

SYCAMORE CITY COUNCIL

AGENDA

March 3, 2003

City Council Committee Meetings

6:30 P.M. Joint Meeting of the City Council's Ordinance Committee and Ad Hoc Committee to Revise the Liquor Code.

On March 3, the Ordinance Committee and an ad hoc committee representing local liquor license holders consisting of Tom Carls, Louis Schoenburg, and Dick Petruchius will begin a free-wheeling discussion about the present liquor code, and changes that might be made to such regulations. To provide a focus to the expanded Committee's discussion, the City Administrator has isolated two key sections of the code that have attracted recent attention. Depending on the Committee's ultimate recommendations, further revisions in other sections of the code (e.g. "Definitions") may be necessary.

In the narrative that follows, the Committee will note some dramatic departures from the present code. This provocative approach is intended to address real issues but also to invite some lively debate. The content is not intended to be representative of the views of the Liquor Commissioner, any Council member(s), or any licensee. However, each idea presented here has been suggested by one or more aldermen in recent days.

3-2-6: CLASSIFICATION OF LICENSES; FEES; HOURS AND DAYS

A. Classifications and Fees

1. Class A: Restaurants. Class A licenses shall apply to establishments where the sale of alcoholic beverages on premises constitutes less than thirty percent (30%) of the gross annual receipts. This license authorizes the sale of alcoholic liquors for consumption on the premises, and the sale of alcoholic liquors for consumption off the premises either in terms of package goods or within the context of a catered event permitted by the local liquor control commissioner and this code. The annual fee for such licenses shall be \$2,000.00. Restaurants that sell package liquors shall pay an additional annual fee of \$300.00 per year.

(n.b.: The beer and wine licenses were removed for the purpose of discussion because—aside from the existing food/fuel license--the reason for the distinction between "beer and wine" and full licenses is unclear. Do we have any evidence that patrons drink whiskey to excess more often than they drink beer to excess? With a full license, a restaurant can still choose to serve only beer and wine, but could also serve cordials after dinner if desired by their patrons).

2. Class B: Bar. Class B licenses shall apply to establishments where the sale of alcoholic beverages on premises constitutes more than thirty percent (30%) of the gross annual receipts. Bars may also sell packaged liquors if the receipts from package sales do not exceed twenty-five percent (25%) of annual gross sales. The annual fee for Class B licenses

shall be \$1,850.00. Bars that sell package goods shall pay an additional annual fee of \$300.00.

3. Class C: Club. The annual fee for such licenses shall be \$1,500.00. Clubs may sell package goods if the receipts from such sales do not exceed ten percent (10%) of annual gross sales. Clubs that sell package goods shall pay an additional annual fee of \$300.00.
4. Class D: Package Goods Store. Class D licenses authorize the sale of alcoholic liquor for consumption off the premises. The annual fee for such licenses shall be \$1,850.00.
5. Class E: Recreation.
 - a) Bowling Alley. A Class E license may authorize the sale of alcoholic liquors for consumption on or off the premises of a bowling alley, provided that establishment shall contain no less than twenty-four (24) lanes for bowling. The annual license fee for such licenses shall be \$1,500.00.
 - b) Golf Course. A Class E license may authorize the sale of alcoholic liquors for consumption in the clubhouse lounge of an eighteen-hole golf course, provided only those persons who have attained the age of twenty-one (21) years may pour or serve liquor in such facilities. The annual license fee for such licenses shall be \$1,500.00.
6. Class F: Beer and Wine Licenses for Consumption Off the Premises. Convenience and food/fuel establishments holding beer and wine licenses on the effective date of this ordinance shall be issued a Class F license. The annual license fee for Class F licenses shall be \$1,500.00.

(n.b.: Restaurants holding beer and wine licenses on the effective date of this ordinance would be issued restaurant or Class A licenses.)

7. Class G: Special Events. (Same as existing code)

C. Sunday Operations. Any Class A, B, C, D, or E licensee under this chapter may be open on Sundays from eleven o'clock (11:00) A.M. until twelve o'clock (12:00) midnight on Monday.

(n.b: Moving the opening time up one hour accommodates brunches.)

3-2-7: NUMBER OF LICENSES

A. Maximum Number of Licenses

1. Class A: Restaurants. No limitation.
2. Class B: Bars. A maximum of ____ for the first 12,100 in population. Thereafter, one class B license shall be authorized for each three thousand (3,000) in population.
3. Class C: Clubs. No limitation.

4. Class D: Package Goods. There shall be one Class D license for each five thousand (5,000) population, as computed by the latest regular federal census or any special census taken.
5. Class E: Recreation.
 - a) Bowling Alley. There shall be one class E license for each fifteen thousand (15,000) population which shall authorize the sale of alcoholic liquors for consumption on or off the premises of an operating bowling alley; provided, that said bowling alley shall contain not less than twenty-four (24) lanes for bowling. Said bowling alley shall derive not less than ten percent (10%) of its gross revenues from bowling or goods and services other than alcoholic liquor. An area shall be designated within said bowling alley for said service of alcoholic liquor and separated from the rest of the bowling alley, and shall be constructed in accordance with locally-adopted building codes. Said area for the service of alcoholic liquor may contain a bar of sufficient size to accommodate no more bar stools than there are lanes in the bowling alley, it being the intention of the corporate authorities to authorize the service of alcoholic liquor only as an adjunct to bowling activities. Additional seats may be installed in a dining area. The local liquor control commissioner, or his designated agent, shall be allowed to examine any records of receipts of the licensee at any time.
 - b) Eighteen-Hole Golf Course. No limitation, provided the consumption of alcohol is prohibited outside the clubhouse area.
6. Class F: The number of Class F licenses is limited to those in effect on the effective date of this ordinance.
7. Class G: The number of Class G licenses in any given year shall be governed by the provisions of Sections 3-2-6 of this code.

B. Exception for Existing Licenses: The limitation on the number of licenses herein provided shall not affect licenses in existence at the effective date hereof. However, all existing licenses shall be re-titled as per the provisions of Section 3-2-6 and the number of existing licenses shall be counted in determining the issuance of future licenses.

In summary, here are the main points covered in the suggestions above:

- ◆ The number of license classifications is reduced.
- ◆ There are no limitations on restaurant licenses.
- ◆ The number of bar licenses (Class B) is limited by population.
- ◆ No new beer and wine licenses will be available. This means that there are no new licenses for convenience stores or food/fuel outlets. The existing number of licenses would be protected under the “Exception for Existing Licenses” (subsection “B,” above).
- ◆ Bars and restaurants that sell package goods do not get a second license, but do pay more for their annual renewal. It is assumed that issuing such establishments a second license would possibly confuse the issue about how many package licenses are available.

- ◆ A new class of “recreational” license is established for eighteen-hole golf courses, under the limitation that alcohol would not be allowed on the course or sold or served by anyone under 21 years of age.
- ◆ There is no change in the Class G license provisions.

There remains another area of confusion, namely, whether a license holder can “sell” a license. The answer is that no licenses are transferable by the present owner; only the liquor commissioner can grant licenses, according to the criteria established by the Council in the liquor code. The present code addresses this matter under Sections 3-2-4, 3-2-5, and 3-2-10. Nevertheless, the question is sometimes asked by current licenseholders: “does this mean I cannot plan on retiring someday and reaping some benefit from the business I have built?” Not at all. It means that a business, with a current license, will have a value in the minds of a buyer and seller, but the license is not the property of the owner to convey. It is the “property” of the City, and its use is a privilege that must be renewed each year. Hence, it is good business to involve the liquor control commissioner in the earliest stages of any serious discussion about the transfer of property whose owner has been granted a liquor license.

Committee direction is recommended. If a consensus can be reached on this range of issues, an ordinance draft can be prepared for review on first reading on March 17.

7:25 P.M. Meeting of the Streets and Walks Committee. This very brief meeting has been called to approve the minutes of the last meeting of the Streets and Walks Committee on November 4, 2002 that featured a report from Hampton, Lenzini & Renwick regarding the progress of the design of the Bethany Road reconstruction project. The minutes are needed as an addendum to a report that City Engineer John Brady is preparing.

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 City Council Workshop Meeting of February 17, 2003;

- B. Approval of the Minutes of the Regular City Council Meeting of February 17, 2003;
- C. Plan Commission Minutes for the Meeting of February 10, 2003;
- D. Payment of the Bills for March 3, 2003.

7. PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

8. REPORTS OF OFFICERS

9. REPORTS OF STANDING COMMITTEES

10. PUBLIC HEARINGS--None

11. ORDINANCES

A. Ordinance No. 2002.73—An Ordinance Amending Title 8, “Water and Sewer,” Chapter 4, “Sewer Use and Service,” Section 8-4-2, “Additional City Fees,” Paragraphs F(2) and F(3) of the City Code of the City of Sycamore, Illinois. Second Reading.

On February 17 the City Council reviewed an ordinance draft that would increase the land annexation fee from \$1,000 to \$3,000 per acre (excluding retention and parks). The ordinance further stated that for each annexed acre, \$2,000 would be deposited in the General Fund; \$500 would be deposited in the Capital Fund (Fund 6) for street improvements; and \$500 would be deposited in the Sewer Fund to offset the cost of improvements to the collection system and treatment plant.

At the February 17 meeting, representatives of the DeKalb County Building and Development Association requested more time before Council action, in order to meet with the City staff and share their concerns in more detail. Such a meeting was held on Friday, February 21, and resulted in a constructive exchange of views. As a result of the meeting, both the staff and the Association representatives agreed to investigate in more detail what other growing communities in northern Illinois were doing to pass along a fair share of the costs associated with annexation. As indicated in the attached letter from the Association (dated February 25) more time is requested. The City Administrator asks the Council to hold over this matter for a second reading at the regular Council meeting of March 17, at which time a final staff recommendation will be offered.

B. Ordinance No. 2002.78—An Ordinance Amending Title 10, “Subdivision Regulations,” Chapter 5, “Subdivision Administration and Enforcement,” Section 10-5-4, “Payment of Fees on Annexation, Planned Unit Development, or Subdivision,” Paragraph B of the City Code of the City of Sycamore, Second Reading.

As with the proposed annexation fee, the Building and Development Association opened discussions with our staff on February 21 about the appropriate charges for the review and inspection of public and private improvements on land under development. If the Council will defer action on this item until March 17, sufficient time will be

allowed for the staff and the DeKalb County Building and Development Association to meet again and compare information on this issue.

The City Administrator recommends holding over this ordinance until March 17.

C. Ordinance No. 2002.81—An Ordinance Prohibiting the Connection of Sanitary or Industrial Waste Sewers to Storm Water Drainage Systems. First and Second Reading.

With an abundance of caution and despite previous Council actions of a similar nature, IDOT requires that whenever the City partners with the state on public works projects involving storm water channels, the Council will pass an ordinance confirming our commitment to prohibiting the discharge of sanitary or industrial waste water into such channels. In this instance, the project is the replacement of the bridge that crosses the east branch of the Kishwaukee River on North Main Street (IL Rt. 23). The engineering and construction costs associated with this project will be wholly funded by the State of Illinois. The City's obligation is to maintain the bridge surface and its appurtenances; IDOT will retain the responsibility for the maintenance of the bridge deck. The contract letting is tentatively scheduled for April 25, 2003.

City Council approval is recommended.

D. Ordinance No. 2002.82—An Ordinance Regulating Encroachment on Illinois Route 23, Section 26BR-1, in the City of Sycamore, DeKalb County, Illinois. First and Second Reading.

This ordinance is also related to the state-sponsored replacement of the highway bridge over IL Rt. 23 at the east branch of the Kishwaukee River. It simply requires that the City will prohibit any encroachments within the project right-of-way. City Council approval is recommended.

12. RESOLUTIONS

A. Resolution No. 431—Approving Plans and Specifications as Proposed by the State of Illinois, Department of Transportation, for the Improvement of Illinois Route 23, State Section 26BR-1, in the City of Sycamore, DeKalb County, Illinois.

This resolution obliges the City to provide written approval of the plans and specifications for the portions of the aforementioned bridge project that will fall to the City to maintain over time.

The City Engineer has reviewed the plans and specifications and recommends the Council's approval. City Council approval of the City Engineer's recommendation is requested.

B. Resolution No. 432—Authorizing the Mayor to Sign an Agreement Between the City of Sycamore and Milan Krpan Granting an Easement for Water and Sewer Lines in the City of Sycamore, Illinois.

This resolution and the following resolution are related to the proposed Well #9. The attached agreement would grant an easement to the City of Sycamore for the purpose of

looping the water main extended from the well through the Park District property to the Parkside Estates water main, and for the purpose of extending a storm sewer collecting discharge from the well site.

City Council approval is recommended.

C. Resolution No. 433— Authorizing the Mayor to Sign an Agreement Between the City of Sycamore and the National Bank & Trust Company of Sycamore’s Trust No. 1210538309, Granting an Easement for a Roadway and Public Utilities in the City of Sycamore, Illinois.

This easement would permit the construction and maintenance of a water main on the east side of Airport Road across from the new well site. City Council approval is recommended.

D. Resolution No. 434—Transferring the Ownership of the City Property Known as 425 West State Street to the Sycamore Park District.

The attached resolution follows the direction of the City Council at the February 17, 2003, setting forth the expectation that

- a) the property presently known as the Community Center will be transferred to the Sycamore Park District upon the satisfactory completion of the conversion described in the contract recently awarded, conditionally, to TASC Contracting.
- b) such transfer will be triggered by two events: (1) the issuance of an occupancy certificate and (2) the approval of a long-term lease between the Park District and the Midwest Museum of Natural History on mutually agreeable terms.

City Council approval is recommended.

13. CONSIDERATIONS

A. Consideration of a Report from the Discover Sycamore Group of the Sycamore Chamber of Commerce Concerning Recent Tourism-Related Activities.

Downtown Coordinator Michelle LaPage and Chamber Executive Director Rose Trembl will be present to summarize the activities of the Discover Group during the fourth quarter of 2002 and to present a program of work for FY04, including a grant request. Chamber officials understand that any Council action regarding a downtown assistance grant would come during the annual budget hearings in late March, in the context of a review of the Hotel/Motel Tax Fund.

The Chamber spent \$49,068 in FY02; \$24,860 in FY01; and \$69,904 in FY00 (including \$20,996 for 32 historic markers). It should be noted that the Chamber reimbursed the Hotel/Motel Tax Fund with \$13,502 in FY00 as a result of a \$8,502 grant from DCCA and a \$5,000 grant from the Sycamore Rotary Club for new entrance signs.

The attached list of goals anticipates a reduced City grant of \$45,000 rather than the \$60,000 authorization of the previous three years. More specifically, the proposal includes:

- ◆ A request for \$15,000 to continue the City's support for the downtown coordinator position;
- ◆ A request for \$26,000 for a variety of printed materials;
- ◆ A request for \$1,500 to prepare new posters for the community kiosk at Somonauk and Elm;
- ◆ A request for \$1,000 to help finance participation in the Illinois Governor's conference; and
- ◆ A contingency account in the amount of \$1,500 to seed new events or activities.

City Council direction is requested.

B. Consideration of a Revised Employment Agreement with Fire Chief William Riddle.

Fire Chief Bill Riddle's three-year contract with the City of Sycamore expires on July 16, 2003. However, because the City Council will soon vote on a salary ordinance that sets management salaries for FY04, the City Administrator and Fire Chief Riddle are agreed that it is an opportune time to re-negotiate the chief's contract with the City. The attached contract conforms in most respects with the current contract in terms of duties and responsibilities, but has the following changes:

- ◆ The term is for five years.
- ◆ The salary for year one is \$75,000; the salary in each succeeding year will conform to the management pay plan approved by the Council.
- ◆ The paid vacation allowance is increased to three weeks from two weeks, and will remain at three weeks through the term of the contract.

The Fire Chief's salary is consistent with the management pay analysis completed last fall. For that analysis, Illinois cities were surveyed to establish "external" comparables. In addition, the compensation for each management position was compared with all other management positions and union classifications.

Bill Riddle has done an exceptional job as fire chief for the City of Sycamore. His willingness to serve an additional five years is a compliment to Sycamore and a benefit to our organization. City Council approval is recommended.

C. Consideration of a Police Department Recommendation to Hire a Replacement Police Officer.

As Police Chief Don Thomas notes in the attached memorandum, the departure of a full-time sworn officer leaves a hole in the shift rotation that needs to be filled. The unique circumstance surrounding Chief Thomas's request to replace officer Richter is the fact that the City is obligated under federal law to keep his position open for five years. Reservists who are called up under a presidential order have the opportunity to be re-hired when their active duty ends for up to five years.

The implication is that the authorization to replace Officer Richter should be seen as an authorization to increase the department's force level from 22 to 23 sworn officers (or from 12 to 13 patrol officers), even though the actual number of officers on shift would probably not change in FY04. One likely scenario is that Mr. Richter returns in the spring of 2004 and requests his job back. The City is obligated to re-hire him, provided there are no reasonable physical or mental constraints on his ability to perform the full range of duties for a patrol officer. If he returned to work, and if the City did not have natural revenue growth to retain the officer hired to replace him, the City would have to be prepared to lay off the replacement unless (a) the department could afford to keep him or her by juggling staff assignments or restricting spending in non-personnel categories, or (b) new and additional revenues could be found. Chief Thomas has addressed this possible scenario in his memorandum and is convinced without reservation that contingency (a) would suffice to retain the new hire.

City Council approval is recommended. If the Council approves this request, the Board of Fire and Police Commissioners will proceed with the process of hiring the next qualified person on the hiring list.

D. Consideration of a Recommendation from the Public Works Superintendent for the Purchase of Two Pickup Trucks.

Public Works Superintendent Fred Busse has solicited bids for two new pickups. One would be used by the Treatment Plant and the other would be used by the Street Division in support of the collection system. The purchases were budgeted in the FY03 Budget under 751-8521 and 752-8521. The total allocation for the pickups and appurtenances (e.g. lift gates, toolboxes, etc.) was \$37,500.

The lowest bid for the trucks (excluding accessories) was submitted by Riding Ford of Taylorville in the amount of \$30,420. This bid reflects the state purchase price. The local preference policy does not apply since no local bidder was within 5% of this low bid (Brad Manning Ford was 5.13% higher).

City Council approval of this Public Works department request is recommended.

14. APPOINTMENTS

15. ADJOURNMENT