

**SYCAMORE CITY COUNCIL
AGENDA
January 7, 2008**

CITY COUNCIL COMMITTEE MEETINGS

No Committee Meetings Are Scheduled

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**Regular City Council Meeting
7:00 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 for the Regular City Council Meeting of December 17, 2007.
 - B.** Payment of the Bills for January 7, 2008.
- 7. PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
- 8. REPORTS OF OFFICERS**
- 9. REPORTS OF STANDING COMMITTEES**
- 10. PUBLIC HEARINGS**
 - A. Public Hearing Regarding the Interest of Public Agencies in the Engh Farmstead.**
At the regular City Council meeting of November 5 the Council directed that a public hearing be held to encourage public comment regarding proposals for the future use of the

Engh Farmstead. The community's discussion of possible uses began in the early summer of 2007. The former Engh family farmstead at 1730 Main Street was generously donated to the City of Sycamore by Harold Engh in the spring of 2005. At the time of the property transfer, the City also entered a lease with the farm tenants, Marvin and Evelyn Poliska, who continued to occupy the main house and some outbuildings until April of 2007. Aside from the storage of some City vehicles and equipment in the large metal machine shed, none of the buildings on the site were thereafter occupied by City departments.

On June 18 the City Council approved a master plan for the City's water storage and pumping system that included the construction of a 1 million gallon elevated storage tank on the southeast corner of this farmstead, beginning sometime in 2008. A provisional site plan showing the tank location in relation to the other farmstead buildings is attached. Currently, the City staff and the consultant involved with the water plan update, Baxter & Woodman, are refining the scope of work for that major capital project. Aside from this interest, the City staff were approached in June by two local public agencies—DeKalb County Court Services and the Sycamore Historical Society and Museum—proposing various long-term uses for the small and large residences, two-car residential garage, corn crib, wooden barn, and hog building.

On August 20, the Council considered the proposals from the County of DeKalb and the Sycamore Historical Society. After some discussion, the Council chose to formally request proposals for the farmstead's use to encourage the widest possible interest. A request for proposals was circulated and published with a deadline of September 21. By the deadline, three proposals were received from the following not-for-profit entities:

- a) The Kishwaukee Family YMCA;
- b) The Sycamore Historical Society and Museum; and
- c) The DeKalb County Court Services.

An oral report on the three proposals was offered by the City Manager at the October 15 Council meeting and a longer written report was offered as background to a Council "Consideration" on November 5. The deferral of a formal consideration until early November was prompted by a request from the Kishwaukee Family YMCA for more time to work out a collaborative proposal with the Sycamore Historical Society and Museum and the Sycamore Park District.

On November 5, representatives of DeKalb County Court Services and the YMCA, Park District and Historical Society presented their proposals. These proposals are summarized below:

DeKalb County Probation Services.

The agency is interested in the main house, the smaller manager's house, the residential garage, and the corn crib. The intended use of the large house would be a "safe house" for male or female youth (aged 13-17 years). These youth would be supervised by a full-time live-in family that was recruited, trained, and supervised by the DeKalb County Court Services. The youth would either be charged with the offense of domestic violence, or otherwise involved in the court system for the youth's protection. Counseling and case management services would be offered by Court Services in

concert with such placements. The perceived benefit of such short-term placements would be an opportunity for troubled youth to experience a family setting where conflict is more appropriately resolved, and positive social values are modeled.

The agency would use the smaller house as a transitional living space for older adolescents (17-21 years) involved in the court system. Such young adults would typically need to move out of a troubled domestic environment and would benefit from the guidance and supervision of a responsible adult. The garage might be used for group sessions, recreational projects, etc. and the corn crib could be used for storage or some additional space for individual youth to unwind.

Lease: Two-year term with the option of re-negotiation.

City water tower and well: the City would retain use of the southern portion of the property for a future elevated water tower and well. The present hog building would be razed to afford sufficient room for such purposes.

Financial Considerations

DeKalb County Court Services proposes the following:

- Equal sharing of the expenses to bring the two houses up to local code standards. Since the extent of such expenses is unknown at this time, approximate costs are not listed.
- Decorative modifications such as painting and cleaning through the County's restitution services.
- DCCS responsibility for appliances and furnishings.
- DCCS responsibility for ongoing lawn maintenance.
- DCCS responsibility for snow removal.
- DCCS responsibility for repairs of less than \$500 throughout the term of the lease.
- DCCS responsibility for maintaining rental insurance.
- DCCS responsibility for utilities (except water and sewer).
- DCCS responsibility for a minimum monthly rent of \$250.00. The actual rent would be negotiable.

A letter of support signed by 15 of the 24 County Board members is attached for the Council's review.

Sycamore Historical Society/Sycamore Park District/Kishwaukee Family YMCA

The collaborative proposal between the three agencies is still vague, but the following assumptions appear to be agreed:

- ✓ The lead agency would be the Sycamore Park District. The City would enter a master lease with the District for a period up to five years to afford sufficient time to establish a framework for cooperative programming by the multiple interested agencies.
- ✓ One condition of the master lease would be a sublease between the Sycamore Historical Society and Museum and the Park District for a period of three years,

with the option of two, one-year extensions. The Sycamore Historical Society would enter a sublease for the large and small houses and the residential garage.

- ✓ Another condition of the master lease would be a letter of understanding between the Sycamore Park District and the Kishwaukee Family YMCA promoting further consultation regarding the constructive use of the 6,300 square foot (60' X 105') metal machine shed. The parties have discussed possible after-school, weekend, and summer programming for the building, but neither the programming objectives nor the potential costs for remodeling have been nailed down as yet.
- ✓ The City would retain use of the southern portion of the property for a future elevated water tower and well. The present hog building would need to be razed to afford sufficient room for such purposes.

Among the details to be determined are the following:

- a) The relative investment of each participating agency in the various improvements to bring the two frame houses up to the minimum City codes for an assembly (museum) use. A key focus would be accessibility, exit and emergency lighting, restroom space, etc.
- b) The party or parties responsible for ongoing yard maintenance, snow removal, etc.
- c) The relative investment of the Park District and YMCA in the remodeling of the machine shed for programming. Such remodeling would include insulation, heating, restrooms, etc.
- d) The relative investment of the Park District and YMCA in additional parking, a driveway access off Heron Creek Drive, etc.
- e) Rents, including utilities.
- f) Insurance coverage.

At this writing, no additional written information has been received.

B. Public Hearing on a Proposed Increase in the City's Home Rule Sales Tax from 0.75% to 1.25%.

This public hearing has been scheduled at the direction of the City Council to encourage public comment on a proposed increase in the City's home rule sales tax to expand the City's annual street maintenance budget. At the last regular City Council meeting of December 17, 2007, the Council reached a consensus on a combination of existing and new revenue sources to increase the annual capital allocation for street repairs and maintenance, effective May 1, 2008. The increased capital funding would come from several sources, as follows:

1. **\$300,000** per year from the following existing capital sources:
 - \$100,000 from the General Fund, Public Works department (Street Division) budget, Operations program (731-8316).
 - \$100,000 from the Capital Fund (06-8316).
 - \$100,000 from the Sales Tax Distributive Fund (22-8316).
2. **100,000** a year from the City's motor fuel tax revenue for street maintenance.

3. **\$1.2 million** per year from an increase in the home rule sales tax of ½%. This would raise the Sycamore home rule tax from 0.75% to 1.25%, which would be identical to the DeKalb home rule tax rate.
4. **\$160,000** per year through the imposition of a new 2 cent per gallon gasoline tax.

After the first year, as new tax monies will incrementally accrue, it is estimated that an annual street maintenance budget of approximately \$1.8 million per year can be sustained by the sources listed above.

According to state statute, increases in home rule tax rates can be implemented in ¼% increments. If municipal ordinances impose such an increase after July 1 of a given year but before the first day of October, the Illinois Department of Revenue will administer the increase beginning the following January 1; if such increases are implemented after January 1 but before April 1, they will go into effect the following July 1.

C. Public Hearing on a Proposed City Gasoline Tax of Two Cents Per Gallon.

As noted above, at the City Council meeting of December 17, the City Council also directed the City Manager to schedule a public hearing on a proposed new City gasoline tax. Home rule cities and counties can impose a gasoline tax without referendum. Although Illinois Department of Revenue sources have not identified the actual number, it appears from other sources that at least four Illinois counties and about 45 Illinois municipalities have imposed gasoline taxes. The rates imposed by these entities range from ½ cent per gallon to 6 cents per gallon and the average rate is \$0.02 per gallon. The table below shows a sampling of gasoline tax rates by municipality:

City	Gasoline Tax Rate
Addison	\$ -
Arlington Heights	\$ -
Aurora	\$ -
Batavia	\$ -
Bolingbrook	\$0.05/gal
Buffalo Grove	\$ -
Carol Stream	\$ -
Channahon	\$0.01/gal
Chicago	\$0.05/gal
DeKalb	\$ -
Des Plaines	\$0.02/gal
Downers Grove	\$0.015/gal
Elgin	\$ -
Elk Grove Village	\$ -
Elmhurst	\$ -
Evanston	\$0.02/gal

City	Gasoline Tax Rate
Lombard	\$ -
Moline	\$0.01/gal
Mount Prospect	\$0.01/gal
Naperville	\$0.02/gal
Niles	\$ -
Oak Brook	\$ -
Oak Brook Terrace	\$ -
Oak Forest	\$0.03/gal
Oak Lawn	\$ -
Oak Park	\$0.01/gal
Palatine	\$ -
Park Ridge	\$0.03/gal
Plainfield	\$ -
Rockford	\$ -
Rock Island	\$0.01/gal
Rolling Meadows	\$0.02/gal

Galesburg	\$0.025/gal	Rosemont	\$0.02/gal
Geneva	\$ -	St. Charles	\$ -
Hanover Park	\$ -	Schaumburg	\$ -
Hazel Crest	\$0.03/gal	Skokie	\$ -
Hoffman Estates	\$ -	Streamwood	\$ -
Joliet	\$0.01/gal	Warrenville	\$ -
Lincolnwood	\$0.02/gal	Wheaton	\$ -
Lisle	\$ -	Woodridge	\$0.025/gal

Assuming a price per gallon of \$3.06, the breakdown of present taxes presently paid at Sycamore fuel stations would be as follows:

Wholesale Price	\$2.50
Motor Fuel Tax (19 cents per gallon)	.19
UST & IEPA Impact Fee (1.1 cent per gallon)	.011
Federal Excise Tax (18.4 cents/gal)	.184
Sales Tax (@ 6.25%)	.156
Home Rule tax (@ 0.75%)	.019
Total	\$3.06

It is not possible to know the exact volume of gasoline sales generated within the city limits at this time, since the City has no revenue-sharing agreements with the retailers in question, and because state sales reports do not separate fuel sales from the miscellaneous consumer items sold in food and fuel outlets. However, some reasonable extrapolation is possible. In 2006, it is estimated that businesses within the City of Sycamore generated about \$22 million in fuel sales. In that period, the price per gallon averaged about \$2.80, so the number of gallons pumped can be assumed to be 7,857,143.

If a one penny (\$.01) gas tax was imposed by the City, the revenue would be \$78,571. A two cent per gallon tax would generate approximately \$160,000 per year.

11. ORDINANCES

A. Ordinance No. 2007.40—An Ordinance Amending Title 3, “Business and License Regulations,” Chapter 13, “Occupation Taxes,” Sections 3-13-1 and 3-13-2 of the City Code of the City of Sycamore, Illinois to Impose a Sales Tax of 1.25% on Gross Receipts and Services in the City of Sycamore, Illinois. First Reading Only.

The attached ordinance would increase the City’s home rule sales tax to 1.25% to help fund the City’s annual street maintenance program. It is estimated that the tax increase would raise an additional \$1.2 million per year for this purpose. As noted under “Public Hearing B,” above, such an increase would go into effect on July 1, 2008.

As the City Council acts on the FY2008-2009 Budget this spring, the City Manager will recommend a companion resolution to assure that the proceeds from the additional ½% will be deposited in a new and separate “Street Maintenance Fund”. The Council followed this approach in March 2000 when the City’s home rule tax was increased from ½% to ¾% to

fund capital projects, and the proceeds from the additional ¼% were directly deposited in the Capital Assistance Fund (Fund 6) under Resolution No. 354.

In view of the fact the Public Hearing on this ordinance will be held on January 7, only a first reading is recommended to allow the Council time to digest any public testimony offered during the hearing.

B. Ordinance No. 2007.41—An Ordinance Imposing a Retail Tax on the Sales of Motor Fuel Within the City of Sycamore, County of DeKalb, Illinois. First Reading Only.

As noted in the public hearing portion of this agenda, the Council established its intention at the last regular meeting of December 17 to impose a 2 cent per gallon gasoline tax to raise additional capital monies for annual street maintenance. The collection of this tax would fall to the City of Sycamore, so additional work needs to be done before this tax may take effect, including consultation with each of the City’s motor fuel retailers. Given the Council’s interest in considering any public testimony that may be offered in the public hearing portion of this agenda, it is assumed that this ordinance will be held over for a second reading and Council action on January 21.

It is likely that the process of education and collaboration with the affected businesses will take about 60 days after the passage of this ordinance. In addition, at least one more ordinance will be necessary to introduce the procedures that will be developed into the City Code. With the likely passage of this ordinance in late January, the effective date of the new tax may be as early as April 1 or, alternatively, at the beginning of the fiscal year on May 1.

C. Ordinance No. 2007.42—An Ordinance Assuring Smoke-Free Air in Public Places in the City of Sycamore, County of DeKalb, Illinois. First and Second Reading.

The attached ordinance imposes restrictions on smoking in public places to the same degree as the Illinois legislature intended in Public Act 95-0017 which took effect on January 1, 2008. The purpose of this enactment is to provide a framework for local enforcement. With the passage of this ordinance, a failure to comply would be a City ordinance violation resulting in a ticket rather than a civil violation requiring a long-form complaint and more extensive police work.

A brief summary of the provisions of this ordinance appears below:

1. Definition of “Smoking:” Smoke or smoking shall mean the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.
2. Where Prohibited: any indoor public place, places of employment, and/or within 15 feet of entrances, exits, windows and ventilation intakes to a public place or place of employment. No persons may smoke in any vehicles owned, leased, or operated by the City.
3. Definition of Public Places: Public places include but are not limited to hospitals, restaurants, bars, taverns, retail stores, offices, commercial establishments, indoor theaters, libraries, museums, concert halls, educational facilities, nursing homes, an

enclosed or partially enclosed sports arena, meeting rooms, private clubs, bowling alleys, etc.

4. Smoking is still permitted in the following places: a private residence unless such residence is used as a child care, adult day care, or health care facility or home-based business open to the public; retail tobacco stores in operation before January 1, 2008 unless the business is associated with liquor sales or retail food service; and hotel and motel rooms that are designated smoking rooms.
5. Proprietors are responsible for posting “No Smoking” signs in any public place as defined above, or within 15 feet of any public entrance.
6. Penalties: The first violation involves a \$100 fine; the second violation within one year of the first violation involves a fine of \$250; and any additional violations within one year shall result in a fine of \$500. Persons who own or otherwise control a public place where a violation occurs shall also be fined \$250 for the first violation within one year, \$500 for the second violation, and \$2,500 for each additional violation within one year of the first violation.

City Council approval is recommended.

D. Ordinance No. 2007.43—An Ordinance Amending Title 4, “Public Health and Safety,” Chapter 3, “Nuisances,” Section 4-3-2, “Abatement of Nuisances,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

Ordinance 2007.43 revises the City’s nuisance codes to clarify the notice requirements that meet the due process provisions of state and federal law. Abatements that require the entry of persons on private property to render a cleanup must still follow written notice in each instance.

City Council approval is recommended.

E. Ordinance No. 2007.44—An Ordinance Amending Title 5, “Police Regulations,” Chapter 6, “Parades,” Section 5-6-11, “Illegally Parked Vehicles; Towing” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

Ordinance No. 2007.44 provides for the towing of illegal parked vehicles on public rights-of-way, in public parking lots or any other public place after a period of seven days. This provision is superseded by other code provisions in the case of a vehicle parked on public property after a two-inch snowfall (Section 6-2-7), a vehicle blocking a driveway or fire hydrant, a vehicle creating a traffic hazard, etc. The present code language touching upon less urgent circumstances does not specify a time period for compliance, after which towing may commence.

City Council approval is recommended.

F. Ordinance No. 2007.45—An Ordinance Amending Title 6, “Motor Vehicles and Traffic,” Chapter 2, Parking Regulations,” Section 6-2-9, “Parking Vans, Motor Homes, Mobile Homes, Trailers, Tractors, Buses, and Trucks,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

This ordinance removes the confusion in the present language which appears to allow the parking of vehicles of the “second division” for 48 hours or for 7 days (?!). The proposed language flatly prohibits the parking of such large vehicles on any street except for loading or unloading or deliveries. A 48-hour permit may be issued through the Police department for short-term parking. Such permits may only be issued twice a year for the same vehicle.

City Council approval is recommended.

G. Ordinance No. 2007.46—An Ordinance Amending Title 6, “Motor Vehicles and Traffic,” Chapter 7, Inoperative Motor Vehicles,” Section 6-7-2, “Inoperative Vehicles Prohibited” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

This ordinance provides more definition to how a vehicle is judged “abandoned.” The proposed language defines an abandoned vehicle as one that “remains unmoved on a public right-of-way for a period of not less than 7 days.”

City Council approval is recommended.

H. Ordinance No. 2007.47—An Ordinance Amending Title 7, Public Ways and Property,” Chapter 1, “Streets, Sidewalks and Public Ways, General Provisions,” Section 7-1-15, “Snow Removal” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

Ordinance No. 2007.47 deletes the tortured calculation that presently determines when a downtown property owner must remove ice and snow from the adjacent public sidewalk. Presently, owners or their designees are obligated to “keep the sidewalks abutting the premises free from snow and ice within eight (8) hours after a snowfall has occurred.” In most instances, this means that pedestrians must trudge through snow and ice for up to eight hours, which inevitably means a lot of hard-packed snow or ice accumulates. Another defect in the language is the matter of determining whether the clock starts running after a snowfall is over, or after the snowfall commences.

The proposed language simply makes it the duty of owners or their designees in the downtown commercial district to keep the adjacent sidewalk free of snow and ice. In the absence of a reasonable effort, a community service officer or police officer may issue a ticket for an ordinance violation. Perhaps the removal of a time frame for compliance during or after a snow event will invite some anxiety about the degree of enforcement. The Police department believes its record of discretion in the enforcement of towing provisions provides sufficient assurance. If approved, the new approach would be monitored by the Police Chief and the City Manager and a periodic report would be made to the City Council.

City Council approval is recommended.

12. RESOLUTIONS--None

13. CONSIDERATIONS

A. Consideration of Community Proposals for the Future Use of the Engh Farmstead.

As noted in the Public Hearing portion of this agenda, the Council is expecting a formal presentation from each of the groups interested in the Engh farmstead, apart from that portion of the property that will be needed for the construction of the new elevated water tank (see the attached graphic).

City Council direction is recommended.

B. Consideration of a Request for a New Package Liquor License.

At the last regular Council meeting of December 17, 2007 Mr. Bharat Butani and an associate spoke under “Audience to Visitors” about their interest in a package liquor license for the former Countryside Wheels store at 205 S. California Street. In the three minutes the gentlemen had to speak, there was not enough time for a proper presentation or for adequate Council reaction. Hence, their interest is presented for a more orderly consideration, along with the larger question of whether or not the Council wishes to waive the proration of package liquor licenses by population.

Under the City’s liquor code, package goods may be sold under a Class B (bar) license within certain restrictions, a Class C (club) license, a Class D (package goods store) license, a Class E (bowling alley) license, or a Class H (home-brewed wine and beer) license. In some fashion, package goods are sold by each of the following businesses:

Name of Business	License Type	Business Address
Cub & Spanks	B	113 N. Maple Street
Hink’s	B	123 S. California Street
PJ’s Courthouse Tavern	B	202 W. State Street
Perry’s Riverside Pub	B	530 N. Main Street
Ski’s All American Pub	B	1001 W. State Street
Taxco	B	223 W. State Street
Johnny’s Charhouse	B	1950 DeKalb Avenue
MVP Sports Club	B	122 S. California
B.P.O.E.	C	126 Somonauk Street
Sycamore Veterans Home	C	121 S. California Street
County Liquors	D	625 E. State Street
Depot Liquor	D	524 N. Main Street
Lundeen’s Discount Liquors	D	1760 DeKalb Avenue
J&J Liquors	D	265 W. Peace Road
Brown’s County Market	D	403 E. State Street
Lost Mine Lounge	E	1745 DeKalb Avenue
Marathon-Premier Petro	D	1615 DeKalb Avenue
Jewel-Osco	D	220 West Peace Road
Sycamore Winery	H	322 W. State

Of the nineteen (19) licensed establishments authorized to sell package goods in some manner, seven (7) have package licenses (Class “D”). The last Class D license was issued to Brown’s in February 2007.

A number of policy questions could be considered by the City Council:

- Shall the Council waive the proration of license by population at this time? The City Code authorizes one Class D license for each 3,000 population, as computed by the latest federal or special census. By a $\frac{3}{4}$ vote of the corporate authorities, the proration of licenses may be waived to accommodate a particular application. On February 5, 2007, the proration was waived (by a vote of 8-1) to accommodate the interest of Brown’s in a package license.
- Shall the Council remove the restriction on “D” licenses by population, allowing as many “D” licensees as the market will bear?
- Shall the Council remove the waiver opportunity and limit the number of “D” licenses to a specific number, possibly reflecting the present number?

Based on the Council’s consideration and direction regarding these questions, the potential applicant and other potential applicants will have clearer direction from the City government.

14. OTHER NEW BUSINESS

15. APPOINTMENTS

16. ADJOURNMENT