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**SYCAMORE CITY COUNCIL – REGULAR MEETING  
MINUTES OF JULY 18, 2005**

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**ROLL CALL**

Mayor Ken Mundy called the meeting to order and Clerk Candy Smith called the roll. Those Alderpersons present were: Grace Adee, Alan Bauer, Barbara Leach, Cheryl Maness, Pete Paulsen and Chuck Stowe. Alderpersons Terry Kessler and Darren Knuth were absent.

Mayor Mundy said, due to the lack of a quorum to hold the Ordinance Committee meeting and the interested parties in the audience, Council will make a provision to discuss the smoking regulation topic as a whole Council at tonight's meeting by amending the agenda.

**INVOCATION**

Pastor Brad Reardon of the Evangelical Free Church gave the invocation.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**Motion**

Alderperson Leach moved to approve the agenda with the addition of discussion of smoking regulation by the committee of the whole as a Consideration to be discussed right after Audience to Visitor and Alderperson Adee seconded the motion.

**Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderpersons voted aye. Motion carried 6 - 0.

**AUDIENCE TO VISITORS**

State Representative Bob Pritchard said he resides in Hinckley and has an office in Sycamore and said he is trying to get around to visit all the municipalities in his district a couple of times each year. He said he wanted to greet the new Council and to give a quick update about what is going on in the State and to get their feedback in order to represent the people. He said they finished on time, but robbed from the Pension Fund and that will unfortunately cost each person in the state \$3,500 in the future. He said, on a positive note, they made some headway in getting consensus and moving the bill this year for relief for malpractice insurance for doctors. He said schools received some additional funding. He said they need to work on property tax reform and made it his pledge that this will be his top priority. Representative Pritchard said they need to work on a friendlier business climate. He said he is hoping to get the governor to release dollars appropriated years ago for Sycamore's Museum and a water management issue.

Alderperson Bauer said the Council would be discussing regulation of smoking and he thought it would be better to have statewide legislation.

Representative Pritchard said there has been discussion at the State level, but they decided to leave that up to local control.

Mayor Mundy thanked Representative Pritchard for his time and efforts.

Tom Carls, owner Stratford Inn, said that passing smoking regulation will create an unfair playing field. He said it will push people out of Sycamore to surrounding area businesses. He said some Sycamore business owners don't have the advantage of the outdoor beer gardens. He asked Council to look at the tax dollars these businesses generate.

Angie Fabris, 320 Somonauk St., said she is a non-smoker, but wants the businesses to have the choice of whether or not they allow smoking.

Peter Barick, 433 W. High St., urged Council to restrict smoking for the health of the patrons, service staff, and children.

Rose Treml, Executive Director of the Sycamore Chamber of Commerce and resident at 1144 Commercial St., said she was here as the voice of the Sycamore business community. She said the Chamber has never in its 90 years taken a stance like this and opposed an issue like this with a resolution.

See Consideration A. for Council discussion.

## **CONSENT AGENDA**

- A. Approval of the Minutes for the Regular City Council Meeting of July 5, 2005.
- B. Payment of the Bills for July 18, 2005 in the amount of \$2,362,942.27.
- C. Plan Commission Minutes for the Regular Meeting of June 13, 2005.

### **Motion**

Aldersperson Bauer moved to approve the Consent Agenda and Aldersperson Maness seconded the motion.

### **Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 6 - 0.

## **PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**

- A. Presentation by the Sycamore Economic Development Commission. Commissioner Bill Nicklas will introduce Judy Schneider of OC Photos, located at 1622 DeKalb Avenue, who will give a brief overview of the firm's services and products.

Manager Nicklas said Judy Schneider was not able to make the meeting and he deferred her presentation to another meeting.

Mayor Mundy said he received a ComEd news release reminding the public about the ways to reduce electrical use during this heat. He said they listed keeping thermostats between 75 and 78 degrees and using electrical appliances before and after the heat of the day and keeping shades and blinds closed. Mayor Mundy added that residents could check on elderly neighbors.

Aldersperson Leach apologized in advance for missing the next two meetings while she spends two weeks in China teaching English to high school students.

Aldersperson Bauer said he has received complaints about newspapers being thrown on driveways. He said it is littering.

Mayor Mundy said in the absence of Treasurer Brian Gregory it might be worthy to note that \$1 million was the purchase of a Certificate of Deposit and another \$1 million was reimbursement of sales.

## **REPORT OF OFFICERS**

Manager – Bill Nicklas said the Architectural Review Committee will be meeting for the second time this budget year to review 4 applications for the Downtown Improvement Grant Program. He also wanted to clarify the premise behind a letter to the editor regarding the sales tax agreements with the City being illegal or ill conceived. He said prior to the agreements none of the sales were sourced in Illinois. He said the City has been able to use those dollars to help pay for cleanup of a Brownfield area on South Avenue and when that is completed the money will be spent for street and sidewalk improvements.

Engineer – John Brady said he is working on the loan application for radium treatment at Wells 6 & 9 and suggested holding the water rate structure as is until that process is completed.

Building & Zoning – Lyle Doty – no report

Fire Chief – Bill Riddle said in the aftermath of the tragedy in London, he wanted to remind Council that in Illinois there is an Illinois Terrorism Task Force which is made up of every emergency agency in the state. He said the fire service is a major player through MABAS. He said statewide homeland security training programs provided 3,400 classes for 54,800 responders totaling 409,500 training hours.

Treasurer – Brian Gregory – no report

Public Works Supt. – Fred Busse – no report

Water Supt. – Ebe Smith said the test results were back for Well #5 and he will have a meeting tomorrow to decide the next course of action. He said it looks like the radium is low in the Well and there is a possibility of filling in the lower part of the Well to avoid radium treatment. He said the floor was poured Friday for Well #9 for the radium room and the pump room floor will be poured tomorrow and the framing will start next week.

Police Chief – Don Thomas said there have been many complaints about cats running free. He encouraged people not to feed stray cats, but to take care of the cats they own.

## **REPORT OF STANDING COMMITTEES**

Finance – no report

Ordinance – Chairperson Barbara Leach said the Ordinance Committee could not meet tonight because of a lack of a quorum, but will meet in September to discuss the smoking regulation issue.

Police & Fire – no report

Sewer & Water –no report

Streets & Walks – no report

## **PUBLIC HEARING**

None

## **ORDINANCES**

**A. Ordinance No. 2005.27—An Ordinance Amending the City Code of the City of Sycamore by Adding a Class H Liquor License to Title 3, “Business and License Regulations,” Chapter 2, “Liquor Control,” Section 3-2-6, “Classification of Licenses; Fees; Hours and Days,” and Section 2-2-7, “Number of Licenses” in the City of Sycamore, Illinois. First and Second Reading.**

### **Motion**

Aldersperson Maness moved to hear Ordinance 2005.27 on first and second reading and Aldersperson Paulsen seconded the motion.

### **Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 6 - 0.

### **Motion**

Aldersperson Stowe moved to approve Ordinance 2005.27 and Aldersperson Paulsen seconded the motion.

### **Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 6 - 0.

## **RESOLUTIONS**

None

## **CONSIDERATIONS**

### **A. Consideration of regulating smoking in restaurants and bars.**

Aldersperson/Ordinance Committee Chairperson Leach thanked those who came for this discussion and apologized that the Committee was not able to meet as scheduled. She said she is a non-smoker and she would love it if Sycamore was non-smoking, but she does not think that is the right thing to do. Ms. Leach said she has done a lot of research and she, as a non-smoker, does not want to regulate smoking. She said her main concern is that business owners would lose their customers to surrounding communities.

Aldersperson Maness said she is also a non-smoker, but is for freedom of choice and would vote against regulating smoking at this time.

Aldersperson Bauer said he is a non-smoker and smoke bothers him, but that does not stop him from going to places where smoking is allowed. He said his issue is not so much about the freedom to go to a restaurant, but more about the employees who may not be able to find work elsewhere. He said he would hope that business owners would be sensitive to their employees. He also said he did not want the Police Department to become the “smoke enforcers.”

Mayor Mundy said he takes no position officially, but he spoke with many people and would like Council to take in a lot of information before legislating this issue. He said they need to be careful before writing legislation the City may or may not have the resources to enforce.

Aldersperson Adee asked if they were talking about banning smoking totally and Mr. Nicklas said this discussion included only restaurants and bars.

Manager Nicklas asked Council to consider that the Police Department would be the responders for this organization and wondered if the smoker and the business would be the offenders. He also questioned what the penalties would be.

Aldersperson Paulsen said he presented the question to his email distribution list and the consistent response was to let business owners make their own decisions.

Mr. Nicklas asked Chairperson Leach where this discussion should go and she said she would be out of the country and not available for a meeting until September.

Mayor Swedberg called a meeting of the Ordinance Committee to hold this discussion in September.

#### **B. Consideration of a Recommendation from the City Engineer Regarding the Bids for the FY06 Street Maintenance Program.**

Engineer Brady said the project is resurfacing Park Avenue from Lynn to Georjean, the southerly 800 feet of Perry Court, Ottawa Street from Main to Somonauk, and the Sycamore Center parking lot. He recommended accepting Curran Construction's low bid of \$211,604.25.

Aldersperson Maness asked the completion date.

Engineer Brady said October 15 and they will have to work around Sycamore Center parking lot because of all the scheduled activities.

#### **Motion**

Aldersperson Paulsen moved to accept Curran Contracting bid of \$211,604.25 and Aldersperson Leach seconded the motion.

Manager Nicklas asked Mr. Brady if Curran would agree to completing the project, except for the parking lot, before school starts.

Mr. Brady said he would find out.

#### **Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 6 - 0.

#### **C. Consideration of a Revised Engineering Department Recommendation Regarding the Scope of the FY06 Sidewalk Improvement Project.**

Manager Nicklas said Engineer Brady has come up with a package of approximately \$230,000 to \$240,000. He said it is a list almost exclusively of sidewalk sections that are missing. He said they regret there is not an equal budget for sidewalk repair. He said he hopes they will follow on with an aggressive repair program based on the Pulte Agreement proceeds estimated at \$144,000.

Mayor Mundy said half of the list is school related, three are pedestrian traffic related, and one is an ADA compliance issue. He said it looks like the areas in the north, south, east and west parts of town are included in the list.

Aldersperson Maness asked what percentage of the “no sidewalk” portion of the master list is left to complete before the repair program is addressed.

Engineer Brady said he thought they had covered the most widely traveled areas, but there are whole streets in some areas that have no sidewalk or curb and gutter.

Aldersperson Bauer expressed disappointment that all repair was removed from this list because it was originally designed as a repair program and not an install for those who have not anteed up in the past. He said he would like to move on to repair.

Aldersperson Maness said it was upsetting that they spent a lot of time walking the wards and rating the sidewalks for repair.

Mayor Mundy said there is more bang for the buck to place sidewalk because of the expense of repairing only a few sections in several areas.

Aldersperson Stowe said he was disappointed that there will not be reconstruction of sidewalks, but he is excited that they are doing something.

### **Motion**

Aldersperson Stowe moved to approve the list prepared by Engineer Brady and Aldersperson Leach seconded the motion.

Mike Gingrich, 440 Parkside Drive, said he has deteriorated sidewalk in front of his house because the street pavement has been raised which causes rain water to run along the sidewalk. He said he thought this type of thing should be addressed before placing new sidewalks. He brought pictures for Council to view.

Manager Nicklas said that for at least 30 years the City has had a 50-50 cost sharing sidewalk program. He said that has been the Sycamore solution because the City has never had the resources to repair and place sidewalks at 100%. He said that this year they have designated funds to become a little more aggressive with the sidewalk program. He said the dilemma is that now that they know about this hazard, they are obligated to have this fixed. Mr. Nicklas said he would put this on top of the list for the sharing program. He said he would have Building Commissioner Lyle Doty get with Mr. Gingrich and his adjoining neighbors to join in the 50-50 program. He said he would speak with Mr. Gingrich after the meeting.

Mr. Gingrich said one of the issues is the buildup of blacktop that is creating this problem.

### **Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 6 - 0.

**APPOINTMENTS**

None

**ADJOURNMENT**

**Motion**

Aldersperson Stowe moved to adjourn the meeting at 8:17 p.m. and Aldersperson Paulsen seconded the motion.

**Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 6 - 0.

Approve:

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Mayor – Ken Mundy

Attest:

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City Clerk – Candy Smith