
**SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF MAY 17, 2010**

ROLL CALL

Mayor Ken Mundy called the meeting to order at 7:00 p.m. and City Clerk Candy Smith called the roll. Those Alderpersons present were: Alan Bauer, Steven Braser, Terry Kessler, Rich Neubauer, Pete Paulsen, Chuck Stowe, Gregory Taylor, and Janice Tripp.

INVOCATION

Elder William Bridgewater of the Israel of God Church gave the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion

Alderperson Paulsen moved to approve the agenda and Alderperson Braser seconded the motion.

Voice vote

Mayor Mundy called for a voice vote to approve the motion. All Alderpersons voted aye. Motion carried 8 - 0.

AUDIENCE TO VISITORS

Mike Fogelsanger, 845 Sunset Ln., thanked Alderperson Bauer for voting against the purchase of the most recent piece of equipment for Public Works. He said that he felt it would have been a good year to rent the equipment and think about purchasing when the economy improves.

Mark Wentz, with Tri-Star Marketing that owns and operates 52 Super Pantry Convenient stores, said he supports the changes to the liquor ordinance because it would give them the opportunity to compete with their competitors. He said that 43 of the 52 stores sell beer and wine and they take the responsibility of selling alcohol seriously by conducting in-store stings with a no-tolerance policy. He said they have an age-verification scanner and card 100% of their customers.

Mike Liszka, 470 Lincolnshire Dr., said he felt there needed to be some enforced restrictions on liquor sales otherwise the City should let everybody sell liquor.

Rosemary Slavenas, 1629 Park Ave., said she thought perhaps they could change the restrictions, but should not remove all restrictions on liquor licenses for gas stations. She said that consistently eliminating all restrictions is not wise and will not make this the kind of community we want to build here.

Joe Bussone, 1725 Brock Cir., reminded Council, staff, and residents about the Memorial Day activities and said that Council should pass the liquor ordinance because our country has a free enterprise system.

CONSENT AGENDA

- A. Approval of the Minutes for the Regular City Council Meeting of May 3, 2010.
- B. Payment of the Bills for May 17, 2010 in the amount of \$1,814,895.29.

- C. Plan Commission Minutes for the Meeting of April 12, 2010.
- D. Annual Report of the Sycamore Fire and Police Commission (FY10).

Motion

Alderson Bauer moved to approve the Consent Agenda with corrections to the May 3 minutes on p. 3 Smart Robotecs changed to Smart Motion Robotics and P. 4 Alderson Larson changed to Alderson Taylor and Alderson Taylor seconded the motion.

Voice vote

Mayor Mundy called for a voice vote to approve the motion. All Aldersons voted aye. Motion carried 8 - 0.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

Mayor Mundy noted there would be a Memorial Day program Monday at the Joiner Cemetery on Old State Road. He congratulated all the Sycamore High School graduates and reminded residents to drive cautiously because with summer approaching there would be more foot traffic. Mayor Mundy referred to a letter that he had written to our State Senator and Representative stating that Sycamore is doing our part locally for funding street maintenance and received a response from them stating that they were happy about the State's share of the street program and that they felt strongly about keeping the State Shared Revenue in place.

Alderson Paulsen requested an update on the buildings on the First Rockford Group property.

Chief Kessler said they should have the IEPA permit within a couple of days.

REPORT OF OFFICERS

City Manager – Bill Nicklas thanked Public Works and Engineering staff for putting together the street maintenance program.

Engineer – John Brady, Sycamore Municipal Engineering, reported that Wagner Excavating should complete their work on the Lindgren Road sewer/water project and then Elliott & Wood will begin work on the road.

Director of Building & Engineering – John Sauter reported that Smart Motion Robotics is anticipating excavating in the near future. He said there has also been modest activity with buildouts.

Fire Chief – Mark Kessler – no report.

Treasurer/Asst. City Manager – Brian Gregory said the Treasurer's report for the end of FY2010 would have some accruals added over the next few weeks. He said the pension figures have finished strong. He noted that the census field work was almost completed.

Police Chief – Don Thomas reported they recently conducted a parking survey on South Cross from DeKalb Avenue to Charles Street because some residents requested no parking on both sides. He said currently there is no parking on the northbound side and the results of the survey were to make no change. He said that after examining the street and the survey responses his recommendation would be to make no change.

Public Works Director – Fred Busse said regarding the newly purchased excavator, that next year they would present a report tracking its use to reassure the Council that the purchase was the proper way to go at the time.

REPORT OF STANDING COMMITTEES

Finance – no report
Public Safety – no report
Public Works – no report

PUBLIC HEARING - None

ORDINANCES

A. Ordinance No. 2010.01—An Ordinance Amending Title 3, “Business and License Regulation,” Chapter 2, “Liquor Control,” of the City Code of the City of Sycamore, Illinois to Revise the Conditions for Issuance of a Class “F” Liquor License. Second Reading.

Mayor Mundy said the conditions are noted in the background, but said the whole liquor code would apply to this type of license.

Motion

Alderson Braser moved to approve Ordinance 2010.01 and Alderson Taylor seconded the motion.

Alderson Tripp noted the change in the ordinance number since the first reading at the last meeting.

City Manager Nicklas said the number was changed because a new fiscal year began.

Alderson Tripp said she was on Council in 2003 when they revised the liquor ordinance and said they did not know how to stop or pull the “F” license. She said that original license did not go into a gas station, but the owner had a pizza restaurant with a sit down area and he wanted to sell beer and wine. She said when that restaurant went under or closed that license should have been pulled. She said she was not pointing fingers, but it did not get pulled. She said that she did not think Sycamore should make it convenient to drink and drive and she felt there was not enough supervision and it was too difficult for one clerk to monitor a store. She said she polled many residents they all said no.

Alderson Braser asked her how she phrased the question.

Alderson Tripp said she asked “do you think gas stations should sell beer and wine. She said she could not support this.

Alderson Bauer said in 2003 that Council wanted to remove the “F” license and suggested they could write a new ordinance ending the “F” license in 18 months.

Alderson Neubauer said he agreed with Aldersons Tripp and Bauer, but his concern was that residents could already purchase beer and wine and although he believes in free market it is the government’s job to regulate it.

Aldersperson Tripp said that single cans are available for sale at the Marathon and she thought that was considered open container.

Chief Thomas said that is a common misconception, but it is legal to have a single can of unopened beer in a car.

Aldersperson Taylor said he did not think this would increase consumption, but his constituents felt this was a convenience and fairness issue.

Mayor Mundy said that in his five years as Liquor Commissioner, there has been only one disciplinary hearing. He said our license holders are doing a good job and according to a State sting, we are 95% compliant. He said that one business has been grand-fathered and he felt it was unfair. He said if there was shrinkage or dollars lost, the business would not stay afloat. He said he sees no danger in allowing businesses to conduct business. He asked Mr. Wentz about their training.

Mr. Wentz said they use the TAMS program which has two fail safe features that begins the date each employee is hired.

Mayor Mundy asked for Police Chief Thomas' perspective.

Chief Thomas said he looked at the facts and statistics and the majority of DUI's are coming from bars, taverns, and restaurants on their way home. He said that most teenagers are getting their alcohol from their parents or their friends' parent's homes. He said that whether a gas station should sell liquor is a business decision and he remained neutral on that.

Aldersperson Stowe said there have been a lot of changes since 2003 and since they have increased the packaged liquor sales. He said he did not think this would make much of a difference.

Aldersperson Braser said this is a free trade society and it is up to the City government to govern establishment that have liquor licenses, but if they want a license to compete let them have it. He noted that alcohol and tobacco are more regulated than child care.

Aldersperson Paulsen said he received mixed feedback and the concerns were the ease of access for those under age. He said he supported the phasing out of the existing "F" license and was not sure how he was going to vote

Roll call vote

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Braser, Kessler, Paulsen, Stowe, and Taylor voted aye with Alderspersons Bauer, Neubauer and Tripp voting nay. Motion carried 5 – 3.

B. Ordinance No. 2010.02—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Vacation of a Portion of Chauncey Street.

City Manager Nicklas apologized for not including First and Second Reading in the title. He explained that Upstaging purchased the old Driv-Lok building north of their building and have requested the vacation of a

one-block section of Chauncey Street. He said it is the intention of Upstaging to pave the area for parking their vehicles.

Motion

Alderson Neubauer moved to hear Ordinance 2010.02 on first and second reading and Alderson Kessler seconded the motion.

Voice vote

Mayor Mundy called for a voice vote to approve the motion. All Aldersons voted aye. Motion carried 8 - 0.

Motion

Alderson Kessler moved to approve Ordinance 2010.02 and Alderson Taylor seconded the motion.

Roll call vote

Mayor Mundy called for a roll call vote to approve the motion. Aldersons Bauer, Braser, Kessler, Neubauer, Paulsen, Stowe, Taylor, and Tripp voted aye. Motion carried 8 – 0.

RESOLUTIONS

A. Resolution No. 539—Authorizing the City Manager to Execute an Intergovernmental Cooperation Agreement with the Sycamore Park District for Access Purposes.

City Manager Nicklas said the Park District will do the improvements and maintain a paved, 24-foot driving lane on a platted street right-of-way on the north edge of the Sycamore Sign Company property on Brickville Road.

Motion

Alderson Neubauer moved to approve Resolution 539 and Alderson Paulsen seconded the motion.

Roll call vote

Mayor Mundy called for a roll call vote to approve the motion. Aldersons Bauer, Braser, Kessler, Neubauer, Paulsen, Stowe, Taylor, and Tripp voted aye. Motion carried 8 – 0.

CONSIDERATIONS

A. Consideration of a Recommendation from the Public Works and Building and Engineering Departments Regarding the 2010 Summer Street Maintenance Program.

City Manager Nicklas said this represents just over \$1.3 million for street maintenance. He said they try to spread the maintenance across town through all the neighborhoods.

Alderson Tripp asked why on Fair Street the work would stop 200 feet north of the center line of DeKalb Avenue and 150 feet south of State Street.

Engineer John Brady said that was the termination of the Route 23 & 64 project done in 2000.

Alderson Bauer asked if Airport Road was our responsibility.

Mr. Nicklas said we annexed to get the Well #9 into Corporate Limits.

Aldersperson Bauer said it feels like we are making progress.

Motion

Aldersperson Bauer moved to approve the 2010 Summer Street Maintenance Program 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 8 - 0.

OTHER NEW BUSINESS

APPOINTMENTS

ADJOURNMENT

Motion

Aldersperson Stowe moved to adjourn the meeting at 8:12 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 8 - 0.

Approve:

Mayor – Ken Mundy

Attest:

City Clerk – Candy Smith