

ROCKFORD TRAFFIC COMMISSION
MINUTES OF THE MEETING HELD

Wednesday, May 11, 2011, 6:00 PM

The meeting was called to order by Chairman Mr. Fred Lierman at 6:07 PM.

Members Present

Mr. Fred Lierman, Chairman
Mr. George Zawislak, Vice Chairman
Mr. Dock Ward
Mr. Leland Carlson
Mr. Thomas Okite
Mr. Gregg Wilson, Transportation, School District 205
Mr. Ron Muzzarelli, Rockford Mass Transit District
Alderman Linda McNeely, 13th Ward
Lieutenant Christine Bishop, Rockford Police Department
Division Chief Matt Knott, Rockford Fire Department
Mr. Gary McIntyre, Rockford Metropolitan Agency for Planning
Mr. Jonah Katz, Planning Division, Community Development Department
Mr. Jeremy Carter, Public Works Department

Members Absent

Mr. Ron Muzzarelli, Rockford Mass Transit District

Also Present

Alderman Karen Elyea, 11th Ward
Alderman Venita Hervey, 5th Ward
Mr. Kerry Partridge, Legal Department
Mr. Michael Hren, RMAP
Mr. Nick Zimmerman, 321 West State Street, #700, 61101
Mr. Steven Garbe, 1404 Red Oak Lane, 61107
Mrs. Bonita J. Stahl, 6836 Stone Cottage Road, 61114
Mr. Larry Jacobs, 2024 Harvard Avenue, 61107
Mr. Dan McCarty, 8170 Rock City Rd., Rock City, IL 61070

The minutes of the last regular meeting held on April 13, 2011, were approved as submitted.

The Traffic Commission recommended taking “No Action” on the following items:

1. Request from City Staff for ordinance modifications to Chapter 16 of City of Rockford Code of Ordinances pertaining to Not for Profit Permit Parking. (J. Carter explained to the audience that the Traffic Commission was a recommending body to the City Council and that the audience was expected to behave as such and that all comments should be addressed to the Commission and not at other audience members. J. Carter explained why Traffic Commission was reviewing this ordinance change. Per Section 16-40 of Rockford Code of Ordinances, the Traffic Commission reviews “proposed changes in traffic regulations and traffic ordinances”. G. Wilson questioned how “excess distraction to motorists” would be judged and why the minimum fine would be \$500. Attorney Partridge stated that the fine was punitive in nature to discourage people from parking in a spot reserved for not-for-profit (NFP) business. Motion was moved and seconded for approval of the ordinance. Ald. Hervey discussed that this ordinance was a policy and the City Council makes policy. Ald. Hervey discussed that the policy should start at City Council so that City Council can look at all issues including security, protection of free speech, and public safety, not just the limited view of traffic which is within the purview of the Traffic Commission. Ald. Hervey asked that Traffic Commission take no action and refer item back to City Council. Commission discussed that per proposed ordinance if NFP business wanted to use the ROW the traffic engineer would issue permit and if NFP business wanted an assigned parking space the request would go through traffic commission and ultimately the City Council. Commission discussed that the permit would not be granted in a no parking area but could be granted to extend time at a limited time parking area like 1 hour parking. Ald. Hervey discussed her concerns with the fine structure and that it was steeper than for more serious offenses. Commission discussed whether the ordinance could be changed once at Council. Mr. Zimmerman stated he was the lawyer for Wayne Webster, owner of the building at 1400 Broadway. Mr. Zimmerman discussed the ordinance seems to be crafted for one reason, he also discussed that the mobile ultrasound is trying to provide some of the same services provided in the Northern Illinois Woman’s Clinic (NIWC). He also stated that the believed the ordinance is not constitutional. Commission discussed when a super majority is needed by City Council to overrule a Traffic Commission recommendation. Mr. Garbe, spoke on behalf of Rockford Pro-Life Initiative. Mr. Garbe discussed that it is a free market economy; this should not be an issue if mobile ultrasound charges less than the NIWC. Mr. Garbe discusses the competitive nature of the parking around the NIWC and that mobile ultrasound is longer than one parking space and that he believes the owner of the NIWC parks cars around the area to prevent the mobile ultrasound from parking. He then discussed that mobile ultrasound constitutes a reproductive health services facility and is staffed by licensed professional medical personnel. Mr. Garbe stated that he believed the mobile ultrasound gives women a choice and is constitutional. He then stated any ban on the mobile ultrasound could cause litigation. Ald. Hervey then stated that this ordinance includes broad issues and many legal pitfalls and because of the possible litigation around the mobile ultrasound issue the ordinance should be voted down so City Council can craft an ordinance that will protect the city from litigation. Larry Jacobs discussed that the parking issue should be dealt with at the Traffic Commission and the City Council can change the political issues. Bonita Stahl discussed abortion statistics and that this was not a parking issue. Commission discussed whether no action vote would advance item to City Council. Commission discussed

how approval or no action would apply to City Council making changes to the ordinance. Commission discussed that no action would require a super majority to approve current version or modified version. F. Lierman discussed that this issue requires Council consideration and be vetted by Council. Commission discussed that Traffic Commission does not set policy and they would like Council to revise and ask Traffic Commission's opinion. Ald. McNeely discussed that both sides should be included in the Council's discussion of the revised ordinance. Approval motion and second was withdrawn. Discussion of whether Traffic Commission can choose to not address. Motion was moved and seconded to layover for four months. Ald. McNeely stated she wanted to see action that would get the item to Council and not layover. Ald. Hervey discussed that under current administrative policy that in the absence of action staff would continue status quo. Ald. Hervey pledged that Council would work with Traffic Commission and staff to craft an ordinance. Ald. Hervey also stated she would like to see some action. Ald. Elyea discussed that Council should determine the basis on which the permit is granted. Mr. Garbe discussed that he believes that proposed section 16-192.2 does give basis for granting the permit. Motion to layover was defeated by vote of 8-3. Mr. McCarty addressed Ald. Elyea and was asked to direct all comments to the Commission and keep his discussion about traffic. Mr. McCarty continued to discuss Ald. Elyea and was asked to no longer speak. Commission discussed that if they take no action, the item may not be able to come back before them for 6 months. Commission recommended taking no action on the request Motion by L. McNeely, 2nd D. Ward Voted 6-5)

2. Request in the 11th Ward from Steven Garbe, 1404 Red Oak Lane, 61107 and TLC Pregnancy Services to repeal the existing "No Parking Any Time" on the east side of 10th Street from 240' north of Broadway to 340' north of Broadway. (Discussion that due to this being related to the outcome of Item 1 on the agenda, the Commission was unable to take any action on this item. Motion by G. Zawislak, 2nd by C. Bishop Voted 11-0)
3. Request in the 11th Ward from Steven Garbe, 1404 Red Oak Lane, 61107 and TLC Pregnancy Services, a not for profit organization, for a reserved parking space within City of Rockford right-of-way for purpose of soliciting business. (Discussion that due to this being related to the outcome of Item 1 on the agenda, the Commission was unable to take any action on this item. Motion by G. Zawislak, 2nd G. McIntyre Voted 11-0)

The Traffic Commission recommended laying over the following items:

4. Election of officers for 2010-2011 Rockford Traffic Commission. (Discussion that due to the possible lengthy discussion on the other items on the agenda that it may be best to lay over the election until the June meeting. Motion by J. Carter, 2nd by D. Ward. Voted 11-0)

The meeting adjourned at 7:20 PM. Motion by L. McNeely, seconded by G. Zawislak.

The next regularly scheduled meeting will be held:

Wednesday, June 8, 2011, 6:00 PM.

Rockford City Hall
425 East State Street
2nd floor, Conference Room A

Respectfully submitted,

Jeremy Carter
Recording Secretary