

**SYCAMORE CITY COUNCIL**

**AGENDA**

**May 20, 2002**

**City Council Committee Meetings  
No Meetings Are Scheduled**

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**Regular City Council Meeting  
7:30 P.M.**

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF AGENDA**
- 5. AUDIENCE TO VISITORS**
- 6. CONSENT AGENDA**
  - A. Approval of the Minutes of the Regular City Council Meeting of May 6, 2002;
  - B. Payment of the Bills for May 20, 2002;
  - C. Plan Commission Minutes for the Meeting of April 8, 2002.
  - D. Annual Report of the Sycamore Fire and Police Commission.
- 7. PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
  - A. Proclamation Declaring the Week of May 19 to May 25, 2002 as Emergency Medical Services Week in the City of Sycamore, Illinois.
  - B. Proclamation Congratulating the Sycamore High School Sport Teams for an Outstanding Year in Interscholastic Competition.
- 8. REPORTS OF OFFICERS**
- 9. REPORTS OF STANDING COMMITTEES**
- 10. PUBLIC HEARINGS--None**
- 11. ORDINANCES**
  - A. **Ordinance No. 2002.04—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to the Petition of John Castle Builders,**

**LLC for a Special Use Permit and Subdivision Plats for the Properties Known as 1173, 1175, 1189, and 1191 Penny Lane in the Townsend Woods Planned Unit Development in the City of Sycamore, Illinois. First and Second Reading.**

Mr. Castle has petitioned for a special use permit to subdivide two parcels in Phase One, Unit Two of the Townsend Woods subdivision into duplex lots. Lot 41 would be subdivided to create “Castle of Sycamore, Unit One,” Lots 1 and 2. Lot 41 would be subdivided to create “Castle of Sycamore, Unit Two,” Lots 1 and 2. In the case of duplexes and attached townhouses, the Sycamore Zoning Code allows for the transfer of each unit in fee simple under the following conditions:

- a) the property must be zoned “R-2” Two Family Residence District or “R-3” Multiple Family Residence District;
- b) The overall structure must be legally subdivided into saleable parcels, as depicted on a plat of subdivision;
- c) a special use permit must be granted according to the provisions of Section 8.02.10 of the Zoning Code. Such provisions require findings of fact, a common wall agreement, and a declaration of cross easements for necessary maintenance and access.

The submittal in all respects complies with the City codes and ordinances, including common wall agreements, declarations of cross easement, and findings of fact. At the regular Plan Commission meeting of May 13, the Commission voted to recommend the petition by a vote of 10-0. City Council approval of the Plan Commission recommendation is requested.

**B. Ordinance No. 2002.05—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to the Petition of Brian Grainger Construction for a Special Use Permit and Subdivision Plat for the Properties Known as 1149 and 1151 Penny Lane in the Townsend Woods Planned Unit Development in the City of Sycamore, Illinois. First and Second Reading.**

Mr. Grainger appeared before the Council in February for a similar resubdivision of two parcels in the Townsend Woods development. In this instance, Mr. Grainger wishes to subdivide Lot 44 of Phase One, Unit Two to enable the sale of both sides of a duplex dwelling in fee simple. The new subdivision would be platted as “Grainger of Sycamore, Unit Four,” Lots 1 & 2.

The attachments include the plat of subdivision, a common wall agreement and cross easements, and findings of fact. At the regular Plan Commission meeting of May 13, the Commission voted to recommend the petition by a vote of 11-0. City Council approval of the Plan Commission recommendation is requested.

**C. Ordinance No. 2002.06—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to the Petition of Milan Krpan for the Re-Subdivision of Lot 9 in Unit Two of the Grand View Townhouse Planned**

### **Unit Development in the City of Sycamore, Illinois. First and Second Reading.**

The Grand View Townhouse development, Phase II, consists of about 16 acres and lies south of Yorkshire Drive South and Devonshire Drive. When the development is completed, it will contain 52 townhouse units. Phase III, comprising about 18 acres, was approved in February of 2001 and will ultimately contain 74 townhomes.

When the Grandview Unit Two project was approved in October 1998, a special use permit was also approved for townhouse development. Accordingly, only a subdivision plat is needed to legally define the saleable parcels. The subdivision plat depicts the creation of Lots 111, 112, 113, 114, 115, 116, 117, 118, 119, and Lot 10 out of the former Lot 9. Lot 10 is a common area. Lots 111 through 119 are single-family townhouses. The common wall agreements, declarations of cross easements, and related schedules of real estate for the Grandview development extend to about 50 pages in length, so they are not reproduced herein but are available through the City Clerk. The staff has reviewed these documents and find them consistent with the City's standards.

At the regular Plan Commission meeting of May 13 the Commission voted 11-0 to recommend the approval of the petition with the following conditions:

- a) the thirty-foot building setback line along the Peace Road right-of-way will be maintained; and
- b) no private easements will be allowed on that portion of the plat overlapping the Peace Road right-of-way per the County Engineer's recommendation.

City Council approval of the Plan Commission's recommendation with conditions is requested.

## **12. RESOLUTIONS--None**

## **13. CONSIDERATIONS**

### **A. Consideration of a Tree Trimming Agreement with Com Ed.**

The attached "Vegetation Management Agreement" was discussed at the regular Council meeting of May 6. It has been circulated to 403 Illinois communities served by Com Ed. The corporation's intent is to standardize the schedules and procedures for trimming trees near overhead power lines. From the company's standpoint, such standardization will allow it to avoid the patchwork of ordinances presently in effect and allow it to proceed more efficiently to reduce interruptions in service in its service region due to limbs touching or falling on wires.

The model agreement generally complies with the August 2001 state act (Public Act 92-0214) that adopts a federal standard (the ANSI Code, #A300) for distances from wires. It also requires the following notice, except during emergencies:

- ◆ Notice to the municipality of at least 21 days and no more than 90 days before the cycle of trimming begins;

- ◆ Direct notification to the affected customers by mail or hanging a card on the customer's door;
- ◆ Public notice in a newspaper with general circulation of the cycle of trimming and a map depicting the area.

Additionally, the model agreement complies with the recent state law with respect to private tree removal. Owners of trees of 4 or more inches in diameter that need to be removed because of their type or proximity to overhead lines will be given vouchers for replacement trees from participating vendors by the company. Com Ed would cut down the tree and remove associated brush at no cost to the owner and leave the logs stacked on site. It would not remove the stump or the logs.

Finally, the model agreement proposes a tree trimming cycle of four years, and the term of the agreement would be five years.

As provided by state law, participating communities could explore a revised agreement with Com Ed that, for instance, imposes a less aggressive cycle of trimming. As a recent Crain's article reported, some communities in the western suburbs would prefer a two-year cycle so the trimming is less noticeable. However, under the state law and the model agreement, a departure from the ANSI standard for trimming would involve more cost that would be borne by the municipality. Schaumburg—a village of 75,000—estimates that its less aggressive standard costs the city about \$90,000 a year. West Dundee estimates its cost would be at least \$50,000. Assuming a proportionate cost for our smaller community, our expense might be \$15,000 to \$20,000 per year.

The City has no arborist and a limited forestry budget that is currently devoted to paying a private contractor to remove diseased or damaged trees *and stumps* from the parkways each year. Public Works Superintendent Fred Busse believes the proposed agreement would be an advance over our current practice. At the meeting of May 6, the Council was inclined to support the general parameters of the model agreement but shared the staff concerns about the following issues:

- ◆ How much notice do customers receive before tree trimming? The agreement is silent on this.
- ◆ Will the City be properly held harmless for any trimming Com Ed does on public property?
- ◆ What are the certifications or qualifications of the crews of the subcontractor (Asplundh Tree Expert Co.)?

Paul Callighan, External Affairs Director for Com Ed, met with the City Administrator on May 13 and responded to the Council's concerns as follows:

- ✓ Customers are to receive the same notice afforded to municipalities: at least 21 days and no more than 90 days before the trimming cycle starts;
- ✓ The coordinating Com Ed supervisors and Asplundh supervisors will be certified arborists, although these supervisors will not be on site for every trimming job. The actual tree trimmers will have certificates from training sessions regarding proper trimming methods and field training with all of the equipment used. The

attached memorandum from Mr. Callighan states that the training program for tree trimmers is recognized by the International Society of Arboriculture and other national associations.

- ✓ Com Ed takes responsibility for its crews and subcontractors within the public way according to the terms of its franchise agreement with the City. A copy of the relevant franchise provisions is attached.

City Council approval is recommended.

**B. Consideration of an Administration Recommendation To Award a Contract for a Phase II Environmental Site Assessment of the Former DiNicola Property.**

The City Administrator has requested proposals from local environmental consulting firms to perform a Phase II environmental site assessment on the property that the City recently acquired through foreclosure from James DiNicola. Such an assessment would identify any environmental concerns on the site through a variety of means, including shallow soil borings and analytical testing of samples, then assist the City in entering this “brownfield site” into the IEPA’s voluntary site remediation program. The ultimate goal is to reach closure on any regulatory requirements for cleanup, so the property can be marketed to a private purchaser for redevelopment.

Proposals were received from Indevcon of DeKalb, Superior Environmental Group of Michigan (which maintains a Sycamore office), and Marlin Environmental, Inc. of Batavia, which recently opened a Sycamore branch. All of the firms have had experience with the site dating back to the early 1990s and each of the proposals met the assessment needs. The pricing was as follows:

Indevcon:	\$13,020
Superior:	\$ 9,675
Marlin Environmental:	\$ 9,575

The City Administrator recommends the award of the contract for the Phase II work to Marlin Environmental. The cost of the work will be financed by the TIF Fund (21-8331; 21-8639).

**C. Consideration of a Recommendation from the Sycamore Fire and Police Commission to Rescind Ordinance No. 98.01.**

The Sycamore Fire and Police Commission has requested the Council’s consideration of the repeal of Ordinance No. 98.01. In May 1998, at the request of former Police Chief Garcia, the Council approved an ordinance (see attached copy) that transferred certain of the Fire and Police Commission’s responsibilities for hiring to the Police Chief. Specifically, Ordinance 98.01 states that persons from another law enforcement agency could be chosen for an entry-level position with the Sycamore Police department without appointment by the Fire and Police Commission if

- a) they were certified Illinois law enforcement officers (meaning they had successfully completed the course of instruction in an Illinois-certified academy); and

b) they had two years of service with a law enforcement agency. Though this change accelerated the process of selection, it set up a parallel hiring process that was not “independent” of the administrators and elected officials then in office. This approach, though legal under state law, does conflict with the independent process of review and decision-making intended by the state legislature when civil service bodies such as the Fire and Police Commission were created. In theory at least, the creation of hiring lists from pre-qualified applicants by a Fire and Police Commission prevents cronyism and inside tracks allowed by purely administrative appointments.

In practical terms, the need for a parallel system is typically debated when or if an independent Commission does not discharge its hiring responsibilities in a timely manner. However, no facet of the Commission’s hiring procedures inevitably leads to such delay. Further, the Commission has the latitude to hire certified officers with experience ahead of other persons on the hiring list, provided persons higher on the list do not match their combined certification or experience.

Police Chief Don Thomas and the Administrator have discussed this matter with the Commission and have no objection to the repeal of Ordinance No. 98.01. If the Council concurs, the appropriate ordinance will be brought before the Council on June 3.

**D. Consideration of an Administration Recommendation for a Closed Session to Discuss Collective Bargaining.**

**14. APPOINTMENTS**

**15. ADJOURNMENT**