

SYCAMORE CITY COUNCIL
AGENDA
September 15, 2008

CITY COUNCIL COMMITTEE MEETINGS
No Meetings Are Scheduled

.....

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 September 2, 2008.
 - B. Payment of the Bills for September 15, 2008.
 - C. Plan Commission Minutes for the Meeting of August 11, 2008.
 - D. Budget Report for September 3, 2008
7. **PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
 - A. Proclamation declaring the week of October 5-11, 2008 as Fire Prevention Week in the City of Sycamore.
8. **REPORTS OF OFFICERS**
9. **REPORTS OF STANDING COMMITTEES**
10. **PUBLIC HEARINGS--None**

11. ORDINANCES

A. Ordinance No. 2008.33—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to the Petition of BTS Tower Development, LLC for a Special Use Permit for a 190-Foot Monopole Wireless Communication Tower at the Southeast Corner of Page and North California Streets in the City of Sycamore, Illinois. First and Second Reading.

BTS Tower Development proposes to erect a 190-foot monopole wireless communication tower at the southeast corner of Page Street and N. California Street. The exact location is the parking area at the northwest corner of the property that is presently owned by Dick Anderson, and was formerly one of several Duplex facilities. A public notice was published for a hearing at the Plan Commission and Council levels, and letters were sent to adjacent property owners advising them of the petition.

Special Use Permit Requirements:

In the City’s Unified Development Ordinance (“UDO”), a commercial communication tower is permitted in the Agricultural (AG); Central Business (C-2); Highway Business (C-3); Light Manufacturing (M-1); Heavy Manufacturing (M-2); and Office, Research, Light Industrial (ORI) zoning districts by special use only. According to Article 4.3.3 of the City’s Unified Development Ordinance (“UDO”), special uses may be granted only if the following evidence is established:

1. The proposed structure or use at the requested location is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;
2. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety, and general welfare; and
3. The proposed structure or use will be designed, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

The Council will be ruling on how these special use criteria may apply to the petitioner’s request.

Zoning Requirements:

In terms of zoning criteria, some relevant provisions are found in the UDO and some are found in the City Code. According to the UDO’s Table of Permitted Uses (Article 5.3.1), communication towers of the type proposed here may be installed in several zoning districts, including “M-1” Light Manufacturing districts. The parcel in question is zoned “M-1.” Article 6.2.1 of the UDO references two other two other relevant sets of standards which apply in this case: the federal Telecommunications Act of 1996 and the Sycamore City Code, Title 3, Chapter 15. The City Code provisions are attached.

According to the City Code, the local zoning requirements for communication towers also include the following:

- Towers shall be located in the side or rear yard. In the case of a corner lot, the tower shall not be closer to the adjoining side street than the principal building. The proposed location is a corner side yard. If the tower was permitted, it would be approximately 60 feet from California Street and 40 feet from Page Street, in conformance with the setback requirements (25 feet and 15 feet, respectively).
- Towers shall not be visible between the ground level and ten feet (10) above ground from any adjoining street. The UDO allows fences up to 10 feet in height in M-1 zoning districts if installed in the rear and side yards (Article 6.2.1, D,2).

In the opinion of Building Commissioner and Zoning Officer Lyle Doty, the proposed tower meets the City's zoning requirements.

Co-Location Protocol:

The City Code also prescribes co-location protocols to assure that efforts are made by a communication tower builder to minimize the diffusion of antennas throughout the community. When the petitioner was heard by the Plan Commission on August 11, the required letters to communication companies operating locally had yet been mailed by the petitioner. Since the August Plan Commission meeting, certified letters have been sent to T Mobile, US Cellular, Media Flow, Verizon Wireless, AT&T, and Sprint Nextel to notify them of the opportunity to locate antenna on the proposed tower. These mailings (see attached copies) satisfy the City's co-location requirement.

FAA Review:

For its part, the DeKalb Taylor Municipal Airport collaborates with the FAA through an established review process tied to the specific location of the tower in relation to flight paths served by the airport. According to the petitioner, the FAA has completed its review of the proposed tower's location and design. A very sparse but apparently official notice accepting the proposed project is appended.

DeKalb County Review:

Any potential conflict between the proposed tower and communications controlled by the DeKalb County Sheriff's Department through its tower on Locust Street is also of vital concern. Lyle Doty has been in contact with Lt Newby of the department. Lt. Newby has verbally communicated his satisfaction that the proposed tower would not interfere with transmissions from the County tower, within certain defined frequencies, but is unwilling to provide this assurance in writing.

Recommendation:

The Plan Commission considered this petition initially on August 11 but tabled the matter pending further information from the FAA and DeKalb County. On September 8, the Commission again took up this matter and declined to recommend the issuance of a special use permit by a vote of 0-9. In the Commission's opinion, the petitioner failed to establish that the proposed structure was in the public interest or would contribute to the general welfare of the neighborhood or community. In view of the Commission's negative action, a special use permit may only be issued by the Council upon a favorable two-thirds vote of the corporate authority.

City Council concurrence with the Plan Commission's action is requested.

12. RESOLUTIONS--None

13. CONSIDERATIONS

A. Consideration of the Salaries of City Elected Officials from May 1, 2009 through April 30, 2013.

According to state statute (50 ILCS 145/2; 65 ILCS 5/3.1-50-10), the compensation of elected officials must be fixed by ordinance at least 180 days before the beginning of the terms of officials whose compensation is to be fixed. The salaries of elected officials may not be increased or diminished during the terms of such officials.

Presently, the following salaries are paid to Sycamore elected officials:

- a) Mayor: a gross annual salary of \$18,000 plus an additional \$2,000 for service as Liquor Commissioner.
- b) Council: a gross annual salary of \$4,800.
- c) City Clerk: a gross annual salary of \$45,900. This salary includes service to the Plan Commission, Zoning Board and a variety of ad hoc committees appointed by the Mayor.

City Clerk Candy Smith addresses the subject of the Clerk's compensation in the attached memorandum. As she explains, the City Clerk is a full-time position. In weighing a fair compensation for this position, the Council may wish to consider that the record-keeping and administrative functions of the Clerk are comparable to those of senior administrative assistants in other professional organizations. City Clerk Smith has suggested a new gross salary of **\$53,700** for the period stretching from May 1, 2009 through April 30, 2010, with annual increases for the period May 1, 2010 through April 30, 2013 based upon a relevant cost-of-living index. The cost-of-living index that the City uses is the Consumer Price Index published periodically by the U.S. Bureau of the Budget, and more particularly the Consumer Price Index for Region V, Chicago-Gary-Kenosha. The new salary of \$53,700 compares favorably with the average salary (\$54,000) of full-time City Clerks in comparable cities, and would represent an average annual increase of 4% for the period 2004 to 2009.

City Council direction is requested.

B. Consideration of an Administration Recommendation Regarding Bids Received for the 2008 Tree Planting Program.

The City's engineering department has solicited bids for the City's fall tree planting program. The bid opening will be September 15, 2008 at 10:00 a.m.

Under this program, the City pays 50 percent of the cost of furnishing and planting various types of trees approved by the City Engineer. These trees may be planted in the parkway or front yards, with a limit of two trees per property. Orders are taken through the City Clerk's office, which also provides wood lath for property owners to "stake out" the desired tree location(s). The FY09 program has a project budget of \$15,000, with one-half (\$7,500) underwritten by the City's Forestry Program budget (732-8314). The balance of the funding

comes from the fees paid by the property owners participating in the program. All orders are subject to the availability of resources.

The City Engineer will report on the bid results at the September 15 meeting.

C. Consideration of an Administration Recommendation for a Closed Session to Discuss Collective Bargaining Matters.

14. OTHER NEW BUSINESS

15. APPOINTMENTS

16. ADJOURNMENT