate in National Night Out.

10. CITY MANAGER'S PRESENTATIONS - none

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Director of Water Resources presented a resolution approving the **2014 Wastewater Utility Wisconsin DNR Compliance Maintenance Annual Report**. Councilors Kelly and Sloniker made a motion to approve. Motion carried unanimously by voice vote 7-0. File 5303
- b. Community Development Director, Julie Christensen, presented a resolution approving and authorizing the City Manager to enter into a **Development Agreement** with Chambers IV, LLC regarding relocation of public utilities on the property located at 2250 W. Hart. Councilors Kincaid and Sloniker made a motion to approve. Motion carried unanimously by voice vote 7-0. File 8665

12. Councilor's Sloniker and Hendrix made a motion to adjourn the meeting at 8:12 pm. Motion carried

Lorena Rae Stottler, City Clerk